

BILL ANALYSIS

Senate Research Center
89R8047 MLH-D

S.B. 942
By: Hughes
Jurisprudence
3/17/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 942 would ensure that a woman could 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 reasonable and necessary healthcare expenses incurred during both prenatal and postnatal periods.

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

As proposed, S.B. 942 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 amending Subsection (d) and adding Subsections (g), (h), and (i), as follows:

(d) Authorizes the presumption created under Subsection (c) (relating to providing that it is presumed that a court order limiting the amount of retroactive child support to an amount that does not exceed the total amount that would have been due for the four years preceding the date the petition filing date is reasonable and in the best interest of the child), rather than under Section 154.131 (Retroactive Child Support), to be rebutted by evidence that the obligor knew or should have known certain information.

(g) Provides that, 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 a physician using standard medical practice, as defined by Section 171.201 (Definitions), Health and Safety Code or 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 this chapter 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 Acknowledgment of Paternity), to, on the request of a party and on a proper showing, order retroactive child support as provided by Section 154.131.

Deletes existing text authorizing a 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), Family Code.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2025.