

By: Leach

H.B. No. 1671

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of parentage and the duty to pay
3 retroactive child support, including the duty to pay retroactive
4 child support beginning on the date of the child's conception.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 154.131, Family Code, is amended by
7 amending Subsection (d) and adding Subsections (g), (h), and (i) to
8 read as follows:

9 (d) The presumption created under Subsection (c) [~~this~~
10 ~~section~~] may be rebutted by evidence that the obligor:

11 (1) knew or should have known that the obligor was the
12 father of the child for whom support is sought; and

13 (2) sought to avoid the establishment of a support
14 obligation to the child.

15 (g) Subject to Subsections (c) and (d), it is presumed to be
16 reasonable and in the best interest of the child for a court to
17 order retroactive child support for the child beginning on the
18 earliest possible date of the child's conception, as determined by:

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

21 (2) a preponderance of other evidence presented to the
22 court, including the testimony of a parent of the child.

23 (h) On a proper showing, the court shall order the obligor
24 to pay, as additional retroactive child support, an equitable

1 portion of all prenatal and postnatal health care expenses of the
2 mother and the child.

3 (i) The court shall confirm the amount of retroactive child
4 support and render a cumulative money judgment for the total amount
5 of retroactive child support owed.

6 SECTION 2. Section 160.304(c), Family Code, is amended to
7 read as follows:

8 (c) Subject to Subsection (a), an acknowledgment of
9 paternity or denial of paternity takes effect on [~~the date of the~~
10 ~~birth of the child or~~] the filing of the document with the vital
11 statistics unit[~~, whichever occurs later~~].

12 SECTION 3. Section 160.502(b), Family Code, is amended to
13 read as follows:

14 (b) If a request for genetic testing of a child is made
15 before the birth of the child, the court or support enforcement
16 agency may [~~not~~] order in utero testing only if the request is made
17 by the pregnant mother.

18 SECTION 4. Section 160.506, Family Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) The court may not order a support enforcement agency
21 under Subsection (a)(1) to advance the costs of genetic testing
22 performed in utero under Section 160.502(b).

23 SECTION 5. Section 160.611, Family Code, is amended to read
24 as follows:

25 Sec. 160.611. PROCEEDINGS BEFORE BIRTH. (a) A proceeding
26 to determine parentage commenced before the birth of the child may
27 not be concluded until after the birth of the child unless the

1 pregnant mother commences the proceeding.

2 (b) Notwithstanding Subsection (a), in any [In a]
3 proceeding to determine parentage commenced before the birth of the
4 child [described by Subsection (a)], the following actions may be
5 taken before the birth of the child:

- 6 (1) service of process;
- 7 (2) discovery; and
- 8 (3) except as prohibited by Section 160.502,
- 9 collection of specimens for genetic testing.

10 SECTION 6. Sections 160.636(b) and (g), Family Code, are
11 amended to read as follows:

12 (b) An order adjudicating parentage must identify the child
13 by name and date of birth, except that if the order is rendered
14 before the date of the child's birth:

15 (1) the order must identify the mother and father of
16 the unborn child and the child's expected date of birth; and

17 (2) as soon as practicable after the date of the
18 child's birth, the order must be amended to identify the child by
19 name and date of birth.

20 (g) On a finding of parentage, the court shall ~~may~~ order
21 retroactive child support as provided by Section 154.131 ~~[Chapter~~
22 ~~154 and, on a proper showing, order a party to pay an equitable~~
23 ~~portion of all of the prenatal and postnatal health care expenses of~~
24 ~~the mother and the child].~~

25 SECTION 7. Section 160.636(h), Family Code, is repealed.

26 SECTION 8. The changes in law made by this Act with respect
27 to an order adjudicating paternity apply only to an order rendered

1 on or after the effective date of this Act. An order adjudicating
2 paternity rendered before the effective date of this Act is
3 governed by the law in effect on the date the order is rendered, and
4 the former law is continued in effect for that purpose.

5 SECTION 9. The changes in law made by this Act with respect
6 to an acknowledgment of paternity or denial of paternity apply only
7 to an acknowledgment of paternity or denial of paternity executed
8 on or after the effective date of this Act. An acknowledgment of
9 paternity or denial of paternity executed before the effective date
10 of this Act is governed by the law in effect on the date the
11 acknowledgment or denial is executed, and the former law is
12 continued in effect for that purpose.

13 SECTION 10. The changes in law made by this Act to Section
14 [160.611](#), Family Code, apply to a proceeding to determine parentage
15 that is pending on the effective date of this Act or filed on or
16 after that date.

17 SECTION 11. This Act takes effect September 1, 2025.