

1 AN ACT  
2 relating to challenging an acknowledgment of paternity executed by  
3 a minor.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 160.308(a) and (c), Family Code, are  
6 amended to read as follows:

7 (a) After the period for rescission under Section 160.307  
8 has expired, a signatory of an acknowledgment of paternity or  
9 denial of paternity may commence a proceeding to challenge the  
10 acknowledgment or denial only on the basis of fraud, duress, or  
11 material mistake of fact. The proceeding must be commenced before  
12 the fourth anniversary of the date the acknowledgment or denial is  
13 filed with the bureau of vital statistics unless the signatory was a  
14 minor on the date the signatory executed the acknowledgment or  
15 denial. If the signatory was a minor on the date the signatory  
16 executed the acknowledgment or denial, the proceeding must be  
17 commenced before the earlier of the fourth anniversary of the date  
18 of:

- 19 (1) the signatory's 18th birthday; or  
20 (2) the removal of the signatory's disabilities of  
21 minority by court order, marriage, or by other operation of law.

22 (c) Notwithstanding any other provision of this chapter, a  
23 collateral attack on an acknowledgment of paternity signed under  
24 this chapter may not be maintained after the fourth anniversary of

1 the date the acknowledgment of paternity is filed with the bureau of  
2 vital statistics unless the signatory was a minor on the date the  
3 signatory executed the acknowledgment. If the signatory was a  
4 minor on the date the signatory executed the acknowledgment, a  
5 collateral attack on the acknowledgment of paternity may not be  
6 maintained after the earlier of the fourth anniversary of the date  
7 of:

8 (1) the signatory's 18th birthday; or

9 (2) the removal of the signatory's disabilities of  
10 minority by court order, marriage, or by other operation of law.

11 SECTION 2. The change in law made by this Act to Section  
12 160.308, Family Code, applies to an acknowledgment of paternity  
13 executed before, on, or after the effective date of this Act.

14 SECTION 3. This Act takes effect September 1, 2005.

David Swihart

President of the Senate

Jim Caskill

Speaker of the House

I certify that H.B. No. 209 was passed by the House on May 11, 2005, by a non-record vote.

Robert Hamey  
Chief Clerk of the House

I certify that H.B. No. 209 was passed by the Senate on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Latsy Spaw  
Secretary of the Senate

APPROVED: 17 JUNE '05

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:20 AM O'CLOCK

Roger Williams  
Secretary of State