

By: Hickland

H.B. No. 88

A BILL TO BE ENTITLED

AN ACT

relating to a court order for retroactive child support, including for 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. Section 154.131, Family Code, is amended by amending Subsection (d) and adding Subsections (g), (h), and (i) to read as follows:

(d) The presumption created under Subsection (c) [~~this section~~] may be rebutted by evidence that the obligor:

(1) knew or should have known that the obligor was the father of the child for whom support is sought; and

(2) sought to avoid the establishment of a support obligation to the child.

(g) Subject to Subsections (c) and (d), it is presumed to be reasonable and in the best interest of the child for a court 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, 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) On a proper showing, the court may order the obligor to pay, as additional retroactive child support, an equitable portion

1 of all prenatal and postnatal health care expenses of the mother and
2 the child.

3 (i) The court shall confirm the amount of retroactive child
4 support and render a cumulative money judgment for the total amount
5 of retroactive child support owed.

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

8 (g) If a court renders an order under this chapter
9 establishing a man's paternity of the child or establishing a child
10 support obligation of a man whose paternity has been established by
11 the execution of a valid acknowledgment of paternity in regard to
12 the child under Subchapter D ~~[On a finding of parentage]~~, the court
13 shall, on the request of a party and on a proper showing, [may]
14 order retroactive child support as provided by Section 154.131
15 ~~[Chapter 154 and, on a proper showing, order a party to pay an~~
16 ~~equitable portion of all of the prenatal and postnatal health care~~
17 ~~expenses of the mother and the child]~~.

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 Section 160.636(h), Family Code, is repealed.

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

25 SECTION 5. The changes in law made by this Act with respect
26 to an acknowledgment of paternity apply only to an acknowledgment
27 of paternity executed on or after the effective date of this Act.

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

5 SECTION 6. This Act takes effect on the 91st day after the
6 last day of the legislative session.