

CHAPTER 519

S.B. No. 277

AN ACT

relating to reporting a finding of paternity to the State Registrar of Vital Statistics.

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

SECTION 1. Section 192.003, Health and Safety Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) On the birth of a child, the hospital, physician, midwife, or person acting as a midwife in attendance or their designee at a birth may:

(1) provide an opportunity for the child's mother and biological father to sign a form prescribed by the department in which the biological father consents to be named as the child's father on the child's birth certificate; and

(2) provide written information, including an application for child support services, furnished by the attorney general, to the mother regarding the benefits of having her child's paternity established and of the availability of paternity establishment services.

(e) The local registrar shall transmit signed consent forms to the state registrar.

(f) The state registrar shall transmit signed consent forms to the attorney general who may use such forms for any purpose directly connected with the provision of child support services pursuant to Chapter 76, Human Resources Code.

SECTION 2. Section 192.005, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) If the items relating to the child's father are not completed on a birth certificate filed with the state registrar, the state registrar shall notify the attorney general.

SECTION 3. Subchapter A, Chapter 192, Health and Safety Code, is amended by adding Section 192.0051 to read as follows:

Sec. 192.0051. CERTIFICATE OF PATERNITY. (a) A declaration of each determination of paternity in this state shall be filed with the state registrar.

(b) On a determination of paternity, the petitioner shall provide the clerk of the court in which the decree was granted with the information necessary to prepare the declaration. The clerk shall:

(1) prepare the declaration on a form provided by the department; and

(2) complete the declaration immediately after the decree becomes final.

(c) Not later than the 10th day of each month, the clerk of the court shall forward to the state registrar a declaration for each decree that became final in that court during the preceding month.

SECTION 4. Subchapter A, Chapter 13, Family Code, is amended by adding Section 13.015 to read as follows:

Sec. 13.015. ASSISTANCE OF ATTORNEY GENERAL. On notification by the state registrar under Section 192.005(d), Health and Safety Code, that the items relating to the child's father are not completed on a birth certificate filed with the state registrar, the attorney general may provide to:

(1) the child's mother and, if possible, the man claiming to be the child's biological father written information necessary for the man to complete a statement of paternity as provided by Section 13.22 of this code; and

(2) the child's mother written information:

(A) explaining the benefits of having the child's paternity established; and

(B) regarding the availability of paternity establishment and child support enforcement services.

SECTION 5. Section 13.22, Family Code, is amended by adding Subsection (f) to read as follows:

(f) The statement must include the social security number of the father.

SECTION 6. Section 13.43, Family Code, is amended to read as follows:

Sec. 13.43. BIRTH CERTIFICATE. *(a) A declaration of each determination of paternity decreed in this state shall be filed with the state registrar.*

(b) On a determination of paternity, the petitioner shall provide the clerk of the court in which the decree was granted with the information necessary to prepare the declaration. The clerk shall:

(1) prepare the declaration on a form provided by the Texas Department of Health; and

(2) complete the declaration immediately after the decree becomes final.

(c) Not later than the 10th day of each month, the clerk of the court shall forward to the state registrar a declaration for each decree that became final in that court during the preceding month [On a determination of paternity, the clerk of the court, unless directed otherwise by the court, shall transmit a copy of the decree to the State Registrar of Vital Statistics].

(d) The decree shall state the name of the child.

(e) The state registrar shall substitute for the original a new birth certificate based on the decree in accordance with the provisions of the laws which permit the correction or substitution of birth certificates for adopted children or children presumed to be the biological children by the subsequent marriage of their parents and in accordance with the rules adopted [and regulations promulgated] by the Texas Board [State Department] of Health.

(f) The new certificate may not show that the father and child relationship was established after the child's birth but may show the actual place and date of birth.

SECTION 7. This Act takes effect September 1, 1993.

SECTION 8. 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.

Passed the Senate on February 24, 1993, by a viva-voce vote; the Senate concurred in House amendments on May 25, 1993, by a viva-voce vote; passed the House, with amendments, on May 22, 1993, by a non-record vote.

Approved June 8, 1993.

Effective Sept. 1, 1993.