

CHAPTER 1. GENERAL PROVISIONS

Subchapter A. Definitions

Sec. 1.001. Applicability Of Definitions.	1
Sec. 1.002. Court.	1
Sec. 1.003. Suit For Dissolution Of Marriage.	1

Subchapter B. Public Policy

Sec. 1.101. Every Marriage Presumed Valid.	1
Sec. 1.102. Most Recent Marriage Presumed Valid.	1
Sec. 1.103. Persons Married Elsewhere.	1
Sec. 1.104. Capacity Of Spouse.	1
Sec. 1.105. Joinder In Civil Suits.	1
Sec. 1.106. Criminal Conversation Not Authorized.	2
Sec. 1.107. Alienation Of Affection Not Authorized.	2
Sec. 1.108. Promise Or Agreement Must Be In Writing.	2

CHAPTER 2. THE MARRIAGE RELATIONSHIP

Subchapter A. Application For Marriage License

Sec. 2.001. Marriage License.	2
Sec. 2.002. Application For License.	2
Sec. 2.003. Application For License By Minor.	2
Sec. 2.004. Application Form.	2
Sec. 2.005. Proof Of Identity And Age.	3
Sec. 2.006. Absent Applicant.	4
Sec. 2.007. Affidavit Of Absent Applicant.	5
Sec. 2.0071. Maintenance Of Records By Clerk Relating To License For Absent Applicant.	5
Sec. 2.008. Execution Of Application By Clerk.	5
Sec. 2.009. Issuance Of License.	6
Sec. 2.010. Aids Information; Posting On Internet.	6
Sec. 2.012. Violation By County Clerk; Penalty.	7
Sec. 2.013. Premarital Education Courses.	7
Sec. 2.014. Family Trust Fund.	7

Subchapter B. Underage Applicants

Sec. 2.101. General Age Requirement.	8
Sec. 2.102. Parental Consent For Underage Applicant.	8
Sec. 2.103. Court Order For Underage Applicant.	9

Subchapter C. Ceremony And Return Of License

Sec. 2.201. Expiration Of License.	9
Sec. 2.202. Persons Authorized To Conduct Ceremony.	9
Sec. 2.203. Ceremony.	10
Sec. 2.204. 72-Hour Waiting Period; Exceptions.	10
Sec. 2.205. Discrimination In Conducting Marriage Prohibited.	10
Sec. 2.206. Return Of License; Penalty.	11
Sec. 2.207. Marriage Conducted After License Expired; Penalty.	11

Sec. 2.208. Recording And Delivery Of License	11
Sec. 2.209. Duplicate License.	11

Subchapter D. Validity Of Marriage

Sec. 2.301. Fraud, Mistake, Or Illegality In Obtaining License.....	11
Sec. 2.302. Ceremony Conducted By Unauthorized Person.	11

Subchapter E. Marriage Without Formalities

Sec. 2.401. Proof Of Informal Marriage.....	12
Sec. 2.402. Declaration And Registration Of Informal Marriage.	12
Sec. 2.403. Proof Of Identity And Age; Offense.....	13
Sec. 2.404. Recording Of Certificate Or Declaration Of Informal Marriage.....	13
Sec. 2.405. Violation By County Clerk; Penalty.....	13

Subchapter F. Rights And Duties Of Spouses

Sec. 2.501. Duty To Support.....	14
----------------------------------	----

CHAPTER 6. SUIT FOR DISSOLUTION OF MARRIAGE

Subchapter A. Grounds For Divorce And Defenses

Sec. 6.001. Insupportability.....	14
Sec. 6.002. Cruelty.....	14
Sec. 6.003. Adultery.....	14
Sec. 6.004. Conviction Of Felony.....	14
Sec. 6.005. Abandonment.....	14
Sec. 6.006. Living Apart.....	14
Sec. 6.007. Confinement In Mental Hospital.....	15
Sec. 6.008. Defenses.....	15

Subchapter B. Grounds For Annulment

Sec. 6.102. Annulment Of Marriage Of Person Under Age 18.....	15
Sec. 6.103. Underage Annulment Barred By Adulthood.....	15
Sec. 6.104. Discretionary Annulment Of Underage Marriage.....	15
Sec. 6.105. Under Influence Of Alcohol Or Narcotics.....	15
Sec. 6.106. Impotency.....	16
Sec. 6.107. Fraud, Duress, Or Force.....	16
Sec. 6.108. Mental Incapacity.....	16
Sec. 6.109. Concealed Divorce.....	16
Sec. 6.110. Marriage Less Than 72 Hours After Issuance Of License.....	16
Sec. 6.111. Death Of Party To Voidable Marriage.....	17

Subchapter C. Declaring A Marriage Void

Sec. 6.201. Consanguinity.....	17
Sec. 6.202. Marriage During Existence Of Prior Marriage.....	17
Sec. 6.203. Certain Void Marriages Validated.....	17
Sec. 6.204. Recognition Of Same-Sex Marriage Or Civil Union.....	17
Sec. 6.205. Marriage To Minor.....	17
Sec. 6.206. Marriage To Stepchild Or Stepparent.....	17

Subchapter D. Jurisdiction, Venue, And Residence Qualifications

Sec. 6.301. General Residency Rule For Divorce Suit.18
Sec. 6.302. Suit For Divorce By Nonresident Spouse.18
Sec. 6.303. Absence On Public Service.....18
Sec. 6.304. Armed Forces Personnel Not Previously Residents.18
Sec. 6.305. Acquiring Jurisdiction Over Nonresident Respondent.....18
Sec. 6.306. Jurisdiction To Annul Marriage.....18
Sec. 6.307. Jurisdiction To Declare Marriage Void.19
Sec. 6.308. Exercising Partial Jurisdiction.19

Subchapter E. Filing Suit

Sec. 6.406. Mandatory Joinder Of Suit Affecting Parent-Child Relationship.....19
Sec. 6.407. Transfer Of Suit Affecting Parent-Child Relationship To Divorce Court.19

Subchapter H. Trial And Appeal

Sec. 6.701. Failure To Answer.....20
Sec. 6.702. Waiting Period.....20
Sec. 6.710. Notice Of Final Decree.....20

Subchapter I. Remarriage

Sec. 6.801. Remarriage.....20
Sec. 6.802. Waiver Of Prohibition Against Remarriage.20

CHAPTER 160. UNIFORM PARENTAGE ACT

Subchapter A. Application and Construction

Sec. 160.001. Application and Construction.....21
Sec. 160.002. Conflicts Between Provisions.....21

Subchapter B. General Provisions

Sec. 160.101. Short Title.....21
Sec. 160.102. Definitions.....21
Sec. 160.103. Scope Of Chapter; Choice Of Law.....22
Sec. 160.104. Authorized Courts.....22
Sec. 160.105. Protection Of Participants.23
Sec. 160.106. Determination Of Maternity.....23

Subchapter C. Parent-Child Relationship

Sec. 160.201. Establishment Of Parent-Child Relationship.....23
Sec. 160.202. No Discrimination Based On Marital Status.23
Sec. 160.203. Consequences Of Establishment Of Parentage.23
Sec. 160.204. Presumption Of Paternity.....23

Subchapter D. Voluntary Acknowledgment Of Paternity

Sec. 160.301. Acknowledgment Of Paternity.24
Sec. 160.302. Execution Of Acknowledgment Of Paternity.....24
Sec. 160.303. Denial Of Paternity.....25

Sec. 160.304. Rules For Acknowledgment And Denial Of Paternity.....	25
Sec. 160.305. Effect Of Acknowledgment Or Denial Of Paternity.....	25
Sec. 160.306. Filing Fee Not Required.	25
Sec. 160.307. Procedures for Rescission.	25
Sec. 160.308. Challenge After Expiration Of Period For Rescission.	26
Sec. 160.309. Procedure For Rescission Or Challenge.....	26
Sec. 160.310. Ratification Barred.	27
Sec. 160.311. Full Faith And Credit.....	27
Sec. 160.312. Forms.....	27
Sec. 160.313. Release Of Information.....	27
Sec. 160.314. Adoption Of Rules.....	27
Sec. 160.315. Memorandum Of Understanding.....	27

Subchapter E. Registry Of Paternity

Sec. 160.401. Establishment Of Registry.	28
Sec. 160.402. Registration For Notification.....	28
Sec. 160.403. Notice Of Proceeding.	28
Sec. 160.404. Termination Of Parental Rights: Failure To Register.....	28
Sec. 160.411. Required Form.	28
Sec. 160.412. Furnishing Of Information; Confidentiality.	29
Sec. 160.413. Offense: Unauthorized Release Of Information.....	29
Sec. 160.414. Rescission Of Registration.	29
Sec. 160.415. Untimely Registration.....	29
Sec. 160.416. Fees For Registry.....	29
Sec. 160.421. Search Of Appropriate Registry.	29
Sec. 160.422. Certificate Of Search Of Registry.....	30
Sec. 160.423. Admissibility Of Certificate.....	30

