

BILL ANALYSIS

Senate Research Center
88R18879 MLH-D

C.S.S.B. 590
By: Hughes
Jurisprudence
4/3/2023
Committee Report (Substituted)

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.

The proposed committee substitute would aid implementation of the purpose of the bill and would eliminate and reduce unintended costs and consequences for the Child Support Division under the Office of the Attorney General.

C.S.S.B. 590 amends current law relating to a court order for retroactive child support, including for 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 Section 154.131, Family Code, by adding Subsections (g), (h), and (i), as follows:

(g) Provides that it is presumed to be reasonable and in the best interest of the child for a court, subject to Subsections (c) (relating to providing that it is presumed that a court order limiting the amount of retroactive child support to a certain amount is reasonable and in the best interest of the child) and (d) (relating to authorizing the presumption created under Section 154.131 (Retroactive Child Support) to be rebutted by evidence that the obligor met certain criteria), to order retroactive child support for the child beginning on the earliest possible date of the child's conception, as determined by:

(1) a physician using standard medical practice, as defined by Section 171.201 (Definitions), Health and Safety Code; or

(2) a preponderance of other evidence presented to the court, including the testimony of a parent of the child.

(h) Authorizes the court, on a proper showing, to order the obligor to pay, as additional retroactive child support, an equitable portion of all prenatal and postnatal health care expenses of the mother and the child.

(i) Requires the court to confirm the amount of retroactive child support and render a cumulative money judgment for the total amount of retroactive child support owed.

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

(g) Requires a court, if the court renders an order under Chapter 160 (Uniform Parentage Act) establishing a man's paternity of the child or establishing a 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), on the request of a party and on a proper showing, to order retroactive child support as provided by Section 154.131. Deletes existing text authorizing the court, on a finding of parentage, to order retroactive child support as provided by Chapter 154 (Child Support) 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.