

CHAPTER 1063

S.B. No. 632

AN ACT

relating to blood testing and evidence of blood testing in paternity suits and to venue in such suits.

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

SECTION 1. Subsection (a), Section 13.02, Family Code, as amended, is amended to read as follows:

(a) When the respondent appears in a paternity suit, the court shall order the mother, alleged father, and child to submit to the taking of blood for the purpose of *blood testing*. *The court shall require in its order that the blood testing include a minimum of seven independent genetic systems tested and additional testing as necessary to ascertain the possibility of the alleged father's paternity and that at least 95 percent of the male population be excluded from the possibility of being the father of the child, except that the court shall permit the omission of any further blood testing if blood testing has been conducted sufficient to establish that the alleged father is not the father of the child, or if the costs of the blood testing have reached an amount that the court determines to be the greatest amount that may reasonably be borne by one or more parties to the suit [one or more blood tests].* If the appearance is before the birth of the child, the court shall order the taking of blood to be made as soon as medically practical after the birth.

SECTION 2. Subsection (c), Section 13.06, Family Code, is amended to read as follows:

(c) If the blood tests show the possibility of the alleged father's paternity, the court may admit this evidence if offered at the trial. *If the blood tests show the possibility of the alleged father's paternity and that at least 95 percent of the male population is excluded from the possibility of being the father, then evidence of these facts constitutes a prima facie showing of the alleged father's paternity, and the party opposing the establishment of the alleged father's paternity has the burden of proving that the alleged father is not the father of the child.*

SECTION 3. (a) Section 13.41, Family Code, is amended to read as follows:

Sec. 13.41. VENUE. (a) If the alleged father is not the petitioner, *venue for a suit under this chapter is [the suit shall be brought]* in the county where the alleged father resides, except that if the alleged father is not a resident or domiciliary of this state and jurisdiction is to be established as provided by Section 11.051 of this code, *venue for the suit is in the county [the suit shall be brought]* where the mother resides.

(b) If the alleged father is the petitioner, *venue for the suit is* ~~[the suit shall be brought]~~ in the county where the mother resides, except that if the mother is not a domiciliary of this state and jurisdiction is to be established as provided by Section 11.051 of this code, *venue for the suit is in the county* ~~[the suit shall be brought]~~ where the child resides.

(b) This Act does not change the law relating to the place where a suit to establish paternity may be brought, but only clarifies Section 13.41, Family Code, in accordance with the legislature's original intent that the section relate to venue and not jurisdiction for such a suit.

SECTION 4. 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 the Senate on April 24, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on May 29, 1987, by the following vote: Yeas 147, Nays 0, one present not voting.

Approved June 18, 1987.

Effective June 18, 1987.