

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 920  
By: Goodman (West)  
Jurisprudence  
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Engrossed

### **DIGEST AND PURPOSE**

In the last few years, the Drafting Committee of the National Conference of Commissioners on Uniform State Laws has been working with prosecutors, matrimonial lawyers, the federal Office of Child Support Enforcement, the U.S. Department of Health and Human Services, genetic testing laboratories, and other pertinent entities to draft legislation. The National Conference of Commissioners on Uniform State Laws drafted the Uniform Parentage Act (2000) for the 50 states to create a national uniform treatment of the parent-child relationship. H.B. 920 is based on the Uniform Parentage Act (2000) and sets forth provisions and modifications relating to the parent-child relationship.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the bureau of vital statistics of the Texas Department of Health and to the office of the attorney general in SECTION 1.01 (Section 160.314, Family Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

H.B. 920 amends the Family and Texas Probate codes to add the Uniform Parentage Act and repeal current provisions relating to the determination of parentage, the establishment of the parent-child relationship, and assisted conception. The bill repeals the use of specified vocabulary and when suitable, replaces a term with a more appropriate term.

#### **ARTICLE I. UNIFORM PARENTAGE ACT**

The bill amends the Family Code to set forth provisions relating to the establishment of the mother-child and father-child relationship (Sec. 160.201). The bill provides that a child born to parents who are not married to each other has the same rights under the law as a child born to parents who are married to each other (Sec. 160.202). The bill provides that if a man is married to the mother of a child before, during, or after the birth of the child and other specified regulations are fulfilled, then a presumption of paternity is established that may be rebutted only by adjudication under certain provisions (Sec. 160.204). The bill sets forth provisions relating to the acknowledgment and denial of paternity, and sets forth requirements, rules, and effects for the acknowledgment or denial (Secs. 160.301-160.305). The bill provides that filing fees are prohibited, and sets forth provisions relating to the rescission of an acknowledgment of paternity (Secs. 160.306-160.309). The bill bars ratification of an unchallenged acknowledgment of paternity and requires the acknowledgment or denial of paternity to be given full faith and credit (Secs. 160.310 and 160.311). The bill requires the bureau of vital statistics (bureau) of the Texas Department of Health to prescribe forms for the acknowledgment or denial of paternity and authorizes the bureau to release related information to the signatory and Title IV-D agencies (Secs. 160.312 and 160.313). The bill provides that the office of the attorney general, the state's designated Title IV-D agency, and the bureau adopt rules and a memorandum of understanding to implement voluntary acknowledgment of paternity (Secs. 160.314 and 160.315).

The bill sets forth a registry of paternity (registry) in the bureau and provides for the registration for notification by a man (registrant) who desires to be notified of a proceeding (Secs. 160.401-160.403 and 160.411). If the man alleged to be the father of a child does not timely register with the bureau and is not entitled to notice under other provisions, then his parental rights may be terminated without notice (Sec. 160.404). The bill requires the bureau to notify the registrant that the registration was not timely filed (Sec. 160.415). The bill sets forth provisions relating to the furnishing of information by the bureau, confidentiality, and the offense for the unauthorized release of information. While the bill requires the bureau to send a copy of the notice of registration to the mother of the concerned child, the bureau is not required to attempt to locate the mother who has not provided an address (Secs. 160.412 and 160.413). The bill sets forth provisions relating to the rescission of registration and prohibits the bureau from charging fees for filing or rescinding a registration (Secs. 160.414 and 160.416). The bill provides that a petitioner for the adoption of or the termination of parental rights must obtain a certificate of the results of a search of the paternity registry (certificate) from the appropriate state if:

- the father-child relationship has not been established; or
- the petitioner has reason to believe that the conception or birth of the child occurred in another state (Sec. 160.421).

The bill sets forth provisions relating to the certificate and the admissibility of the certificate in a proceeding regarding the adoption of or the termination of parental rights and other relevant legal proceedings (Secs. 160.422 and 160.423).

The bill sets forth provisions relating to genetic testing (testing) and provides for the order of testing, requirements for testing, report of the testing, testing results, rebuttal of those results, and costs of the testing (Secs. 160.501-160.506). The bill provides for additional genetic testing, testing when all individuals are not available, testing of a deceased individual, and testing of identical brothers (Secs. 160.507-160.510). The bill provides for the confidentiality of the testing and provides that the intentional release of an identifiable specimen for any purpose not relevant to the parentage proceeding is an offense (Sec. 160.511).

The bill authorizes a civil proceeding to adjudicate parentage and sets forth provisions relating to standing, necessary parties, personal jurisdiction, venue, and joinder of proceedings (Secs. 160.601-160.605 and 160.610). The bill sets forth time limitations for proceedings (Secs. 160.606, 160.607, and 160.609). The bill grants a court authority to deny a motion for testing and sets forth provisions relating to the admissibility of results of testing and consequences of declining genetic testing (Secs. 160.608, 160.621, and 160.622). The bill sets forth provisions relating to proceedings before birth and proper representation when a child is a party to the proceedings (Secs. 160.611 and 160.612). The bill sets forth the guidelines for a respondent in a proceeding to admit to the paternity of a child and if the court finds the admission meets the pertinent requirements, then the bill requires the court to render an order adjudicating the child to be the child of the man admitting paternity. The bill also requires the court, when appropriate, to render a temporary order for child support or a temporary order for the possession of or access to the child (Secs. 160.623 and 160.624). The bill requires the court to apply stipulated rules to adjudicate the paternity of the child. The bill also requires the court to adjudicate paternity without a jury (Secs. 160.631 and 160.632). The bill sets forth provisions relating to the inspection of records, order on default, dismissal for want of prosecution, orders adjudicating parentage and related costs and fees (Secs. 160.633-160.636). The bill provides for the binding effect of determination of parentage (Sec. 160.637).

The bill provides for a child of assisted reproduction and provides that a donor is not a parent of a child conceived by means of assisted reproduction (Secs. 160.701 and 160.702). The bill provides that

consent to assisted reproduction must be in a record signed by a married woman and her husband (Sec. 160.704). The bill provides that unless there are specific circumstances, a wife who gives birth to a child by means of assisted reproduction may not challenge a husband's paternity of the child (Sec. 160.705). The bill also provides that a husband who provides sperm for or consents to assisted reproduction by the wife is the father of a resulting child (Sec. 160.703). The bill provides for the effect of dissolution of marriage and the parental status of a deceased spouse (Secs. 160.706 and 160.707).

#### ARTICLE 2. CONFORMING AMENDMENTS

H.B. 920 amends the family code to make conforming changes where necessary.

#### ARTICLE 3. EFFECTIVE DATE AND TRANSITION

Effective date: upon passage or September 1, 2001.

Makes application of this Act prospective.