

By: Leach

H.B. No. 1734

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of parentage and the duty to pay child support.

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

SECTION 1. Subchapter A, Chapter 154, Family Code, is amended by adding Section 154.0091 to read as follows:

Sec. 154.0091. RETROACTIVE CHILD SUPPORT ON ADJUDICATION OR ACKNOWLEDGMENT OF PATERNITY. (a) Notwithstanding any other provision of this chapter or other law, in any order rendered under Chapter 160, 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, Chapter 160, the court shall order the man to pay retroactive child support for the child beginning on the earliest possible date of the child's conception, as determined by a physician.

(b) In ordering retroactive child support under this section, the court shall apply the child support guidelines provided by this chapter and, on a proper showing, order the man to pay an equitable portion of all of the prenatal and postnatal health care expenses of the mother and the child.

(c) Notwithstanding Section 157.261 or any other law, interest does not begin to accrue on a retroactive child support payment due under this section until the first anniversary of the

1 date the judge renders the order establishing the obligation.

2 SECTION 2. Section 160.304(c), Family Code, is amended to
3 read as follows:

4 (c) Subject to Subsection (a), an acknowledgment of
5 paternity or denial of paternity takes effect on ~~[the date of the~~
6 ~~birth of the child or]~~ the filing of the document with the vital
7 statistics unit~~[, whichever occurs later]~~.

8 SECTION 3. Section 160.502(b), Family Code, is amended to
9 read as follows:

10 (b) If a request for genetic testing of a child is made
11 before the birth of the child, the court or support enforcement
12 agency may ~~[not]~~ order in utero testing only if:

- 13 (1) the request is made by the pregnant mother; and
14 (2) the physician to perform the genetic testing
15 determines and certifies to the court that the testing would pose no
16 risk of harm to the pregnant mother or the child.

17 SECTION 4. Section 160.611, Family Code, is amended to read
18 as follows:

19 Sec. 160.611. PROCEEDINGS BEFORE BIRTH. (a) A proceeding
20 to determine parentage commenced before the birth of the child may
21 not be concluded until after the birth of the child unless the
22 pregnant mother commences the proceeding.

23 (b) Notwithstanding Subsection (a), in any [In a]
24 proceeding to determine parentage commenced before the birth of the
25 child [described by Subsection (a)], the following actions may be
26 taken before the birth of the child:

- 27 (1) service of process;

(2) discovery; and

(3) except as prohibited by Section 160.502, collection of specimens for genetic testing.

SECTION 5. Sections 160.636(b) and (g), Family Code, are amended to read as follows:

(b) An order adjudicating parentage must identify the child by name and date of birth, except that if the order is rendered before the date of the child's birth:

(1) the order must identify the mother and father of the unborn child and the child's expected date of birth; and

(2) as soon as practicable after the date of the child's birth, the order must be amended to identify the child by name and date of birth.

(g) On a finding of parentage, the court shall ~~may~~ order retroactive child support as provided by Section 154.0091 ~~[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 6. Section 160.636(h), Family Code, is repealed.

SECTION 7. 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. 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 8. The changes in law made by this Act with respect to an acknowledgment of paternity or denial of paternity apply only

1 to an acknowledgment of paternity or denial of paternity executed
2 on or after the effective date of this Act. An acknowledgment of
3 paternity or denial of paternity executed before the effective date
4 of this Act is governed by the law in effect on the date the
5 acknowledgment or denial is executed, and the former law is
6 continued in effect for that purpose.

7 SECTION 9. The changes in law made by this Act to Section
8 [160.611](#), Family Code, apply to a proceeding to determine parentage
9 that is pending on the effective date of this Act or filed on or
10 after that date.

11 SECTION 10. This Act takes effect February 1, 2024.