

BILL ANALYSIS

H.B. 949

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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

H.B.949 seeks to end certain form of child support fraud by mothers who falsely establishing paternity of a child by claiming men as the fathers of their children. The financial liberty of families is sacrificed when a woman falsely establishes a man as the father of her child and forces him to wrongfully pay child support.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Subchapter B, Chapter 160 of the Family Code by adding Section 160.107 to state that a mother commits a Class C misdemeanor if she: (1) signs an acknowledgment to falsely establish the paternity of a man and she knows the man is not the biological father of the child; (2) maintains a proceeding under Subchapter G to adjudicate the percentage of a man who the mother knows is not the biological father of the child. An offense under this section is a Class C misdemeanor. It is a defense to prosecution under Subsection (1)(1) that both the mother of the child and the man who is not the biological father of the child knew that the man was not the father at the time the mother and the man executed the acknowledgment of paternity.

Amends Subchapter G, Chapter 160 of the Family Code is amended by adding Section 160.6035 to prohibit holding a hearing to adjudicate a man's parentage unless the legal notice served to the parties to appear at the hearing contains information detailing the legal consequences of an adjudication of parentage and includes information regarding the duty to pay child support. The petitioner is required to show at the first hearing that the legal notice was served as prescribed by this section and provides the time and manner of how the legal notice was served.

Amends Section 160.636 of the Family Code by amending Subsection (c) and adding Subsection (i) and (j) which exempts Section 160.6365 from this subsection. Further requires the mother of a child to reimburse the man alleged by the mother to be the father of the child for any child support paid by the man if the court proves that the man is not the biological father of the child based on the results of genetic testing as provided under Section 160.505 and the mother knew that the man was not the biological father when she signed an acknowledgement of paternity or the mother initiated a proceeding to adjudicate the man's paternity of the child under this subchapter. Additionally, prohibits the court from ordering the reimbursement of child support under Subsection (i) if both the mother of the child and the man who is not the biological father of the child knew that the man was not the biological father of the child at the time the acknowledgment of paternity was executed.

Amends Subchapter G, Chapter 160 of the Family Code is amended by adding Section 160.6365 to require the mother of the child, regardless of the provision of Section 160.506, to pay for a court ordered genetic tests if the order for testing is in response to a motion made by the mother in a proceeding to adjudicate the parentage of the child. However, if the test identifies the man as the father of the child under Section 160.505, the man must reimburse the mother of the child for half of the cost for the testing.

Applicability Clause for Section 160.107 of the Family Code.
Applicability Clause for Section 160.6035 of the Family Code.

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Applicability Clause for Section 160.636 (i) and (j) of the Family Code.
Applicability Clause for Section 160.6365 of the Family Code.

EFFECTIVE DATE

September 1, 2007.