

- SUBJECT:** Period for challenging acknowledgment of paternity executed by a minor
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 5 ayes — Dutton, Goodman, Castro, Nixon, Strama
0 nays
4 absent — Y. Davis, Dunnam, J. Moreno, Thompson
- WITNESSES:** For — Harry Tindall
Against — None
On — Alicia Key, Office of the Attorney General/Child Support Division
- BACKGROUND:** Under current law, a child’s mother and putative father may execute an acknowledgment of paternity, which is a legal finding of paternity equivalent to a judicial determination. The acknowledgement must be in writing and signed by the mother and putative father before or after the child’s birth. The acknowledgment can be signed by a minor.

A person who signs an acknowledgment, or denial, of paternity may rescind no later than 60 days after the date the acknowledgment or denial is filed with the Bureau of Vital Statistics. A suit to contest an acknowledgement or denial of paternity that is not filed within the 60-day period may be filed only on the basis of fraud, duress, or material mistake of fact and must be filed within four years after the date the acknowledgement or denial is filed. The party contesting the acknowledgement of paternity has the burden of proof at a hearing.
- DIGEST:** CSHB 209 would allow an individual who was a minor at the time of signing an acknowledgement or denial of paternity to file suit to contest the action on the basis of fraud, duress, or material mistake of fact within four years following the date of the individual’s 18th birthday or removal of disabilities of minority by court order, marriage, or other operation of law, whichever came first. This would apply to any proceeding in which the individual who was a minor at the time of signing the acknowledgment or denial wished to reverse his initial decision.

The bill would take effect on September 1, 2005, and would apply to an acknowledgement of paternity executed before, on, or after the effective date.

**SUPPORTERS
SAY:**

CSHB 209 would help to better protect the interests of minors by not starting the four-year time limit on challenging an acknowledgment or denial of paternity until the minor reached legal adulthood. This would allow the minor to have the same amount of time, while an adult, as other adults to contemplate and possibly challenge the decision of acknowledging or denying paternity.

A minor might not fully understand the consequences of signing an acknowledgment or denial of paternity. He might lack the mental and/or emotional capacity to make the decision, or might not take the time to consider the seriousness of the situation before signing the acknowledgment or denial. Because of the emotions surrounding a pregnancy, the minor might get caught up in the excitement of the pregnancy or accept the mother's claims about whether he was the father. Additionally, a minor might find the situation overwhelming and haphazardly make a decision concerning paternity just to end the ordeal. CSHB 209 would ensure that a minor had sufficient time as an adult to challenge an acknowledgment or denial of paternity.

The changes in the committee substitute would conform to a mandate in federal law that limits an individual's ability to rescind an acknowledgement of paternity to within 60 days of filing.

**OPPONENTS
SAY:**

If a minor is old enough to have sex and father a child, that minor also is old enough to take responsibility for his actions. Giving a man who may have fathered a child as a minor more time to contest his paternity decision as an adult would be unfair to the child involved who might have grown up believing the decision in the original filing for many years.

NOTES:

The original bill would have allowed a putative father who was a minor at the time of signing the acknowledgement or denial of paternity to file a suit to rescind the acknowledgment or denial no later than the earlier of 60 days after the date of the minor's 18th birthday or the removal of the

minor's disabilities of minority. The committee substitute would allow the putative father to make this decision within four years after becoming an adult.