

1-1 By: West S.B. No. 233
1-2 (In the Senate - Filed November 10, 2008; February 11, 2009,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 April 6, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 6, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 233 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the time limitation for certain proceedings to
1-11 adjudicate paternity.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (b), Section 160.607, Family Code, is
1-14 amended to read as follows:

1-15 (b) A proceeding seeking to disprove the father-child
1-16 relationship between a child and the child's presumed father may be
1-17 maintained at any time if the court determines that:

1-18 (1) the presumed father and the mother of the child did
1-19 not live together or engage in sexual intercourse with each other
1-20 during the probable time of conception~~[+]~~ and

1-21 ~~[(2)]~~ the presumed father never represented to others
1-22 that the child was his own; or

1-23 (2) the presumed father was precluded from commencing
1-24 a proceeding to adjudicate the parentage of the child before the
1-25 expiration of the time prescribed by Subsection (a) because another
1-26 person fraudulently led him to believe he was the father of the
1-27 child.

1-28 SECTION 2. The change in law made by this Act applies only
1-29 to a proceeding to adjudicate parentage that is commenced on or
1-30 after the effective date of this Act. A proceeding to adjudicate
1-31 parentage commenced before that date is governed by the law in
1-32 effect on the date the proceeding was commenced, and the former law
1-33 is continued in effect for that purpose.

1-34 SECTION 3. This Act takes effect immediately if it receives
1-35 a vote of two-thirds of all the members elected to each house, as
1-36 provided by Section 39, Article III, Texas Constitution. If this
1-37 Act does not receive the vote necessary for immediate effect, this
1-38 Act takes effect September 1, 2009.

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