Subchapter F. Genetic Testing

Sec. 160.501. Application Of Subchapter.	30
Sec. 160.502. Order For Testing.	30
Sec. 160.503. Requirements For Genetic Testing.....	30
Sec. 160.504. Report Of Genetic Testing.	31
Sec. 160.505. Genetic Testing Results; Rebuttal.....	31
Sec. 160.506. Costs Of Genetic Testing.....	32
Sec. 160.507. Additional Genetic Testing.....	32
Sec. 160.508. Genetic Testing When All Individuals Not Available.....	32
Sec. 160.509. Deceased Individual.	32
Sec. 160.510. Identical Brothers.....	32
Sec. 160.511. Offense: Unauthorized Release Of Specimen.....	32
Sec. 160.512. Offense: Falsification Of Specimen.....	33

Subchapter G. Proceeding To Adjudicate Parentage

Sec. 160.601. Proceeding Authorized; Rules Of Procedure.....	33
Sec. 160.602. Standing To Maintain Proceeding.....	33
Sec. 160.603. Necessary Parties To Proceeding.....	33
Sec. 160.604. Personal Jurisdiction.	33
Sec. 160.605. Venue.	34

Sec. 160.606. No Time Limitation: Child Having No Presumed, Acknowledged, Or Adjudicated Father.	34
Sec. 160.607. Time Limitation: Child Having Presumed Father.	34
Sec. 160.608. Authority To Deny Motion For Genetic Testing.	34
Sec. 160.609. Time Limitation: Child Having Acknowledged Or Adjudicated Father.	35
Sec. 160.610. Joinder Of Proceedings.	35
Sec. 160.611. Proceedings Before Birth.	35
Sec. 160.612. Child As Party; Representation.	35
Sec. 160.621. Admissibility Of Results Of Genetic Testing; Expenses.	35
Sec. 160.622. Consequences Of Declining Genetic Testing.	36
Sec. 160.623. Admission Of Paternity Authorized.	36
Sec. 160.624. Temporary Order.	36
Sec. 160.631. Rules For Adjudication Of Paternity.	37
Sec. 160.632. Jury Prohibited.	37
Sec. 160.633. Hearings; Inspection Of Records.	37
Sec. 160.634. Order On Default.	37
Sec. 160.635. Dismissal For Want Of Prosecution.	37
Sec. 160.636. Order Adjudicating Parentage; Costs.	37
Sec. 160.637. Binding Effect Of Determination Of Parentage.	38

Subchapter H. Child Of Assisted Reproduction

Sec. 160.701. Scope Of Subchapter.	39
Sec. 160.702. Parental Status Of Donor.	39
Sec. 160.703. Husband's Paternity Of Child Of Assisted Reproduction.	39
Sec. 160.7031. Unmarried Man's Paternity Of Child Of Assisted Reproduction.	39
Sec. 160.704. Consent To Assisted Reproduction.	39
Sec. 160.705. Limitation On Husband's Dispute Of Paternity.	39
Sec. 160.706. Effect Of Dissolution Of Marriage.	40
Sec. 160.707. Parental Status Of Deceased Spouse.	40

Subchapter I. Gestational Agreements

Sec. 160.751. Definition.	40
Sec. 160.752. Scope Of Subchapter; Choice Of Law.	40
Sec. 160.753. Establishment Of Parent-Child Relationship.	40
Sec. 160.754. Gestational Agreement Authorized.	41
Sec. 160.755. Petition To Validate Gestational Agreement.	41
Sec. 160.756. Hearing To Validate Gestational Agreement.	42
Sec. 160.757. Inspection Of Records.	42
Sec. 160.758. Continuing, Exclusive Jurisdiction.	42
Sec. 160.759. Termination Of Gestational Agreement.	42
Sec. 160.760. Parentage Under Validated Gestational Agreement.	43
Sec. 160.761. Effect Of Gestational Mother's Marriage After Validation Of Agreement.	43
Sec. 160.762. Effect Of Gestational Agreement That Is Not Validated.	43
Sec. 160.763. Health Care Facility Reporting Requirement.	43

CHAPTER 262. GENERAL PROVISIONS

Subchapter D. Emergency Possession Of Certain Abandoned Children

Sec. 262.302. Accepting Possession Of Certain Abandoned Children.	44
--	----

Subchapter A. Definitions

Sec. 1.001. Applicability Of Definitions

- (a) The definitions in this subchapter apply to this title.
- (b) Except as provided by this subchapter, the definitions in Chapter 101 apply to terms used in this title.
- (c) If, in another part of this title, a term defined by this subchapter has a meaning different from the meaning provided by this subchapter, the meaning of that other provision prevails.

Sec. 1.002. Court

"Court" means the district court, juvenile court having the jurisdiction of a district court, or other court expressly given jurisdiction of a suit under this title.

Sec. 1.003. Suit For Dissolution Of Marriage

"Suit for dissolution of a marriage" includes a suit for divorce or annulment or to declare a marriage void.

Subchapter B. Public Policy

Sec. 1.101. Every Marriage Presumed Valid

In order to promote the public health and welfare and to provide the necessary records, this code specifies detailed rules to be followed in establishing the marriage relationship. However, in order to provide stability for those entering into the marriage relationship in good faith and to provide for an orderly determination of parentage and security for the children of the relationship, it is the policy of this state to preserve and uphold each marriage against claims of invalidity unless a strong reason exists for holding the marriage void or voidable. Therefore, every marriage entered into in this state is presumed to be valid unless expressly made void by Chapter 6 or unless expressly made voidable by Chapter 6 and annulled as provided by that chapter.

Sec. 1.102. Most Recent Marriage Presumed Valid

When two or more marriages of a person to different spouses are alleged, the most recent marriage is presumed to be valid as against each marriage that precedes the most recent marriage until one who asserts the validity of a prior marriage proves the validity of the prior marriage.

Sec. 1.103. Persons Married Elsewhere

The law of this state applies to persons married elsewhere who are domiciled in this state.

Sec. 1.104. Capacity Of Spouse

Except as expressly provided by statute or by the constitution, a person, regardless of age, who has been married in accordance with the law of this state has the capacity and power of an adult, including the capacity to contract.

Sec. 1.105. Joinder In Civil Suits

- (a) A spouse may sue and be sued without the joinder of the other spouse.
- (b) When claims or liabilities are joint and several, the spouses may be joined under the rules relating to joinder of parties generally.

Sec. 1.106. Criminal Conversation Not Authorized

A right of action by one spouse against a third party for criminal conversation is not authorized in this state.

Sec. 1.107. Alienation Of Affection Not Authorized

A right of action by one spouse against a third party for alienation of affection is not authorized in this state.

Sec. 1.108. Promise Or Agreement Must Be In Writing

A promise or agreement made on consideration of marriage or nonmarital conjugal cohabitation is not enforceable unless the promise or agreement or a memorandum of the promise or agreement is in writing and signed by the person obligated by the promise or agreement.

CHAPTER 2. THE MARRIAGE RELATIONSHIP

Subchapter A. Application For Marriage License

Sec. 2.001. Marriage License

- (a) A man and a woman desiring to enter into a ceremonial marriage must obtain a marriage license from the county clerk of any county of this state.
- (b) A license may not be issued for the marriage of persons of the same sex.

Sec. 2.002. Application For License

Except as provided by Section 2.006, each person applying for a license must:

- (1) appear before the county clerk;
- (2) submit the person's proof of identity and age as provided by Section 2.005(b);
- (3) provide the information applicable to that person for which spaces are provided in the application for a marriage license;
- (4) mark the appropriate boxes provided in the application; and
- (5) take the oath printed on the application and sign the application before the county clerk.

Sec. 2.003. Application For License By Minor

In addition to the other requirements provided by this chapter, a person under 18 years of age applying for a license must provide to the county clerk:

- (1) documents establishing, as provided by Section 2.102, parental consent for the person to the marriage;
- (2) documents establishing that a prior marriage of the person has been dissolved; or
- (3) a court order granted under Section 2.103 authorizing the marriage of the person.

Sec. 2.004. Application Form

- (a) The county clerk shall furnish the application form as prescribed by the bureau of vital statistics.
- (b) The application form must contain:
 - (1) a heading entitled "Application for Marriage License, _____ County, Texas";
 - (2) spaces for each applicant's full name, including the woman's maiden surname, address, social security number, if any, date of birth, and place of birth, including city, county, and state;
 - (3) a space for indicating the document tendered by each applicant as proof of identity and age;

- (4) spaces for indicating whether each applicant has been divorced within the last 30 days;
 - (5) printed boxes for each applicant to check "true" or "false" in response to the following statement: "I am not presently married and the other applicant is not presently married.";
 - (6) printed boxes for each applicant to check "true" or "false" in response to the following statement: "The other applicant is not related to me as:
 - (A) an ancestor or descendant, by blood or adoption;
 - (B) a brother or sister, of the whole or half blood or by adoption;
 - (C) a parent's brother or sister, of the whole or half blood or by adoption;
 - (D) a son or daughter of a brother or sister, of the whole or half blood or by adoption;
 - (E) a current or former stepchild or stepparent; or
 - (F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption.";
 - (7) printed boxes for each applicant to check "true" or "false" in response to the following statement: "I am not presently delinquent in the payment of court-ordered child support.";
 - (8) a printed oath reading: "I SOLEMNLY SWEAR (OR AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS CORRECT.";
 - (9) spaces immediately below the printed oath for the applicants' signatures;
 - (10) a certificate of the county clerk that:
 - (A) each applicant made the oath and the date and place that it was made; or
 - (B) an applicant did not appear personally but the prerequisites for the license have been fulfilled as provided by this chapter;
 - (11) spaces for indicating the date of the marriage and the county in which the marriage is performed; and
 - (12) a space for the address to which the applicants desire the completed license to be mailed.
 - (13) a printed box for each applicant to check indicating that the applicant wishes to make a voluntary contribution of \$5 to promote healthy early childhood by supporting the Texas Home Visiting Program administered by the Office of Early Childhood Coordination of the Health and Human Services Commission.
- (c) An applicant commits an offense if the applicant knowingly provides false information under Subsection (b)(1), (2), (3), or (4). An offense under this subsection is a Class C misdemeanor.
- (d) An applicant commits an offense if the applicant knowingly provides false information under Subsection (b)(5) or (6). An offense under this subsection is a Class A misdemeanor.

