

1-1 By: Goodman (Senate Sponsor - Averitt) H.B. No. 209  
1-2 (In the Senate - Received from the House May 12, 2005;  
1-3 May 13, 2005, read first time and referred to Committee on  
1-4 Jurisprudence; May 21, 2005, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; May 21, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to challenging an acknowledgment of paternity executed by  
1-9 a minor.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 160.308(a) and (c), Family Code, are  
1-12 amended to read as follows:

1-13 (a) After the period for rescission under Section 160.307  
1-14 has expired, a signatory of an acknowledgment of paternity or  
1-15 denial of paternity may commence a proceeding to challenge the  
1-16 acknowledgment or denial only on the basis of fraud, duress, or  
1-17 material mistake of fact. The proceeding must be commenced before  
1-18 the fourth anniversary of the date the acknowledgment or denial is  
1-19 filed with the bureau of vital statistics unless the signatory was a  
1-20 minor on the date the signatory executed the acknowledgment or  
1-21 denial. If the signatory was a minor on the date the signatory  
1-22 executed the acknowledgment or denial, the proceeding must be  
1-23 commenced before the earlier of the fourth anniversary of the date  
1-24 of:

1-25 (1) the signatory's 18th birthday; or

1-26 (2) the removal of the signatory's disabilities of  
1-27 minority by court order, marriage, or by other operation of law.

1-28 (c) Notwithstanding any other provision of this chapter, a  
1-29 collateral attack on an acknowledgment of paternity signed under  
1-30 this chapter may not be maintained after the fourth anniversary of  
1-31 the date the acknowledgment of paternity is filed with the bureau of  
1-32 vital statistics unless the signatory was a minor on the date the  
1-33 signatory executed the acknowledgment. If the signatory was a  
1-34 minor on the date the signatory executed the acknowledgment, a  
1-35 collateral attack on the acknowledgment of paternity may not be  
1-36 maintained after the earlier of the fourth anniversary of the date  
1-37 of:

1-38 (1) the signatory's 18th birthday; or

1-39 (2) the removal of the signatory's disabilities of  
1-40 minority by court order, marriage, or by other operation of law.

1-41 SECTION 2. The change in law made by this Act to Section  
1-42 160.308, Family Code, applies to an acknowledgment of paternity  
1-43 executed before, on, or after the effective date of this Act.

1-44 SECTION 3. This Act takes effect September 1, 2005.

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