

BILL ANALYSIS

Senate Research Center
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H.B. 154
By: Taylor, Van; Thompson, Senfronia (West)
Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Legislation recently was passed into law relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity. While this legislation provided a mechanism by which a man who has either signed an acknowledgement of paternity or is adjudicated to be the father of a child without obtaining genetic testing can have the parent-child relationship terminated, thereby ensuring the man is no longer required to pay child support in the future, there is concern that such provisions do not adequately address obligations to pay interest accrued after the date the relationship is terminated. H.B. 154 aims to further protect a mistaken father from certain child support payment obligations.

H.B. 154 amends current law relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 161.005(e) and (i), Family Code, as follows:

(e) Requires that a petition under Subsection (c) (relating to authorizing a man to file a suit for termination of the parent-child relationship between the man and a child if certain conditions are met) be filed not later than the second anniversary, rather than the first anniversary, of the date on which the petitioner becomes aware of the facts alleged in the petition indicating that the petitioner is not the child's genetic father.

(i) Provides that an order under Subsection (h) (relating to requiring the court to render an order terminating the parent-child relationship if the results of genetic testing ordered under Subsection (f) exclude the petitioner as the child's genetic father) terminating the parent-child relationship ends the petitioner's obligation for future support of the child as of the date the order is rendered, as well as the obligation to pay interest that accrues after that date on the basis of a child support arrearage or money judgment for a child support arrearage existing on that date. Provides that the order does not affect the petitioner's obligations for support of the child incurred before that date, rather than providing that the order does not affect the petitioner's obligations for support of the child incurred before that date or the petitioner's obligation to pay interest that accrues after that date on the basis of child support arrearages existing on that date.

SECTION 2. Provides that Section 161.005, Family Code, as amended by this Act, applies only to a suit affecting the parent-child relationship pending in a trial court on the effective date of this Act or filed on or after that date. Provides that a suit affecting the parent-child relationship in which a final order is rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2013.