Sec. 2.005. Proof Of Identity And Age

- (a) The county clerk shall require proof of the identity and age of each applicant.
- (b) The proof must be established by:
 - (1) a driver's license or identification card issued by this state, another state, or a Canadian province that is current or has expired not more than two years preceding the date the identification is submitted to the county clerk in connection with an application for a license;
 - (2) a United States passport;
 - (3) a current passport issued by a foreign country or a consular document issued by a state or national government;
 - (4) an unexpired Certificate of United States Citizenship, Certificate of Naturalization, United States Citizen Identification Card, Permanent Resident Card, Temporary Resident Card, Employment Authorization Card, or other document issued by the federal Department of

- Homeland Security or the United States Department of State including an identification photograph;
- (5) an unexpired military identification card for active duty, reserve, or retired personnel with an identification photograph;
 - (6) an original or certified copy of a birth certificate issued by a bureau of vital statistics for a state or a foreign government;
 - (7) an original or certified copy of a Consular Report of Birth Abroad or Certificate of Birth Abroad issued by the United States Department of State;
 - (8) an original or certified copy of a court order relating to the applicant's name change or sex change;
 - (9) school records from a secondary school or institution of higher education;
 - (10) an insurance policy continuously valid for the two years preceding the date of the application for a license;
 - (11) a motor vehicle certificate of title;
 - (12) military records, including documentation of release or discharge from active duty or a draft record;
 - (13) an unexpired military dependent identification card;
 - (14) an original or certified copy of the applicant's marriage license or divorce decree;
 - (15) a voter registration certificate;
 - (16) a pilot's license issued by the Federal Aviation Administration or another authorized agency of the United States;
 - (17) a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;
 - (18) a temporary driving permit or a temporary identification card issued by the Department of Public Safety; or
 - (19) an offender identification card issued by the Texas Department of Criminal Justice.
- (c) A person commits an offense if the person knowingly provides false, fraudulent, or otherwise inaccurate proof of an applicant's identity or age under this section. An offense under this subsection is a Class A misdemeanor.

Sec. 2.006. Absent Applicant

- (a) If an applicant is unable to appear personally before the county clerk to apply for a marriage license, any adult person or the other applicant may apply on behalf of the absent applicant.
- (b) The person applying on behalf of an absent applicant shall provide to the clerk:
 - (1) notwithstanding Section 132.001, Civil Practice and Remedies Code, the notarized affidavit of the absent applicant as provided by this subchapter;
 - (2) proof of the identity and age of the absent applicant under Section 2.005(b); and
 - (3) if required because the absent applicant is a person under 18 years of age, documents establishing that a prior marriage has been dissolved, a court order authorizing the marriage of the absent, underage applicant, or documents establishing consent by a parent or a person who has legal authority to consent to the marriage, including:
 - (A) proof of identity of the parent or person with legal authority to consent to the marriage under Section 2.005(b); and
 - (B) proof that the parent or person has the legal authority to consent to the marriage for the applicant under rules adopted under Section 2.102(j).
- (c) Notwithstanding Subsection (a), the clerk may not issue a marriage license for which both applicants are absent unless the person applying on behalf of each absent applicant provides to the clerk an affidavit of the applicant declaring that the applicant is a member of the armed forces of the United States stationed in another country in support of combat or another military operation.

Sec. 2.007. Affidavit Of Absent Applicant

The affidavit of an absent applicant must include:

- (1) the absent applicant's full name, including the maiden surname of a female applicant, address, date of birth, place of birth, including city, county, and state, citizenship, and social security number, if any;
- (2) a declaration that the absent applicant has not been divorced within the last 30 days;
- (3) a declaration that the absent applicant is:
 - (A) not presently married; or
 - (B) married to the other applicant and they wish to marry again;
- (4) a declaration that the other applicant is not presently married and is not related to the absent applicant as:
 - (A) an ancestor or descendant, by blood or adoption;
 - (B) a brother or sister, of the whole or half blood or by adoption;
 - (C) a parent's brother or sister, of the whole or half blood or by adoption;
 - (D) a son or daughter of a brother or sister, of the whole or half blood or by adoption;
 - (E) a current or former stepchild or stepparent; or
 - (F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption;
- (5) a declaration that the absent applicant desires to marry and the name, age, and address of the person to whom the absent applicant desires to be married;
- (6) the approximate date on which the marriage is to occur;
- (7) the reason the absent applicant is unable to appear personally before the county clerk for the issuance of the license; and
- (8) the appointment of any adult, other than the other applicant, to act as proxy for the purpose of participating in the ceremony, if the absent applicant is:
 - (A) a member of the armed forces of the United States stationed in another country in support of combat or another military operation; and
 - (B) unable to attend the ceremony.

Sec. 2.0071. Maintenance Of Records By Clerk Relating To License For Absent Applicant

A county clerk who issues a marriage license for an absent applicant shall maintain the affidavit of the absent applicant and the application for the marriage license in the same manner that the clerk maintains an application for a marriage license submitted by two applicants in person.

Sec. 2.008. Execution Of Application By Clerk

- (a) The county clerk shall:
 - (1) determine that all necessary information, other than the date of the marriage ceremony, the county in which the ceremony is conducted, and the name of the person who performs the ceremony, is recorded on the application and that all necessary documents are submitted;
 - (2) administer the oath to each applicant appearing before the clerk;
 - (3) have each applicant appearing before the clerk sign the application in the clerk's presence; and
 - (4) execute the clerk's certificate on the application.
- (b) A person appearing before the clerk on behalf of an absent applicant is not required to take the oath on behalf of the absent applicant.

Sec. 2.009. Issuance Of License

- (a) Except as provided by Subsections (b) and (d), the county clerk may not issue a license if either applicant:
 - (1) fails to provide the information required by this subchapter;
 - (2) fails to submit proof of age and identity;
 - (3) is under 16 years of age and has not been granted a court order as provided by Section 2.103;
 - (4) is 16 years of age or older but under 18 years of age and has not presented at least one of the following:
 - (A) parental consent as provided by Section 2.102;
 - (B) documents establishing that a prior marriage of the applicant has been dissolved; or
 - (C) a court order as provided by Section 2.103;
 - (5) checks "false" in response to a statement in the application, except as provided by Subsection (b) or (d), or fails to make a required declaration in an affidavit required of an absent applicant; or
 - (6) indicates that the applicant has been divorced within the last 30 days, unless:
 - (A) the applicants were divorced from each other; or
 - (B) the prohibition against remarriage is waived as provided by Section 6.802.
- (b) If an applicant checks "false" in response to the statement "I am not presently married and the other applicant is not presently married," the county clerk shall inquire as to whether the applicant is presently married to the other applicant. If the applicant states that the applicant is currently married to the other applicant, the county clerk shall record that statement on the license before the administration of the oath. The county clerk may not refuse to issue a license on the ground that the applicants are already married to each other.
- (c) On the proper execution of the application, the clerk shall:
 - (1) prepare the license;
 - (2) enter on the license the names of the licensees, the date that the license is issued, and, if applicable, the name of the person appointed to act as proxy for an absent applicant, if any;
 - (3) record the time at which the license was issued;
 - (4) distribute to each applicant written notice of the online location of the information prepared under Section 2.010 regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) and note on the license that the distribution was made; and
 - (5) inform each applicant:
 - (A) that a premarital education handbook developed by the child support division of the office of the attorney general under Section 2.014 is available on the child support division's Internet website; or
 - (B) if the applicant does not have Internet access, how the applicant may obtain a paper copy of the handbook described by Paragraph (A).
- (d) The county clerk may not refuse to issue a license to an applicant on the ground that the applicant checked "false" in response to the statement "I am not presently delinquent in the payment of court-ordered child support."

Sec. 2.010. Aids Information; Posting On Internet

The Department of State Health Services shall prepare and make available to the public on its Internet website information about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV). The information must be designed to inform the applicants about:

- (1) the incidence and mode of transmission of AIDS and HIV;
- (2) the local availability of medical procedures, including voluntary testing, designed to show or help show whether a person has AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and
- (3) available and appropriate counseling services regarding AIDS and HIV infection.

