

CHAPTER 167

H.B. No. 757

AN ACT

relating to the parties entitled to citation in a suit affecting the parent-child relationship.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 11.09, Family Code, is amended by amending Subsections (a) and (b) and adding Subsection (f) to read as follows:

(a) Except as provided in Subsection (b) of this section, the following persons are entitled to service of citation on the filing of a petition in a suit affecting the parent-child relationship:

- (1) the managing conservator, if any;
- (2) possessory conservators, if any;
- (3) persons, if any, having access to the child under an order of the court;
- (4) persons, if any, required by law or by order of a court to provide for the support of a child;
- (5) the guardian of the person of the child, if any;
- (6) the guardian of the estate of the child, if any;
- (7) each parent as to whom the parent-child relationship has not been terminated or process has not been waived under Section 15.03(c)(2) of this code; *and*

(8) the alleged father or probable father, unless there is attached to the petition an affidavit of waiver of interest in a child executed by the alleged father or probable father as provided in Section 15.041 of this code, ~~or unless the petition states that the identity of the father is unknown; and~~

~~[(9) the attorney general, if the petition seeks to establish, modify, or enforce any support right assigned to the attorney general under Chapter 76, Human Resources Code].~~

(b) Service of citation may be given to any other person who has or who may assert an interest in the child and *shall* ~~[may]~~ be given to *an* ~~[the]~~ unknown father of a child who has no presumed father.

*(f) If the petition seeks to establish, modify, or enforce any support right assigned to the attorney general under Chapter 76, Human Resources Code, notice shall be given to the attorney general in a manner provided by Rule 21a, Texas Rules of Civil Procedure.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 7, 1993, by a non-record vote; passed by the Senate on May 6, 1993: Yeas 31, Nays 0.

Approved May 17, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.