

By: Dutton

H.B. No. 1879

A BILL TO BE ENTITLED

AN ACT

relating to the establishment and adjudication of certain parent-child relationships.

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

SECTION 1. Section 160.204, Family Code, is amended to read as follows:

Sec. 160.204. PRESUMPTION OF PATERNITY [~~IN CONTEXT OF MARRIAGE~~]. (a) A man is presumed to be the father of a child if:

(1) he is married to the mother of the child and the child is born during the marriage;

(2) he is married to the mother of the child and the child is born before the 301st day after the date the marriage is terminated by death, annulment, declaration of invalidity, or divorce;

(3) he married the mother of the child before the birth of the child in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or before the 301st day after the date the marriage is terminated by death, annulment, declaration of invalidity, or divorce; [~~or~~]

(4) he married the mother of the child after the birth of the child in apparent compliance with law, regardless of whether the marriage is or could be declared invalid, he voluntarily asserted his paternity of the child, and:

1 (A) the assertion is in a record filed with the
2 bureau of vital statistics;

3 (B) he is voluntarily named as the child's father
4 on the child's birth certificate; or

5 (C) he promised in a record to support the child
6 as his own; or

7 (5) during the first two years of the child's life, he
8 continuously resided in the household in which the child resided
9 and he represented to others that the child was his own.

10 (b) A presumption of paternity established under this
11 section may be rebutted only by an adjudication under Subchapter G.

12 SECTION 2. Section 160.301, Family Code, is amended to read
13 as follows:

14 Sec. 160.301. ACKNOWLEDGMENT OF PATERNITY. The mother of a
15 child and a man claiming to be the biological father of the child
16 [~~conceived as the result of sexual intercourse with the mother~~] may
17 sign an acknowledgment of paternity with the intent to establish
18 the man's paternity.

19 SECTION 3. Section 160.602, Family Code, is amended to read
20 as follows:

21 Sec. 160.602. STANDING TO MAINTAIN PROCEEDING. (a)
22 Subject to Subchapter D and Sections 160.607 and 160.609 and except
23 as provided by Subsection (b), a proceeding to adjudicate parentage
24 may be maintained by:

25 (1) the child;

26 (2) the mother of the child;

27 (3) a man whose paternity of the child is to be

1 adjudicated;

2 (4) the support enforcement agency or another
3 government agency authorized by other law;

4 (5) an authorized adoption agency or licensed
5 child-placing agency;

6 (6) a representative authorized by law to act for an
7 individual who would otherwise be entitled to maintain a proceeding
8 but who is deceased, is incapacitated, or is a minor; or

9 (7) a person related within the second degree by
10 consanguinity to the mother of the child, if the mother is deceased.

11 (b) After the date a child having no presumed, acknowledged,
12 or adjudicated father becomes an adult, a proceeding to adjudicate
13 the parentage of the adult child may only be maintained by the adult
14 child.

15 SECTION 4. Section 160.607(b), Family Code, is amended to
16 read as follows:

17 (b) A proceeding seeking to disprove the father-child
18 relationship between a child and the child's presumed father may be
19 maintained at any time if the court determines that:

20 (1) the presumed father and the mother of the child did
21 not live together or engage in sexual intercourse with each other
22 during the probable time of conception; and

23 (2) the presumed father never represented to others
24 that [openly treated] the child was [as] his own.

25 SECTION 5. Section 160.608, Family Code, is amended by
26 amending Subsection (a) and adding Subsection (f) to read as
27 follows:

1 (a) In a proceeding to adjudicate parentage [~~under~~
2 ~~circumstances described by Section 160.607~~], a court may deny a
3 motion for an order for the genetic testing of the mother, the
4 child, and the presumed father if the court determines that:

5 (1) the conduct of the mother or the presumed father
6 estops that party from denying parentage; and

7 (2) it would be inequitable to disprove the
8 father-child relationship between the child and the presumed
9 father.

10 (f) This section applies to a proceeding to rescind or
11 challenge an acknowledgment of paternity or a denial of paternity
12 as provided by Section 160.309(d).

13 SECTION 6. The changes in law made by this Act apply only to
14 a suit affecting the parent-child relationship commenced on or
15 after the effective date of this Act. A suit affecting the
16 parent-child relationship commenced before the effective date of
17 this Act is governed by the law in effect on the date the suit was
18 commenced, and the former law is continued in effect for that
19 purpose.

20 SECTION 7. This Act takes effect September 1, 2003.