

By: Farney

H.B. No. 2794

A BILL TO BE ENTITLED

AN ACT

relating to a delayed birth certificate; providing a criminal penalty.

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

SECTION 1. Section 192.027(a), Health and Safety Code, is 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 county probate court of the county in which the birth occurred, or in the county probate court of 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.

SECTION 2. Subchapter B, Chapter 192, Health and Safety Code, is amended by adding Sections 192.028 and 192.029 to read as follows:

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

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

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

5 (2) the parent's affidavit of personal knowledge is
6 necessary for the issuance of the birth certificate because the
7 person seeking the delayed birth certificate is unable to provide
8 sufficient alternative documentary evidence as required by Section
9 [192.025](#).

10 (b) A parent shall sign an affidavit as described by
11 Subsection (a) not later than the 30th day after the date a request
12 is made as described by Subsection (a)(1).

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

16 (1) commits an offense punishable as a Class B
17 misdemeanor if the request under Subsection (a)(1) is made on or
18 after the fourth anniversary of the date of birth but before the
19 15th anniversary of the date of birth; or

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

23 SECTION 3. This Act takes effect September 1, 2015.