

BILL ANALYSIS

Senate Research Center

H.B. 1751
By: West (Bivins)
Jurisprudence
5-14-97
Engrossed

DIGEST

Section 160.101, Family Code, enumerates the individuals and entities who may presently contest the presumption that a man is the biological father of a child under Chapter 151 (The Parent-Child Relationship) of the Family Code. Furthermore, Section 160.110(g) lists the individuals and entities who may legally bring suit to contest the paternity of a child at any time during the child's minority. With the exceptions of a governmental entity, authorized agency, or licensed child-placing agency, no individual outside the parental or presumed/alleged parental capacity may contest paternity. While this is sufficient to ensure justice in almost all cases, it makes no allowances whatsoever for those rare--but equally as crucial--instances in which the biological mother of the child is deceased.

H.B. 1751 would allow an individual related within the second degree of consanguinity to the biological mother of the child to contest the presumption of paternity, and file suit contesting paternity if and only if the biological mother of the child is deceased.

PURPOSE

As proposed, H.B. 1751 allows an individual related within the second degree of consanguinity to the biological mother of the child to contest the presumption of paternity, and file suit contesting paternity if and only if the biological mother of the child is deceased.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 160.101(a), Family Code, to authorize the presumption that a man is the biological father of a child under Chapter 151 to be contested by a person related within the second degree of consanguinity to the biological mother of the child, if the biological mother of the child is deceased. Makes conforming changes.

SECTION 2. Amends Section 160.110(g), Family Code, to make conforming changes.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.