Sec. 2.012. Violation By County Clerk; Penalty

A county clerk or deputy county clerk who violates or fails to comply with this subchapter commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

Sec. 2.013. Premarital Education Courses

- (a) Each person applying for a marriage license is encouraged to attend a premarital education course of at least eight hours during the year preceding the date of the application for the license.
- (b) A premarital education course must include instruction in:
 - (1) conflict management;
 - (2) communication skills; and
 - (3) the key components of a successful marriage.
- (c) A course under this section should be offered by instructors trained in a skills-based and research-based marriage preparation curricula. The following individuals and organizations may provide courses:
 - (1) marriage educators;
 - (2) clergy or their designees;
 - (3) licensed mental health professionals;
 - (4) faith-based organizations; and
 - (5) community-based organizations.
- (d) The curricula of a premarital education course must meet the requirements of this section and provide the skills-based and research-based curricula of:
 - (1) the United States Department of Health and Human Services healthy marriage initiative;
 - (2) the National Healthy Marriage Resource Center;
 - (3) criteria developed by the Health and Human Services Commission; or
 - (4) other similar resources.
- (e) The Health and Human Services Commission shall maintain an Internet website on which individuals and organizations described by Subsection (c) may electronically register with the commission to indicate the skills-based and research-based curriculum in which the registrant is trained.
- (f) A person who provides a premarital education course shall provide a signed and dated completion certificate to each individual who completes the course. The certificate must include the name of the course, the name of the course provider, and the completion date.

Sec. 2.014. Family Trust Fund

- (a) The family trust fund is created as a trust fund with the state comptroller and shall be administered by the attorney general for the beneficiaries of the fund.
- (b) Money in the trust fund is derived from depositing \$3 of each marriage license fee as authorized under Section 118.018(c), Local Government Code, and may be used only for:
 - (1) the development of a premarital education handbook;
 - (2) grants to institutions of higher education having academic departments that are capable of research on marriage and divorce that will assist in determining programs, courses, and policies to help strengthen families and assist children whose parents are divorcing;
 - (3) support for counties to create or administer free or low-cost premarital education courses;
 - (4) programs intended to reduce the amount of delinquent child support; and
 - (5) other programs the attorney general determines will assist families in this state.
- (c) The premarital education handbook under Subsection (b)(1) shall be made available to each applicant for a marriage license as provided by Section 2.009(c)(5) and shall contain information on:
 - (1) conflict management;
 - (2) communication skills;
 - (3) children and parenting responsibilities; and
 - (4) financial responsibilities.

- (d) The attorney general shall appoint an advisory committee to assist in the development of the premarital education handbook. The advisory committee shall consist of nine members, including at least three members who are eligible under Section 2.013(d) to provide a premarital education course. A member of the advisory committee is not entitled to reimbursement of the member's expenses.

Subchapter B. Underage Applicants

Sec. 2.101. General Age Requirement

Except as otherwise provided by this subchapter or on a showing that a prior marriage has been dissolved, a county clerk may not issue a marriage license if either applicant is under 18 years of age.

Sec. 2.102. Parental Consent For Underage Applicant

- (a) If an applicant is 16 years of age or older but under 18 years of age, the county clerk shall issue the license if parental consent is given as provided by this section.
- (b) Parental consent must be evidenced by a written declaration on a form supplied by the county clerk in which the person consents to the marriage and swears that the person is a parent (if there is no person who has the court-ordered right to consent to marriage for the applicant) or a person who has the court-ordered right to consent to marriage for the applicant (whether an individual, authorized agency, or court).
- (c) Except as otherwise provided by this section, consent must be acknowledged before a county clerk.
- (d) If the person giving parental consent resides in another state, the consent may be acknowledged before an officer authorized to issue marriage licenses in that state.
- (e) If the person giving parental consent is unable because of illness or incapacity to comply with the provisions of Subsection (c) or (d), the consent may be acknowledged before any officer authorized to take acknowledgments. A consent under this subsection must be accompanied by a physician's affidavit stating that the person giving parental consent is unable to comply because of illness or incapacity.
- (f) Parental consent must be given at the time the application for the marriage license is made or not earlier than the 30th day preceding the date the application is made.
- (g) A person commits an offense if the person knowingly provides parental consent for an underage applicant under this section and the person is not a parent or a person who has the court-ordered right to consent to marriage for the applicant. An offense under this subsection is a Class A misdemeanor.
- (h) A parent or a person who has the court-ordered right to consent to marriage for the applicant commits an offense if the parent or other person knowingly provides parental consent under this section for an applicant who is younger than 16 years of age or who is presently married to a person other than the person the applicant desires to marry. An offense under this subsection is a felony of the third degree.
- (i) A parent or person who has the legal authority to consent to marriage for an underage applicant who gives consent under this section shall provide:
 - (1) proof of the parent's or person's identity under Section 2.005(b); and
 - (2) proof that the parent or person has the legal authority to consent to marriage for the applicant under rules adopted under Subsection (j).
- (j) The executive commissioner of the Health and Human Services Commission shall adopt rules detailing acceptable proof of the legal authority to consent to the marriage of an underage applicant. In adopting rules, the executive commissioner shall ensure that the rules:
 - (1) adequately protect against fraud; and
 - (2) do not create an undue burden on any class of person legally entitled to consent to the marriage of an underage applicant.

Sec. 2.103. Court Order For Underage Applicant

- (a) A minor may petition the court in the minor's own name for an order granting permission to marry. In a suit under this section, the trial judge may advance the suit if the best interest of the applicant would be served by an early hearing.
- (b) The petition must be filed in the county where a parent resides if a court has not awarded another person the right to consent to marriage for the minor. If a court has awarded another person the right to consent to marriage for the minor, the petition must be filed in the county where that person resides. If no parent or person who has the court-ordered right to consent to marriage for the minor resides in this state, the petition must be filed in the county where the minor lives.
- (c) The petition must include:
 - (1) a statement of the reasons the minor desires to marry;
 - (2) a statement of whether each parent is living or is dead;
 - (3) the name and residence address of each living parent; and
 - (4) a statement of whether a court has awarded to a person other than a parent of the minor the right to consent to marriage for the minor.
- (d) Process shall be served as in other civil cases on each living parent of the minor or on a person who has the court-ordered right to consent to marriage for the minor, as applicable. Citation may be given by publication as in other civil cases, except that notice shall be published one time only.
- (e) The court shall appoint an amicus attorney or an attorney ad litem to represent the minor in the proceeding. The court shall specify a fee to be paid by the minor for the services of the amicus attorney or attorney ad litem. The fee shall be collected in the same manner as other costs of the proceeding.
- (f) If after a hearing the court, sitting without a jury, believes marriage to be in the best interest of the minor, the court, by order, shall grant the minor permission to marry.

Subchapter C. Ceremony And Return Of License

Sec. 2.201. Expiration Of License

If a marriage ceremony has not been conducted before the 90th day after the date the license is issued, the marriage license expires.

Sec. 2.202. Persons Authorized To Conduct Ceremony

- (a) The following persons are authorized to conduct a marriage ceremony:
 - (1) a licensed or ordained Christian minister or priest;
 - (2) a Jewish rabbi;
 - (3) a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony;
 - (4) a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, retired judge of a municipal court, or judge or magistrate of a federal court of this state; and
 - (5) a retired judge or magistrate of a federal court of this state.
- (b) For the purposes of Subsection (a) (4), a retired judge or justice is a former judge or justice who is vested in the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two or who has an aggregate of at least 12 years of service as judge or justice of any type listed in Subsection (a)(4).

- (b-1) For the purposes of Subsection (a)(5), a retired judge or magistrate is a former judge or magistrate of a federal court of this state who is fully vested in the Federal Employees Retirement System under 28 U.S.C. Section 371 or 377.
- (c) Except as provided by Subsection (d), a person commits an offense if the person knowingly conducts a marriage ceremony without authorization under this section. An offense under this subsection is a Class A misdemeanor.
- (d) A person commits an offense if the person knowingly conducts a marriage ceremony of a minor whose marriage is prohibited by law or of a person who by marrying commits an offense under Section 25.01, Penal Code. An offense under this subsection is a felony of the third degree.

Sec. 2.203. Ceremony

- (a) On receiving an unexpired marriage license, an authorized person may conduct the marriage ceremony as provided by this subchapter.
- (b) A person may assent to marriage by the appearance of a proxy appointed in the affidavit authorized by Subchapter A if the person is:
 - (1) a member of the armed forces of the United States stationed in another country in support of combat or another military operation; and
 - (2) unable to attend the ceremony.

Sec. 2.204. 72-Hour Waiting Period; Exceptions

- (a) Except as provided by this section, a marriage ceremony may not take place during the 72-hour period immediately following the issuance of the marriage license.
- (b) The 72-hour waiting period after issuance of a marriage license does not apply to an applicant who:
 - (1) is a member of the armed forces of the United States and on active duty;
 - (2) is not a member of the armed forces of the United States but performs work for the United States Department of Defense as a department employee or under a contract with the department;
 - (3) obtains a written waiver under Subsection (c); or
 - (4) completes a premarital education course described by Section 2.013, and who provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk.
- (c) An applicant may request a judge of a court with jurisdiction in family law cases, a justice of the supreme court, a judge of the court of criminal appeals, a county judge, or a judge of a court of appeals for a written waiver permitting the marriage ceremony to take place during the 72-hour period immediately following the issuance of the marriage license. If the judge finds that there is good cause for the marriage to take place during the period, the judge shall sign the waiver. Notwithstanding any other provision of law, a judge under this section has the authority to sign a waiver under this section.

