

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 28, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: SB502 by West (relating to determinations of paternity; creating an offense.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to relax the requirements for rescinding an Acknowledgement of Paternity, removing the necessity of a judicial proceeding, unless it is contested, and proposing a form-based procedure instead. The bill distinguishes and amends the procedure to challenge an AOP-- instead of a 4 year time bar, an acknowledged father would be able to challenge an AOP at any time before the issuance of an order affecting the child, including a child support order. The bill would create a new offense for "Falsification of Specimen," wherein a person could be charged with a third degree felony if the person in some way interfered with genetic evidence in a proceeding to adjudicate parentage. The bill also would amend the procedure for a presumed father to challenge his paternity, removing the 4 year time limitation on such a proceeding if the man had "a mistaken belief that he was the child's biological father based on misrepresentations." To the extent the bill may result in an increase in the number of contested AOP rescissions, the fiscal implication to the state and the impact on court workloads statewide is not anticipated to be significant. The bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, TB, JT