

By: Dutton

H.B. No. 618

A BILL TO BE ENTITLED

AN ACT

1
2 relating to circumstances involving extrinsic fraud in
3 establishment of paternity.

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

5 SECTION 1. Subchapter B, Chapter 160, Family Code, is
6 amended by adding Section 160.107 to read as follows:

7 Sec. 160.107. PATERNITY ORDER BASED ON EXTRINSIC FRAUD. A
8 person identified in a court order as the father of a child who
9 demonstrates that the order was obtained by fraudulent
10 representations made by the child's mother to induce the person
11 into believing that the person was the child's father satisfies any
12 requirement in law that the person demonstrate the existence of
13 extrinsic fraud in order to be entitled to equitable relief from the
14 order through a bill of review or other judicial action.

15 SECTION 2. Section 160.107, Family Code, as added by this
16 Act, applies to any order identifying a person as the father of a
17 child, regardless of the date on which the order was rendered.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2011.