

AN ACT

relating to a delayed birth certificate; creating a criminal offense.

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

SECTION 1. Section 192.026(b), Health and Safety Code, is amended to read as follows:

(b) On the state registrar's refusal to register a certificate under Subsection (a), the state registrar shall:

(1) furnish the applicant a statement of the reasons for the refusal; and

(2) advise the applicant of the right to appeal to the statutory probate [county] court or district court in [for probate matters of] the county in which the birth occurred, or in the statutory probate court or district court in the county in which the person resides, as provided by Section 192.027.

SECTION 2. Sections 192.027(a), (b), and (d), Health and Safety Code, are amended to read as follows:

(a) If a delayed birth certificate is not accepted for registration by the state registrar, the person may file a petition in the statutory [county] probate court or district court in [of] the county in which the birth occurred, or in the statutory probate court or district court in the county in which the person resides, for an order establishing a record of the person's date of birth, place of birth, and parentage.

1 (b) The petition must include:

2 (1) the petitioner's:

3 (A) full name;

4 (B) place of residence;

5 (C) date of birth;

6 (D) city or town, if applicable, and county of  
7 birth;

8 (E) race or ethnicity; and

9 (F) gender;

10 (2) the full name and county of birth of the  
11 petitioner's father;

12 (3) the full name, including any maiden name, and  
13 county of birth of the petitioner's mother;

14 (4) whether the petitioner has been the subject of a  
15 final felony conviction;

16 (5) whether the petitioner is subject to the  
17 registration requirements of Chapter 62, Code of Criminal  
18 Procedure; and

19 (6) a legible and complete set of the petitioner's  
20 fingerprints on a fingerprint card format acceptable to the  
21 Department of Public Safety and the Federal Bureau of Investigation  
22 ~~[be on a form prescribed and furnished by the department].~~

23 (d) If, after a hearing, the court finds from the evidence  
24 submitted to the registrar and any other relevant evidence  
25 presented by the person that the person was born in this state, the  
26 court shall:

27 (1) make findings as to the person's date and place of

1 birth and parentage;

2 (2) make other findings required by the case; and

3 (3) enter an order on a form prescribed and furnished  
4 by the department to establish a record of birth.

5 SECTION 3. Subchapter B, Chapter 192, Health and Safety  
6 Code, is amended by adding Sections 192.028 and 192.029 to read as  
7 follows:

8 Sec. 192.028. APPOINTMENT OF ATTORNEY AD LITEM. A judge of  
9 a statutory probate court or district court may appoint an attorney  
10 ad litem in a proceeding under Section 192.027 to represent the  
11 interests of the person seeking the delayed birth certificate.

12 Sec. 192.029. REFUSAL TO SIGN AFFIDAVIT OF PERSONAL  
13 KNOWLEDGE. (a) A parent of a person who is seeking a delayed birth  
14 certificate under this subchapter shall sign an affidavit of  
15 personal knowledge acknowledging that the individual is the parent  
16 of the person seeking the delayed birth certificate if:

17 (1) the person seeking a delayed birth certificate, a  
18 managing conservator or guardian of the person, or, if the person is  
19 a minor, another person with custody of the minor has requested the  
20 person's parent to sign the affidavit of personal knowledge; and

21 (2) the parent's affidavit of personal knowledge is  
22 necessary for the issuance of the birth certificate because the  
23 person seeking the delayed birth certificate is unable to provide  
24 sufficient alternative documentary evidence as required by Section  
25 192.025.

26 (b) A parent shall sign an affidavit as described by  
27 Subsection (a) not later than the 30th day after the date a request

1 is made as described by Subsection (a)(1).

2 (c) A person who is a parent of a person seeking a delayed  
3 birth certificate and who fails to sign an affidavit of personal  
4 knowledge as required by this section:

5 (1) commits an offense punishable as a Class B  
6 misdemeanor if the request under Subsection (a)(1) is made on or  
7 after the fourth anniversary of the date of birth but before the  
8 15th anniversary of the date of birth; or

9 (2) commits an offense punishable as a Class A  
10 misdemeanor if the request under Subsection (a)(1) is made on or  
11 after the 15th anniversary of the date of birth.

12 SECTION 4. This Act takes effect September 1, 2015.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2794 was passed by the House on May 11, 2015, by the following vote: Yeas 138, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2794 on May 27, 2015, by the following vote: Yeas 138, Nays 0, 3 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 2794 was passed by the Senate, with amendments, on May 25, 2015, by the following vote: Yeas 30, Nays 1.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor