

By: Puentes

H.B. No. 620

A BILL TO BE ENTITLED

1 AN ACT

2 relating to retroactive child support and notification in cases
3 involving an anticipated adoption that is not completed.

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

5 SECTION 1. Section 154.131, Family Code, is amended by
6 adding Subsection (f) to read as follows:

7 (f) Notwithstanding any other provision of this section, if
8 a man executed an affidavit of voluntary relinquishment of parental
9 rights under Section 161.103, an affidavit of waiver of interest in
10 child under Section 161.106, or other comparable affidavit
11 permitted by law, with the good faith belief that the child would be
12 placed for adoption and the man's parental rights terminated, the
13 court may not order the man to pay retroactive child support for any
14 period during which the man did not have actual knowledge that:

15 (1) the child was not subsequently placed for
16 adoption; and

17 (2) the man's parental rights were not terminated.

18 SECTION 2. Subchapter G, Chapter 162, Family Code, is
19 amended by adding Section 162.603 to read as follows:

20 Sec. 162.603. NOTIFICATION OF DECISION TO DECLINE TO PLACE
21 CHILD FOR ADOPTION. (a) This section applies only to a licensed
22 child-placing agency with a mailing address for the father of a
23 child who the agency anticipates will be placed for adoption
24 through the agency.

1 (b) If a child's mother, after seeking assistance from a
2 licensed child-placing agency in connection with the anticipated
3 placement of the child for adoption, subsequently informs the
4 agency that she will not place the child for adoption, the agency
5 shall provide written notification to the child's father that the
6 agency will not be placing the child for adoption.

7 SECTION 3. The change in law made by this Act to Section
8 154.131, Family Code, applies only to a child support order
9 rendered on or after the effective date of this Act. A child
10 support order rendered before the effective date of this Act is
11 governed by the law in effect at the time the order is rendered, and
12 the former law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect September 1, 2007.