

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 23, 2005

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB437 by Dutton (Relating to determinations of paternity in a suit affecting the parent-child relationship.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB437, As Introduced: a negative impact of (\$1,260,000) through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	(\$630,000)
2007	(\$630,000)
2008	(\$630,000)
2009	(\$630,000)
2010	(\$630,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/ (Loss) from <i>FEDERAL FUNDS</i> 555	Probable (Cost) from <i>FEDERAL FUNDS</i> 555	Probable (Cost) from <i>GENERAL REVENUE</i> <i>FUND</i> 1
2006	\$5,670,000	(\$5,670,000)	(\$630,000)
2007	\$5,670,000	(\$5,670,000)	(\$630,000)
2008	\$5,670,000	(\$5,670,000)	(\$630,000)
2009	\$5,670,000	(\$5,670,000)	(\$630,000)
2010	\$5,670,000	(\$5,670,000)	(\$630,000)

The bill would amend Family Code, to provide for mandatory paternity tests in suits where child support orders are sought before the man can be ordered to pay child support. The bill would also change the challenge period from four years after the Acknowledgment of Paternity (AOP) is filed to any time before the child reaches age 18. The bill would permit a father to file at any time a motion to vacate an order adjudicating the man as father of the child. If genetic testing determines that the person is not the parent and the person is entitled to possession, the court shall terminate, modify, or continue possession. The court may retroactively reduce any arrearage amount when it renders the new order of non-parentage.

The Act would take effect September 1, 2005.

Fiscal Analysis

The bill would require genetic testing before a child support order could be established for all child support cases.

Methodology

The Office of the Attorney General estimates that 41,300 tests would be required annually

Technology

It is estimated that the additional tests would cost \$6.3 million each fiscal year, of which 90 percent would be paid from federal funds, and the remaining \$630,000 would be paid out of general revenue funds.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. There may be increased demand on court dockets.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

LBB Staff: JOB, LB, MS, KJG