

By: Goodman

H.B. No. 209

A BILL TO BE ENTITLED

1 AN ACT

2 relating to challenging an acknowledgment of paternity executed by
3 a minor.

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

5 SECTION 1. Sections 160.308(a) and (c), Family Code, are
6 amended to read as follows:

7 (a) After the period for rescission under Section 160.307
8 has expired, a signatory of an acknowledgment of paternity or
9 denial of paternity may commence a proceeding to challenge the
10 acknowledgment or denial only on the basis of fraud, duress, or
11 material mistake of fact. The proceeding must be commenced before
12 the fourth anniversary of the date the acknowledgment or denial is
13 filed with the bureau of vital statistics unless the signatory was a
14 minor on the date the signatory executed the acknowledgment or
15 denial. If the signatory was a minor on the date the signatory
16 executed the acknowledgment or denial, the proceeding must be
17 commenced before the earlier of the fourth anniversary of the date
18 of:

19 (1) the signatory's 18th birthday; or

20 (2) the removal of the signatory's disabilities of
21 minority by court order, marriage, or by other operation of law.

22 (c) Notwithstanding any other provision of this chapter, a
23 collateral attack on an acknowledgment of paternity signed under
24 this chapter may not be maintained after the fourth anniversary of

1 the date the acknowledgment of paternity is filed with the bureau of
2 vital statistics unless the signatory was a minor on the date the
3 signatory executed the acknowledgment. If the signatory was a
4 minor on the date the signatory executed the acknowledgment, a
5 collateral attack on the acknowledgment of paternity may not be
6 maintained after the earlier of the fourth anniversary of the date
7 of:

8 (1) the signatory's 18th birthday; or

9 (2) the removal of the signatory's disabilities of
10 minority by court order, marriage, or by other operation of law.

11 SECTION 2. The change in law made by this Act to Section
12 160.308, Family Code, applies to an acknowledgment of paternity
13 executed before, on, or after the effective date of this Act.

14 SECTION 3. This Act takes effect September 1, 2005.