

By: Taylor

H.B. No. 154

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the termination of the parent-child relationship and  
3 the duty to pay child support in circumstances involving mistaken  
4 paternity.

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

6 SECTION 1. Section 161.005, Family Code, is amended by  
7 amending Subsections (e) and (i) and adding Subsections (e-2),  
8 (e-3), and (p) to read as follows:

9 (e) A petition under Subsection (c) may [~~must~~] be filed at  
10 any time, regardless [~~not later than the first anniversary~~] of the  
11 date on which the petitioner becomes aware of the facts alleged in  
12 the petition indicating that the petitioner is not the child's  
13 genetic father.

14 (e-2) A man who files a petition under Subsection (c) and is  
15 unable for at least 60 days to obtain service of citation on the  
16 child's mother may request that the court order the suspension of  
17 withholding for support of the child from the man's disposable  
18 earnings. After hearing, the court shall order suspension if the  
19 man demonstrates he was unable to obtain service of citation  
20 despite a good faith effort. The suspension ends on the date that  
21 citation is served on the child's mother. A suspension ordered  
22 under this subsection applies to an order or judicial or  
23 administrative writ of withholding, notwithstanding any provision  
24 in Chapter 154 or 158.

1       (e-3) If, as a result of the suspension of child support  
2 withholding under Subsection (e-2), the child's mother contacts the  
3 court and indicates that the mother has concealed the address of her  
4 residence because of the threat of family violence as defined by  
5 Section 71.004, the court may order the court clerk to:

6           (1) make arrangements for citation to be served on the  
7 child's mother without disclosure of the address of the mother's  
8 residence to the man seeking to obtain service;

9           (2) strike information concerning the address of the  
10 mother's residence from the public records of the court; and

11           (3) maintain a confidential record of the address of  
12 the mother's residence for use only by the court.

13       (i) An order under Subsection (h) terminating the  
14 parent-child relationship ends the petitioner's obligation for  
15 future support of the child as of the date the order is rendered.  
16 The order also ends ~~[does not affect]~~ the petitioner's obligation  
17 to pay child support arrearages, including interest, accrued  
18 ~~[obligations for support of the child incurred]~~ before that date  
19 ~~[or the petitioner's obligation to pay interest that accrues after~~  
20 ~~that date on the basis of child support arrearages existing on that~~  
21 ~~date. These obligations are enforceable until satisfied by any~~  
22 ~~means available for the enforcement of child support other than~~  
23 ~~contempt]. The elimination of the obligation to pay child support~~  
24 arrearages, including interest, is for the purpose of correcting an  
25 act induced by a mistaken belief based on misrepresentations and is  
26 not a retroactive modification.

27       (p) A man who previously sought termination of the

1 parent-child relationship under this section as it existed on or  
2 before January 1, 2011, is not precluded by Section 161.004 from  
3 filing a petition under Subsection (c) and obtaining the remedy to  
4 which he may be entitled under this section.

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

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2013.