

1-1 By: West S.B. No. 1178
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 14, 2005, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 14, 2005, sent to printer.)

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

1-8 relating to the availability of genetic testing in the
1-9 determination of parentage by the Title IV-D agency.

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

1-11 SECTION 1. Section 233.028, Family Code, is amended by
1-12 adding Subsection (a-1) to read as follows:

1-13 (a-1) The notice described in Subsection (a) and sent to a
1-14 man alleged to be the father of a child shall include the following
1-15 statement printed on the notice in boldfaced type, in capital
1-16 letters, or underlined:

1-17 "YOU HAVE THE RIGHT TO REQUEST GENETIC TESTING TO
1-18 DETERMINE THE PARENTAGE OF A CHILD WHOSE PARENTAGE HAS NOT BEEN
1-19 ESTABLISHED. THE TITLE IV-D AGENCY WILL PAY FOR THE COSTS OF THE
1-20 GENETIC TESTING, BUT IF THE RESULTS OF THE TESTING IDENTIFY YOU AS
1-21 THE BIOLOGICAL FATHER OF THE CHILD, YOU MAY BE REQUIRED TO REIMBURSE
1-22 THE AGENCY FOR THOSE COSTS."

1-23 SECTION 2. Subsection (b), Section 233.028, Family Code, is
1-24 amended to read as follows:

1-25 (b) If all parties agree to the child's parentage, the
1-26 agency may file an agreed child support review order as provided by
1-27 this chapter. The agreed order shall include a statement signed by
1-28 the parties entitled to genetic testing in the case that the parties
1-29 have waived their rights to request genetic testing.

1-30 SECTION 3. The change in law made by this Act applies only
1-31 to an administrative proceeding under Chapter 233, Family Code, for
1-32 the determination of parentage commenced on or after the effective
1-33 date of the Act.

1-34 SECTION 4. This Act takes effect September 1, 2005.

1-35 * * * * *