Sec. 2.205. Discrimination In Conducting Marriage Prohibited

- (a) A person authorized to conduct a marriage ceremony by this subchapter is prohibited from discriminating on the basis of race, religion, or national origin against an applicant who is otherwise competent to be married.
- (b) On a finding by the State Commission on Judicial Conduct that a person has intentionally violated Subsection (a), the commission may recommend to the supreme court that the person be removed from office.

Sec. 2.206. Return Of License; Penalty

- (a) The person who conducts a marriage ceremony shall record on the license the date on which and the county in which the ceremony is performed and the person's name, subscribe the license, and return the license to the county clerk who issued it not later than the 30th day after the date the ceremony is conducted.
- (b) A person who fails to comply with this section commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

Sec. 2.207. Marriage Conducted After License Expired; Penalty

- (a) A person who is to conduct a marriage ceremony shall determine whether the license has expired from the county clerk's endorsement on the license.
- (b) A person who conducts a marriage ceremony after the marriage license has expired commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

Sec. 2.208. Recording And Delivery Of License

- (a) The county clerk shall record a returned marriage license and mail the license to the address indicated on the application.
- (b) On the application form the county clerk shall record:
 - (1) the date of the marriage ceremony;
 - (2) the county in which the ceremony was conducted; and
 - (3) the name of the person who conducted the ceremony.

Sec. 2.209. Duplicate License

- (a) On request, the county clerk shall issue a certified copy of a recorded marriage license.
- (b) If a marriage license issued by a county clerk is lost, destroyed, or rendered useless, the clerk shall issue a duplicate license.
- (c) If one or both parties to a marriage license discover an error on the recorded marriage license, both parties to the marriage shall execute a notarized affidavit stating the error. The county clerk shall file and record the affidavit as an amendment to the marriage license, and the affidavit is considered part of the marriage license. The clerk shall include a copy of the affidavit with any future certified copy of the marriage license issued by the clerk.
- (d) The executive commissioner of the Health and Human Services Commission by rule shall prescribe the form of the affidavit under Subsection (c).

Subchapter D. Validity Of Marriage

Sec. 2.301. Fraud, Mistake, Or Illegality In Obtaining License

Except as otherwise provided by this chapter, the validity of a marriage is not affected by any fraud, mistake, or illegality that occurred in obtaining the marriage license.

Sec. 2.302. Ceremony Conducted By Unauthorized Person

The validity of a marriage is not affected by the lack of authority of the person conducting the marriage ceremony if:

- (1) there was a reasonable appearance of authority by that person;
- (2) at least one party to the marriage participated in the ceremony in good faith and that party treats the marriage as valid; and
- (3) neither party to the marriage:
 - (A) is a minor whose marriage is prohibited by law; or
 - (B) by marrying commits an offense under Section 25.01, Penal Code.

Subchapter E. Marriage Without Formalities

Sec. 2.401. Proof Of Informal Marriage

- (a) In a judicial, administrative, or other proceeding, the marriage of a man and woman may be proved by evidence that:
 - (1) a declaration of their marriage has been signed as provided by this subchapter; or
 - (2) the man and woman agreed to be married and after the agreement they lived together in this state as husband and wife and there represented to others that they were married.
- (b) If a proceeding in which a marriage is to be proved as provided by Subsection (a)(2) is not commenced before the second anniversary of the date on which the parties separated and ceased living together, it is rebuttably presumed that the parties did not enter into an agreement to be married.
- (c) A person under 18 years of age may not:
 - (1) be a party to an informal marriage; or
 - (2) execute a declaration of informal marriage under Section 2.402.
- (d) A person may not be a party to an informal marriage or execute a declaration of an informal marriage if the person is presently married to a person who is not the other party to the informal marriage or declaration of an informal marriage, as applicable.

Sec. 2.402. Declaration And Registration Of Informal Marriage

- (a) A declaration of informal marriage must be signed on a form prescribed by the bureau of vital statistics and provided by the county clerk. Each party to the declaration shall provide the information required in the form.
- (b) The declaration form must contain:
 - (1) a heading entitled "Declaration and Registration of Informal Marriage, _____ County, Texas";
 - (2) spaces for each party's full name, including the woman's maiden surname, address, date of birth, place of birth, including city, county, and state, and social security number, if any;
 - (3) a space for indicating the type of document tendered by each party as proof of age and identity;
 - (4) printed boxes for each party to check "true" or "false" in response to the following statement: "The other party is not related to me as:
 - (A) an ancestor or descendant, by blood or adoption;
 - (B) a brother or sister, of the whole or half blood or by adoption;
 - (C) a parent's brother or sister, of the whole or half blood or by adoption;
 - (D) a son or daughter of a brother or sister, of the whole or half blood or by adoption;
 - (E) a current or former stepchild or stepparent; or
 - (F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption.";
 - (5) a printed declaration and oath reading: "I SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS HUSBAND AND WIFE AND IN THIS STATE WE REPRESENTED TO OTHERS THAT WE WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE OTHER PARTY I HAVE NOT BEEN MARRIED TO ANY OTHER PERSON. THIS DECLARATION IS TRUE AND THE INFORMATION IN IT WHICH I HAVE GIVEN IS CORRECT.";
 - (6) spaces immediately below the printed declaration and oath for the parties' signatures; and
 - (7) a certificate of the county clerk that the parties made the declaration and oath and the place and date it was made.
- (c) Repealed by Acts 1997, 75th Leg., ch. 1362, Sec. 4, eff. Sept. 1, 1997.

Sec. 2.403. Proof Of Identity And Age; Offense

- (a) The county clerk shall require proof of the identity and age of each party to the declaration of informal marriage to be established by a document listed in Section 2.005(b).
- (b) A person commits an offense if the person knowingly provides false, fraudulent, or otherwise inaccurate proof of the person's identity or age under this section. An offense under this subsection is a Class A misdemeanor.

Sec. 2.404. Recording Of Certificate Or Declaration Of Informal Marriage

- (a) The county clerk shall:
 - (1) determine that all necessary information is recorded on the declaration of informal marriage form and that all necessary documents are submitted to the clerk;
 - (2) administer the oath to each party to the declaration;
 - (3) have each party sign the declaration in the clerk's presence; and
 - (4) execute the clerk's certificate to the declaration.
- (a-1) On the proper execution of the declaration, the clerk may:
 - (1) prepare a certificate of informal marriage;
 - (2) enter on the certificate the names of the persons declaring their informal marriage and the date the certificate or declaration is issued; and
 - (3) record the time at which the certificate or declaration is issued.
- (b) The county clerk may not certify the declaration or issue or record the certificate of informal marriage or declaration if:
 - (1) either party fails to supply any information or provide any document required by this subchapter;
 - (2) either party is under 18 years of age; or
 - (3) either party checks "false" in response to the statement of relationship to the other party.
- (c) On execution of the declaration, the county clerk shall record the declaration or certificate of informal marriage, deliver the original of the declaration to the parties, deliver the original of the certificate of informal marriage to the parties, if a certificate was prepared, and send a copy of the declaration of informal marriage to the bureau of vital statistics.
- (d) An executed declaration or a certificate of informal marriage recorded as provided in this section is prima facie evidence of the marriage of the parties.
- (e) At the time the parties sign the declaration, the clerk shall distribute to each party printed materials about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV). The clerk shall note on the declaration that the distribution was made. The materials shall be prepared and provided to the clerk by the Texas Department of Health and shall be designed to inform the parties about:
 - (1) the incidence and mode of transmission of AIDS and HIV;
 - (2) the local availability of medical procedures, including voluntary testing, designed to show or help show whether a person has AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and
 - (3) available and appropriate counseling services regarding AIDS and HIV infection.

Sec. 2.405. Violation By County Clerk; Penalty

A county clerk or deputy county clerk who violates this subchapter commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

Subchapter F. Rights And Duties Of Spouses

Sec. 2.501. Duty To Support

- (a) Each spouse has the duty to support the other spouse.
- (b) A spouse who fails to discharge the duty of support is liable to any person who provides necessities to the spouse to whom support is owed.

CHAPTER 6. SUIT FOR DISSOLUTION OF MARRIAGE

Subchapter A. Grounds For Divorce And Defenses

Sec. 6.001. Insupportability

On the petition of either party to a marriage, the court may grant a divorce without regard to fault if the marriage has become insupportable because of discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation.

Sec. 6.002. Cruelty

The court may grant a divorce in favor of one spouse if the other spouse is guilty of cruel treatment toward the complaining spouse of a nature that renders further living together insupportable.

Sec. 6.003. Adultery

The court may grant a divorce in favor of one spouse if the other spouse has committed adultery.

Sec. 6.004. Conviction Of Felony

- (a) The court may grant a divorce in favor of one spouse if during the marriage the other spouse:
 - (1) has been convicted of a felony;
 - (2) has been imprisoned for at least one year in the Texas Department of Criminal Justice, a federal penitentiary, or the penitentiary of another state; and
 - (3) has not been pardoned.
- (b) The court may not grant a divorce under this section against a spouse who was convicted on the testimony of the other spouse.

Sec. 6.005. Abandonment

The court may grant a divorce in favor of one spouse if the other spouse:

- (1) left the complaining spouse with the intention of abandonment; and
- (2) remained away for at least one year.

Sec. 6.006. Living Apart

The court may grant a divorce in favor of either spouse if the spouses have lived apart without cohabitation for at least three years.

