

BILL ANALYSIS

Senate Research Center
88R3928 MLH-D

S.B. 590
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 590 would ensure that a woman would receive retroactive child support from a man adjudicated or acknowledged to be the father beginning on the possible earliest date of the child's conception.

The mother could be reimbursed for fifty percent of the reasonable and necessary medical expenses incurred during gestation, delivery, and postpartum care that insurance would not cover, as well as fifty percent of the cost of materials purchased for the child's health and safety such as diapers, car seats, cribs, etc.

The request for child support would be applied by the court in the same manner that it would be applied under the current child support guidelines.

As proposed, S.B. 590 amends current law relating to requiring a man determined by adjudication or acknowledgment to be a child's father to pay retroactive child support beginning on the date of the child's conception.

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 Subchapter A, Chapter 154, Family Code, by adding Section 154.0091, as follows:

Sec. 154.0091. RETROACTIVE CHILD SUPPORT ON ADJUDICATION OR ACKNOWLEDGMENT OF PATERNITY. (a) Requires the court, notwithstanding any other provision of Chapter 154 (Child Support) or other law, in any order rendered under Chapter 160 (Uniform Parentage Act) establishing a man's paternity of a child, or in any suit to establish the child support obligation of a man whose paternity has been established by the execution of a valid acknowledgment of paternity in regard to the child under Subchapter D (Voluntary Acknowledgement of Paternity), Chapter 160, to order the man to:

(1) pay retroactive child support beginning on the earliest possible date of the child's conception, as determined by standard medical practice, as defined by Section 171.201 (Definitions), Health and Safety Code; and

(2) reimburse the child's mother for 50 percent of:

(A) the reasonable and necessary medical expenses incurred by the mother and the child during gestation and delivery and incurred by the mother during postpartum recovery that are not reimbursed by medical insurance;

(B) the cost of materials purchased by the mother in preparing for the child's birth that are necessary for the child's health and safety, including diapers, a car seat, a crib, clothing, and infant formula; and

(C) lost wages as a result of time spent receiving medical attention during gestation, delivery, and postpartum recovery.

(b) Requires the court, in ordering retroactive child support under this section, to apply the child support guidelines provided by this chapter.

(c) Provides that interest, notwithstanding Section 157.261 (Unpaid Child Support as Judgment) or any other law, does not begin to accrue on a retroactive child support payment due under this section until the first anniversary of the date the judge renders the order establishing the man's paternity or the man executes a valid acknowledgment of paternity with respect to the child, as applicable.

SECTION 2. Amends Section 160.636(g), Family Code, as follows:

(g) Requires the court, on a finding of parentage, to order retroactive child support as provided by Section 154.0091. Deletes existing text authorizing the court, on a finding of parentage, to order retroactive child support as provided by Chapter 154 and, on a proper showing, order a party to pay an equitable portion of all of the prenatal and postnatal health care expenses of the mother and the child.

SECTION 3. Repealer: Section 160.636(h) (relating to requiring the court, in rendering an order for retroactive child support, to use the child support guidelines provided by Chapter 154, together with any relevant factors), Family Code.

SECTION 4. Provides that the changes in law made by this Act with respect to an order adjudicating paternity apply only to an order rendered on or after the effective date of this Act. Provides that an order adjudicating paternity rendered before the effective date of this Act is governed by the law in effect on the date the order is rendered, and the former law is continued in effect for that purpose.

SECTION 5. Provides that the changes in law made by this Act with respect to an acknowledgment of paternity apply only to an acknowledgment of paternity executed on or after the effective date of this Act. Provides that an acknowledgment of paternity executed before the effective date of this Act is governed by the law in effect on the date the acknowledgment is executed, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: September 1, 2023.