

By: Rogers

H.B. No. 2163

A BILL TO BE ENTITLED

AN ACT

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.

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:

(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, Health and Safety Code; and

(2) reimburse the child's mother for an equitable portion 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

1 are not reimbursed by medical insurance;

2 (B) the cost of materials purchased by the mother
3 in preparing for the child's birth that are necessary for the
4 child's health and safety, including:

5 (i) diapers;

6 (ii) a car seat;

7 (iii) a crib;

8 (iv) clothing; and

9 (v) infant formula; and

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

13 (b) In ordering retroactive child support under Subsection
14 (a)(1), the court shall apply the child support guidelines provided
15 by this chapter. In ordering reimbursement under Subsection
16 (a)(2), the court shall consider the specific circumstances of the
17 mother's gestation, delivery, and any other relevant factor in
18 determining the amount constituting the equitable portion owed by
19 the man under that provision.

20 (c) Notwithstanding Section 157.261 or any other law,
21 interest does not begin to accrue on a retroactive child support
22 payment due under this section until the first anniversary of the
23 date the judge renders the order establishing the man's paternity
24 or the man executes a valid acknowledgment of paternity with
25 respect to the child, as applicable.

26 SECTION 2. Section 160.636(g), Family Code, is amended to
27 read as follows:

1 (g) On a finding of parentage, the court shall [~~may~~] order
2 retroactive child support as provided by Section 154.0091 [~~Chapter~~
3 ~~154 and, on a proper showing, order a party to pay an equitable~~
4 ~~portion of all of the prenatal and postnatal health care expenses of~~
5 ~~the mother and the child~~].

6 SECTION 3. Section 160.636(h), Family Code, is repealed.

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

13 SECTION 5. The changes in law made by this Act with respect
14 to an acknowledgment of paternity apply only to an acknowledgment
15 of paternity executed on or after the effective date of this Act.
16 An acknowledgment of paternity executed before the effective date
17 of this Act is governed by the law in effect on the date the
18 acknowledgment is executed, and the former law is continued in
19 effect for that purpose.

20 SECTION 6. This Act takes effect September 1, 2023.