

**House Bill 2794**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 25.0021(b), Government Code, is amended to read as follows:

(b) A statutory probate court as that term is defined in Section 22.007, Estates ~~[3(ii), Texas Probate]~~ Code, has:

(1) the general jurisdiction of a probate court as provided by the Estates ~~[Texas Probate]~~ Code; and

(2) the jurisdiction provided by law for a county court to hear and determine actions, cases, matters, or proceedings instituted under:

(A) Section 166.046, ~~[492.027,]~~ 193.007, 552.015, 552.019, 711.004, or 714.003, Health and Safety Code;

(B) Chapter 462, Health and Safety Code; or

(C) Subtitle C or D, Title 7, Health and Safety Code.

SECTION 2. 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 district ~~[county]~~ court with jurisdiction over ~~[for probate matters of]~~ the county in which the birth occurred, or in the district court with jurisdiction over the county in which the person resides, as provided by Section 192.027.

SECTION 3. Section 192.027, Health and Safety Code, is amended by amending Subsections (a) and (d) and adding Subsection (b-1) to read as follows:

(a) If a delayed birth certificate is not accepted for registration

SENATE VERSION (IE)

~~No equivalent provision.~~ [Deleted by FA1(1)]

SECTION 2. 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. [FA1(2)-(3)]

SECTION 3. Sections 192.027(a), (b), and (d), Health and Safety Code, are amended to read as follows: [FA1(4)]

(a) If a delayed birth certificate is not accepted for registration

CONFERENCE

**House Bill 2794**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

by the state registrar, the person may file a petition in the ~~district [county probate]~~ court with jurisdiction over [of] the county in which the birth occurred, or in the district court with jurisdiction over 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.

(b-1) The petition must include:

(1) the name and place of residence of the petitioner;

(2) whether the petitioner has been the subject of a final felony conviction;

(3) whether the petitioner is subject to the registration requirements of Chapter 62, Code of Criminal Procedure; and

(4) a legible and complete set of the petitioner's fingerprints on a fingerprint card format acceptable to the Department of Public Safety and the Federal Bureau of Investigation.

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

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

SENATE VERSION (IE)

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. [FA1(5)-(6)]

(b) The petition must include:

(1) the petitioner's:

(A) full name;

(B) place of residence;

(C) date of birth;

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

(E) race or ethnicity; and

(F) gender;

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

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

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

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

(6) a legible and complete set of the petitioner's fingerprints on a fingerprint card format acceptable to the Department of Public Safety and the Federal Bureau of Investigation ~~be on a form prescribed and furnished by the department~~. [FA1(7)]

(d) Same as House version.

CONFERENCE

**House Bill 2794**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

and parentage;  
(2) make other findings required by the case; and  
(3) enter an order on a form prescribed and furnished by the department to establish a record of birth.

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

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

SECTION 4. 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 statutory probate court or district 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. [FA1(8)]

Sec. 192.029. REFUSAL TO SIGN AFFIDAVIT OF PERSONAL KNOWLEDGE. Same as House version.

**House Bill 2794**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SECTION 5. This Act takes effect September 1, 2015.

SENATE VERSION (IE)

SECTION 5. Same as House version.

CONFERENCE