Sec. 6.007. Confinement In Mental Hospital

The court may grant a divorce in favor of one spouse if at the time the suit is filed:

- (1) the other spouse has been confined in a state mental hospital or private mental hospital, as defined in Section 571.003, Health and Safety Code, in this state or another state for at least three years; and
- (2) it appears that the hospitalized spouse's mental disorder is of such a degree and nature that adjustment is unlikely or that, if adjustment occurs, a relapse is probable.

Sec. 6.008. Defenses

- (a) The defenses to a suit for divorce of recrimination and adultery are abolished.
- (b) Condonation is a defense to a suit for divorce only if the court finds that there is a reasonable expectation of reconciliation.

Subchapter B. Grounds For Annulment

Sec. 6.102. Annulment Of Marriage Of Person Under Age 18

- (a) The court may grant an annulment of a marriage of a person 16 years of age or older but under 18 years of age that occurred without parental consent or without a court order as provided by Subchapters B and E, Chapter 2.
- (b) A petition for annulment under this section may be filed by:
 - (1) a next friend for the benefit of the underage party;
 - (2) a parent; or
 - (3) the judicially designated managing conservator or guardian of the person of the underage party, whether an individual, authorized agency, or court.
- (c) A suit filed under this subsection by a next friend is barred unless it is filed within 90 days after the date of the marriage.

Sec. 6.103. Underage Annulment Barred By Adulthood

A suit to annul a marriage may not be filed under Section 6.102 by a parent, managing conservator, or guardian of a person after the 18th birthday of the person. Added by Acts 1997, 75th Leg., ch. 7, Sec. 1, eff. April 17, 1997.

Sec. 6.104. Discretionary Annulment Of Underage Marriage

- (a) An annulment under Section 6.102 of a marriage may be granted at the discretion of the court sitting without a jury.
- (b) In exercising its discretion, the court shall consider the pertinent facts concerning the welfare of the parties to the marriage, including whether the female is pregnant.

Sec. 6.105. Under Influence Of Alcohol Or Narcotics

The court may grant an annulment of a marriage to a party to the marriage if:

- (1) at the time of the marriage the petitioner was under the influence of alcoholic beverages or narcotics and as a result did not have the capacity to consent to the marriage; and
- (2) the petitioner has not voluntarily cohabited with the other party to the marriage since the effects of the alcoholic beverages or narcotics ended.

Sec. 6.106. Impotency

The court may grant an annulment of a marriage to a party to the marriage if:

- (1) either party, for physical or mental reasons, was permanently impotent at the time of the marriage;
- (2) the petitioner did not know of the impotency at the time of the marriage; and
- (3) the petitioner has not voluntarily cohabited with the other party since learning of the impotency.

Sec. 6.107. Fraud, Duress, Or Force

The court may grant an annulment of a marriage to a party to the marriage if:

- (1) the other party used fraud, duress, or force to induce the petitioner to enter into the marriage; and
- (2) the petitioner has not voluntarily cohabited with the other party since learning of the fraud or since being released from the duress or force.

Sec. 6.108. Mental Incapacity

(a) The court may grant an annulment of a marriage to a party to the marriage on the suit of the party or the party's guardian or next friend, if the court finds it to be in the party's best interest to be represented by a guardian or next friend, if:

- (1) at the time of the marriage the petitioner did not have the mental capacity to consent to marriage or to understand the nature of the marriage ceremony because of a mental disease or defect; and
- (2) since the marriage ceremony, the petitioner has not voluntarily cohabited with the other party during a period when the petitioner possessed the mental capacity to recognize the marriage relationship.

(b) The court may grant an annulment of a marriage to a party to the marriage if:

- (1) at the time of the marriage the other party did not have the mental capacity to consent to marriage or to understand the nature of the marriage ceremony because of a mental disease or defect;
- (2) at the time of the marriage the petitioner neither knew nor reasonably should have known of the mental disease or defect; and
- (3) since the date the petitioner discovered or reasonably should have discovered the mental disease or defect, the petitioner has not voluntarily cohabited with the other party.

Sec. 6.109. Concealed Divorce

(a) The court may grant an annulment of a marriage to a party to the marriage if:

- (1) the other party was divorced from a third party within the 30-day period preceding the date of the marriage ceremony;
- (2) at the time of the marriage ceremony the petitioner did not know, and a reasonably prudent person would not have known, of the divorce; and
- (3) since the petitioner discovered or a reasonably prudent person would have discovered the fact of the divorce, the petitioner has not voluntarily cohabited with the other party.

(b) A suit may not be brought under this section after the first anniversary of the date of the marriage.

Sec. 6.110. Marriage Less Than 72 Hours After Issuance Of License

(a) The court may grant an annulment of a marriage to a party to the marriage if the marriage ceremony took place in violation of Section 2.204 during the 72-hour period immediately following the issuance of the marriage license.

(b) A suit may not be brought under this section after the 30th day after the date of the marriage.

Sec. 6.111. Death Of Party To Voidable Marriage

Except as provided by Section 47A, Texas Probate Code, a marriage subject to annulment may not be challenged in a proceeding instituted after the death of either party to the marriage.

Subchapter C. Declaring A Marriage Void

Sec. 6.201. Consanguinity

A marriage is void if one party to the marriage is related to the other as:

- (1) an ancestor or descendant, by blood or adoption;
- (2) a brother or sister, of the whole or half blood or by adoption;
- (3) a parent's brother or sister, of the whole or half blood or by adoption; or
- (4) a son or daughter of a brother or sister, of the whole or half blood or by adoption.

Sec. 6.202. Marriage During Existence Of Prior Marriage

- (a) A marriage is void if entered into when either party has an existing marriage to another person that has not been dissolved by legal action or terminated by the death of the other spouse.
- (b) The later marriage that is void under this section becomes valid when the prior marriage is dissolved if, after the date of the dissolution, the parties have lived together as husband and wife and represented themselves to others as being married.

Sec. 6.203. Certain Void Marriages Validated

Except for a marriage that would have been void under Section 6.201, a marriage that was entered into before January 1, 1970, in violation of the prohibitions of Article 496, Penal Code of Texas, 1925, is validated from the date the marriage commenced if the parties continued until January 1, 1970, to live together as husband and wife and to represent themselves to others as being married.

Sec. 6.204. Recognition Of Same-Sex Marriage Or Civil Union

- (a) In this section, "civil union" means any relationship status other than marriage that:
 - (1) is intended as an alternative to marriage or applies primarily to cohabitating persons; and
 - (2) grants to the parties of the relationship legal protections, benefits, or responsibilities granted to the spouses of a marriage.
- (b) A marriage between persons of the same sex or a civil union is contrary to the public policy of this state and is void in this state.
- (c) The state or an agency or political subdivision of the state may not give effect to a:
 - (1) public act, record, or judicial proceeding that creates, recognizes, or validates a marriage between persons of the same sex or a civil union in this state or in any other jurisdiction; or
 - (2) right or claim to any legal protection, benefit, or responsibility asserted as a result of a marriage between persons of the same sex or a civil union in this state or in any other jurisdiction.

Sec. 6.205. Marriage To Minor

A marriage is void if either party to the marriage is younger than 16 years of age, unless a court order has been obtained under Section 2.103.

Sec. 6.206. Marriage To Stepchild Or Stepparent

A marriage is void if a party is a current or former stepchild or stepparent of the other party.

Sec. 6.301. General Residency Rule For Divorce Suit

A suit for divorce may not be maintained in this state unless at the time the suit is filed either the petitioner or the respondent has been:

- (1) a domiciliary of this state for the preceding six-month period; and
- (2) a resident of the county in which the suit is filed for the preceding 90-day period.

Sec. 6.302. Suit For Divorce By Nonresident Spouse

If one spouse has been a domiciliary of this state for at least the last six months, a spouse domiciled in another state or nation may file a suit for divorce in the county in which the domiciliary spouse resides at the time the petition is filed.

Sec. 6.303. Absence On Public Service

Time spent by a Texas domiciliary outside this state or outside the county of residence of the domiciliary while in the service of the armed forces or other service of the United States or of this state, or while accompanying the domiciliary's spouse in the spouse's service of the armed forces or other service of the United States or of this state, is considered residence in this state and in that county.

Sec. 6.304. Armed Forces Personnel Not Previously Residents

A person not previously a resident of this state who is serving in the armed forces of the United States and has been stationed at one or more military installations in this state for at least the last six months and at a military installation in a county of this state for at least the last 90 days, or who is accompanying the person's spouse during the spouse's military service in those locations and for those periods, is considered to be a Texas domiciliary and a resident of that county for those periods for the purpose of filing suit for dissolution of a marriage.

Sec. 6.305. Acquiring Jurisdiction Over Nonresident Respondent

- (a) If the petitioner in a suit for dissolution of a marriage is a resident or a domiciliary of this state at the time the suit for dissolution is filed, the court may exercise personal jurisdiction over the respondent or over the respondent's personal representative although the respondent is not a resident of this state if:
 - (1) this state is the last marital residence of the petitioner and the respondent and the suit is filed before the second anniversary of the date on which marital residence ended; or
 - (2) there is any basis consistent with the constitutions of this state and the United States for the exercise of the personal jurisdiction.
- (b) A court acquiring jurisdiction under this section also acquires jurisdiction over the respondent in a suit affecting the parent-child relationship.

