

1-1 By: Hughes S.B. No. 590  
 1-2 (In the Senate - Filed January 24, 2023; February 17, 2023,  
 1-3 read first time and referred to Committee on Jurisprudence;  
 1-4 April 5, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 4, Nays 0; April 5, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hughes	X			
1-9 Johnson	X			
1-10 Creighton			X	
1-11 Hinojosa	X			
1-12 Middleton	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 590 By: Hughes

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to a court order for retroactive child support, including  
 1-18 for retroactive child support beginning on the date of the child's  
 1-19 conception.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 154.131, Family Code, is amended by  
 1-22 adding Subsections (g), (h), and (i) to read as follows:

1-23 (g) Subject to Subsections (c) and (d), it is presumed to be  
 1-24 reasonable and in the best interest of the child for a court to  
 1-25 order retroactive child support for the child beginning on the  
 1-26 earliest possible date of the child's conception, as determined by:

1-27 (1) a physician using standard medical practice, as  
 1-28 defined by Section 171.201, Health and Safety Code; or

1-29 (2) a preponderance of other evidence presented to the  
 1-30 court, including the testimony of a parent of the child.

1-31 (h) On a proper showing, the court may order the obligor to  
 1-32 pay, as additional retroactive child support, an equitable portion  
 1-33 of all prenatal and postnatal health care expenses of the mother and  
 1-34 the child.

1-35 (i) The court shall confirm the amount of retroactive child  
 1-36 support and render a cumulative money judgment for the total amount  
 1-37 of retroactive child support owed.

1-38 SECTION 2. Section 160.636(g), Family Code, is amended to  
 1-39 read as follows:

1-40 (g) If a court renders an order under this chapter  
 1-41 establishing a man's paternity of the child or establishing a child  
 1-42 support obligation of a man whose paternity has been established by  
 1-43 the execution of a valid acknowledgment of paternity in regard to  
 1-44 the child under Subchapter D [On a finding of parentage], the court  
 1-45 shall, on the request of a party and on a proper showing, [may]  
 1-46 order retroactive child support as provided by Section 154.131  
 1-47 [Chapter 154 and, on a proper showing, order a party to pay an  
 1-48 equitable portion of all of the prenatal and postnatal health care  
 1-49 expenses of the mother and the child].

1-50 SECTION 3. Section 160.636(h), Family Code, is repealed.

1-51 SECTION 4. The changes in law made by this Act with respect  
 1-52 to an order adjudicating paternity apply only to an order rendered  
 1-53 on or after the effective date of this Act. An order adjudicating  
 1-54 paternity rendered before the effective date of this Act is  
 1-55 governed by the law in effect on the date the order is rendered, and  
 1-56 the former law is continued in effect for that purpose.

1-57 SECTION 5. The changes in law made by this Act with respect  
 1-58 to an acknowledgment of paternity apply only to an acknowledgment  
 1-59 of paternity executed on or after the effective date of this Act.  
 1-60 An acknowledgment of paternity executed before the effective date

2-1 of this Act is governed by the law in effect on the date the  
2-2 acknowledgment is executed, and the former law is continued in  
2-3 effect for that purpose.

2-4 SECTION 6. This Act takes effect September 1, 2023.

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