Sec. 6.306. Jurisdiction To Annul Marriage

- (a) A suit for annulment of a marriage may be maintained in this state only if the parties were married in this state or if either party is domiciled in this state.
- (b) A suit for annulment is a suit in rem, affecting the status of the parties to the marriage

Sec. 6.307. Jurisdiction To Declare Marriage Void

- (a) Either party to a marriage made void by this chapter may sue to have the marriage declared void, or the court may declare the marriage void in a collateral proceeding.
- (b) The court may declare a marriage void only if:
 - (1) the purported marriage was contracted in this state; or
 - (2) either party is domiciled in this state.
- (c) A suit to have a marriage declared void is a suit in rem, affecting the status of the parties to the purported marriage.

Sec. 6.308. Exercising Partial Jurisdiction

- (a) A court in which a suit for dissolution of a marriage is filed may exercise its jurisdiction over those portions of the suit for which it has authority.
- (b) The court's authority to resolve the issues in controversy between the parties may be restricted because the court lacks:
 - (1) the required personal jurisdiction over a nonresident party in a suit for dissolution of the marriage;
 - (2) the required jurisdiction under Chapter 152; or
 - (3) the required jurisdiction under Chapter 159.

Subchapter E. Filing Suit

Sec. 6.406. Mandatory Joinder Of Suit Affecting Parent-Child Relationship

- (a) The petition in a suit for dissolution of a marriage shall state whether there are children born or adopted of the marriage who are under 18 years of age or who are otherwise entitled to support as provided by Chapter 154.
- (b) If the parties are parents of a child, as defined by Section 101.003, and the child is not under the continuing jurisdiction of another court as provided by Chapter 155, the suit for dissolution of a marriage must include a suit affecting the parent-child relationship under Title 5.

Sec. 6.407. Transfer Of Suit Affecting Parent-Child Relationship To Divorce Court

- (a) If a suit affecting the parent-child relationship is pending at the time the suit for dissolution of a marriage is filed, the suit affecting the parent-child relationship shall be transferred as provided by Section 103.002 to the court in which the suit for dissolution is filed.
- (b) If the parties are parents of a child, as defined by Section 101.003, and the child is under the continuing jurisdiction of another court under Chapter 155, either party to the suit for dissolution of a marriage may move that court for transfer of the suit affecting the parent-child relationship to the court having jurisdiction of the suit for dissolution. The court with continuing jurisdiction shall transfer the proceeding as provided by Chapter 155. On the transfer of the proceedings, the court with jurisdiction of the suit for dissolution of a marriage shall consolidate the two causes of action.
- (c) After transfer of a suit affecting the parent-child relationship as provided in Chapter 155, the court with jurisdiction of the suit for dissolution of a marriage has jurisdiction to render an order in the suit affecting the parent-child relationship as provided by Title 5.

Subchapter H. Trial And Appeal

Sec. 6.701. Failure To Answer

In a suit for divorce, the petition may not be taken as confessed if the respondent does not file an answer.

Sec. 6.702. Waiting Period

- (a) Except as provided by Subsection (c), the court may not grant a divorce before the 60th day after the date the suit was filed. A decree rendered in violation of this subsection is not subject to collateral attack.
- (b) A waiting period is not required before a court may grant an annulment or declare a marriage void other than as required in civil cases generally.
- (c) A waiting period is not required under Subsection (a) before a court may grant a divorce in a suit in which the court finds that:
 - (1) the respondent has been finally convicted of or received deferred adjudication for an offense involving family violence as defined by Section 71.004 against the petitioner or a member of the petitioner's household; or
 - (2) the petitioner has an active protective order under Title 4 or an active magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, based on a finding of family violence, against the respondent because of family violence committed during the marriage.

Sec. 6.710. Notice Of Final Decree

The clerk of the court shall mail a notice of the signing of the final decree of dissolution of a marriage to the party who waived service of process under Section 6.4035 at the mailing address contained in the waiver or the office of the party's attorney of record. The notice must state that a copy of the decree is available at the office of the clerk of the court and include the physical address of that office.

Subchapter I. Remarriage

Sec. 6.801. Remarriage

- (a) Except as otherwise provided by this subchapter, neither party to a divorce may marry a third party before the 31st day after the date the divorce is decreed.
- (b) The former spouses may marry each other at any time.

Sec. 6.802. Waiver Of Prohibition Against Remarriage

For good cause shown the court may waive the prohibition against remarriage provided by this subchapter as to either or both spouses if a record of the proceedings is made and preserved or if findings of fact and conclusions of law are filed by the court.

Subchapter A. Application and Construction

Sec. 160.001. Application and Construction

This chapter shall be applied and construed to promote the uniformity of the law among the states that enact the Uniform Parentage Act.

Sec. 160.002. Conflicts Between Provisions

If a provision of this chapter conflicts with another provision of this title or another state statute or rule and the conflict cannot be reconciled, this chapter prevails.

Subchapter B. General Provisions

Sec. 160.101. Short Title

This chapter may be cited as the Uniform Parentage Act.

Sec. 160.102. Definitions

In this chapter:

- (1) "Adjudicated father" means a man who has been adjudicated by a court to be the father of a child.
- (2) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:
 - (A) intrauterine insemination;
 - (B) donation of eggs;
 - (C) donation of embryos;
 - (D) in vitro fertilization and transfer of embryos; and
 - (E) intracytoplasmic sperm injection.
- (3) "Child" means an individual of any age whose parentage may be determined under this chapter.
- (4) "Commence" means to file the initial pleading seeking an adjudication of parentage in a court of this state.
- (5) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a valid acknowledgment of paternity under Subchapter D or by an adjudication by a court.
- (6) "Donor" means an individual who provides eggs or sperm to a licensed physician to be used for assisted reproduction, regardless of whether the eggs or sperm are provided for consideration. The term does not include:
 - (A) a husband who provides sperm or a wife who provides eggs to be used for assisted reproduction by the wife;
 - (B) a woman who gives birth to a child by means of assisted reproduction; or
 - (C) an unmarried man who, with the intent to be the father of the resulting child, provides sperm to be used for assisted reproduction by an unmarried woman, as provided by Section 160.7031.
- (7) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is identified by other information.

- (8) "Genetic testing" means an analysis of an individual's genetic markers to exclude or identify a man as the father of a child or a woman as the mother of a child. The term includes an analysis of one or more of the following:
 - (A) deoxyribonucleic acid; and
 - (B) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.
- (9) "Intended parents" means individuals who enter into an agreement providing that the individuals will be the parents of a child born to a gestational mother by means of assisted reproduction, regardless of whether either individual has a genetic relationship with the child.
- (10) "Man" means a male individual of any age.
- (11) "Parent" means an individual who has established a parent-child relationship under Section 160.201.
- (12) "Paternity index" means the likelihood of paternity determined by calculating the ratio between:
 - (A) the likelihood that the tested man is the father of the child, based on the genetic markers of the tested man, the mother of the child, and the child, conditioned on the hypothesis that the tested man is the father of the child; and
 - (B) the likelihood that the tested man is not the father of the child, based on the genetic markers of the tested man, the mother of the child, and the child, conditioned on the hypothesis that the tested man is not the father of the child and that the father of the child is of the same ethnic or racial group as the tested man.
- (13) "Presumed father" means a man who, by operation of law under Section 160.204, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.
- (14) "Probability of paternity" means the probability, with respect to the ethnic or racial group to which the alleged father belongs, that the alleged father is the father of the child, compared to a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability.
- (15) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form.
- (16) "Signatory" means an individual who authenticates a record and is bound by its terms.
- (17) "Support enforcement agency" means a public official or public agency authorized to seek:
 - (A) the enforcement of child support orders or laws relating to the duty of support;
 - (B) the establishment or modification of child support;
 - (C) the determination of parentage;
 - (D) the location of child-support obligors and their income and assets; or
 - (E) the conservatorship of a child or the termination of parental rights.

Sec. 160.103. Scope Of Chapter; Choice Of Law

- (a) Except as provided by Chapter 233, this chapter governs every determination of parentage in this state.
- (b) The court shall apply the law of this state to adjudicate the parent-child relationship. The applicable law does not depend on:
 - (1) the place of birth of the child; or
 - (2) the past or present residence of the child.
- (c) This chapter does not create, enlarge, or diminish parental rights or duties under another law of this state.
- (d) Repealed by Acts 2003, 78th Leg., ch. 457, Sec. 3.

Sec. 160.104. Authorized Courts

The following courts are authorized to adjudicate parentage under this chapter:

- (1) a court with jurisdiction to hear a suit affecting the parent-child relationship under this title; or
- (2) a court with jurisdiction to adjudicate parentage under another law of this state.

Sec. 160.105. Protection Of Participants

A proceeding under this chapter is subject to the other laws of this state governing the health, safety, privacy, and liberty of a child or any other individual who may be jeopardized by the disclosure of identifying information, including the person's address, telephone number, place of employment, and social security number and the name of the child's day-care facility and school.

Sec. 160.106. Determination Of Maternity

The provisions of this chapter relating to the determination of paternity apply to a determination of maternity.

Subchapter C. Parent-Child Relationship

Sec. 160.201. Establishment Of Parent-Child Relationship

- (a) The mother-child relationship is established between a woman and a child by:
 - (1) the woman giving birth to the child;
 - (2) an adjudication of the woman's maternity; or
 - (3) the adoption of the child by the woman.
- (b) The father-child relationship is established between a man and a child by:
 - (1) an un rebutted presumption of the man's paternity of the child under Section 160.204;
 - (2) an effective acknowledgment of paternity by the man under Subchapter D, unless the acknowledgment has been rescinded or successfully challenged;
 - (3) an adjudication of the man's paternity;
 - (4) the adoption of the child by the man; or
 - (5) the man's consenting to assisted reproduction by his wife under Subchapter H, which resulted in the birth of the child.

Sec. 160.202. No Discrimination Based On Marital Status

A child born to parents who are not married to each other has the same rights under the law as a child born to parents who are married to each other.

Sec. 160.203. Consequences Of Establishment Of Parentage

Unless parental rights are terminated, a parent-child relationship established under this chapter applies for all purposes, except as otherwise provided by another law of this state.

Sec. 160.204. Presumption Of Paternity

- (a) A man is presumed to be the father of a child if:
 - (1) he is married to the mother of the child and the child is born during the marriage;
 - (2) he is married to the mother of the child and the child is born before the 301st day after the date the marriage is terminated by death, annulment, declaration of invalidity, or divorce;
 - (3) he married the mother of the child before the birth of the child in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or before the 301st day after the date the marriage is terminated by death, annulment, declaration of invalidity, or divorce;

- (4) he married the mother of the child after the birth of the child in apparent compliance with law, regardless of whether the marriage is or could be declared invalid, he voluntarily asserted his paternity of the child, and:
 - (A) the assertion is in a record filed with the bureau of vital statistics;
 - (B) he is voluntarily named as the child's father on the child's birth certificate; or
 - (C) he promised in a record to support the child as his own; or
 - (5) during the first two years of the child's life, he continuously resided in the household in which the child resided and he represented to others that the child was his own.
- (b) A presumption of paternity established under this section may be rebutted only by:
- (1) an adjudication under Subchapter G; or
 - (2) the filing of a valid denial of paternity by a presumed father in conjunction with the filing by another person of a valid acknowledgment of paternity as provided by Section 160.305.

Subchapter D. Voluntary Acknowledgment Of Paternity

Sec. 160.301. Acknowledgment Of Paternity

The mother of a child and a man claiming to be the biological father of the child may sign an acknowledgment of paternity with the intent to establish the man's paternity.

Sec. 160.302. Execution Of Acknowledgment Of Paternity

- (a) An acknowledgment of paternity must:
- (1) be in a record;
 - (2) be signed, or otherwise authenticated, under penalty of perjury by the mother and the man seeking to establish paternity;
 - (3) state that the child whose paternity is being acknowledged:
 - (A) does not have a presumed father or has a presumed father whose full name is stated; and
 - (B) does not have another acknowledged or adjudicated father;
 - (4) state whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing; and
 - (5) state that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of the paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances.
- (b) An acknowledgment of paternity is void if it:
- (1) states that another man is a presumed father of the child, unless a denial of paternity signed or otherwise authenticated by the presumed father is filed with the bureau of vital statistics;
 - (2) states that another man is an acknowledged or adjudicated father of the child; or
 - (3) falsely denies the existence of a presumed, acknowledged, or adjudicated father of the child.
- (c) A presumed father may sign or otherwise authenticate an acknowledgment of paternity.

Sec. 160.303. Denial Of Paternity

A presumed father of a child may sign a denial of his paternity. The denial is valid only if:

- (1) an acknowledgment of paternity signed or otherwise authenticated by another man is filed under Section 160.305;
- (2) the denial is in a record and is signed or otherwise authenticated under penalty of perjury; and
- (3) the presumed father has not previously:
 - (A) acknowledged paternity of the child, unless the previous acknowledgment has been rescinded under Section 160.307 or successfully challenged under Section 160.308; or
 - (B) been adjudicated to be the father of the child.

Sec. 160.304. Rules For Acknowledgment And Denial Of Paternity

- (a) An acknowledgment of paternity and a denial of paternity may be contained in a single document or in different documents and may be filed separately or simultaneously. If the acknowledgment and denial are both necessary, neither document is valid until both documents are filed.
- (b) An acknowledgment of paternity or a denial of paternity may be signed before the birth of the child.
- (c) Subject to Subsection (a), an acknowledgment of paternity or denial of paternity takes effect on the date of the birth of the child or the filing of the document with the bureau of vital statistics, whichever occurs later.
- (d) An acknowledgment of paternity or denial of paternity signed by a minor is valid if it otherwise complies with this chapter.

Sec. 160.305. Effect Of Acknowledgment Or Denial Of Paternity

- (a) Except as provided by Sections 160.307 and 160.308, a valid acknowledgment of paternity filed with the bureau of vital statistics is the equivalent of an adjudication of the paternity of a child and confers on the acknowledged father all rights and duties of a parent.
- (b) Except as provided by Sections 160.307 and 160.308, a valid denial of paternity filed with the bureau of vital statistics in conjunction with a valid acknowledgment of paternity is the equivalent of an adjudication of the nonpaternity of the presumed father and discharges the presumed father from all rights and duties of a parent.

Sec. 160.306. Filing Fee Not Required

The bureau of vital statistics may not charge a fee for filing:

- (1) an acknowledgment of paternity;
- (2) A denial of paternity; or
- (3) A rescission of an acknowledgement of paternity or denial of paternity.

Sec. 160.307. Procedures for Rescission

- (a) A signatory may rescind an acknowledgment of paternity or denial of paternity as provided by this section before the earlier of:
 - (1) the 60th day after the effective date of the acknowledgment or denial, as provided by Section 160.304; or
 - (2) the date a proceeding to which the signatory is a party is initiated before a court to adjudicate an issue relating to the child, including a proceeding that establishes child support.
- (b) A signatory seeking to rescind an acknowledgment of paternity or denial of paternity must file with the bureau of vital statistics a completed rescission, on the form prescribed under Section 160.312, in which the signatory declares under penalty of perjury that:

- (1) as of the date the rescission is filed, a proceeding has not been held affecting the child identified in the acknowledgment of paternity or denial of paternity, including a proceeding to establish child support;
 - (2) a copy of the completed rescission was sent by certified or registered mail, return receipt requested, to:
 - (A) if the rescission is of an acknowledgment of paternity, the other signatory of the acknowledgment of paternity and the signatory of any related denial of paternity; or
 - (B) if the rescission is of a denial of paternity, the signatories of the related acknowledgment of paternity; and
 - (3) if a signatory to the acknowledgment of paternity or denial of paternity is receiving services from the Title IV-D agency, a copy of the completed rescission was sent by certified or registered mail to the Title IV-D agency.
- (c) On receipt of a completed rescission, the bureau of vital statistics shall void the acknowledgment of paternity or denial of paternity affected by the rescission and amend the birth record of the child, if appropriate.
- (d) Any party affected by the rescission, including the Title IV-D agency, may contest the rescission by bringing a proceeding under Subchapter G to adjudicate the parentage of the child.

Sec. 160.308. Challenge After Expiration Of Period For Rescission

- (a) After the period for rescission under Section 160.307 has expired, a signatory of an acknowledgment of paternity or denial of paternity may commence a proceeding to challenge the acknowledgment or denial only on the basis of fraud, duress, or material mistake of fact. The proceeding may be commenced at any time before the issuance of an order affecting the child identified in the acknowledgment or denial, including an order relating to support of the child.
- (b) A party challenging an acknowledgment of paternity or denial of paternity has the burden of proof.
- (c) Notwithstanding any other provision of this chapter, a collateral attack on an acknowledgment of paternity signed under this chapter may not be maintained after the issuance of an order affecting the child identified in the acknowledgment, including an order relating to support of the child.
- (d) For purposes of Subsection (a), evidence that, based on genetic testing, the man who is the signatory of an acknowledgment of paternity is not rebuttably identified as the father of a child in accordance with Section 160.505 constitutes a material mistake of fact.

Sec. 160.309. Procedure For Rescission Or Challenge

- (a) Each signatory to an acknowledgment of paternity and any related denial of paternity must be made a party to a proceeding challenge the acknowledgment or denial of paternity.
- (b) For purposes of a challenge to an acknowledgment of paternity or denial of paternity, a signatory submits to the personal jurisdiction of this state by signing the acknowledgment or denial. The jurisdiction is effective on the filing of the document with the bureau of vital statistics.
- (c) Except for good cause shown, while a proceeding is pending to challenge an acknowledgment of paternity or a denial of paternity, the court may not suspend the legal responsibilities of a signatory arising from the acknowledgment, including the duty to pay child support.
- (d) A proceeding to challenge an acknowledgment of paternity or a denial of paternity shall be conducted in the same manner as a proceeding to adjudicate parentage under Subchapter G.
- (e) At the conclusion of a proceeding to challenge an acknowledgment of paternity or a denial of paternity, the court shall order the bureau of vital statistics to amend the birth record of the child, if appropriate.

Sec. 160.310. Ratification Barred

A court or administrative agency conducting a judicial or administrative proceeding may not ratify an unchallenged acknowledgment of paternity.

Sec. 160.311. Full Faith And Credit

A court of this state shall give full faith and credit to an acknowledgment of paternity or a denial of paternity that is effective in another state if the acknowledgment or denial has been signed and is otherwise in compliance with the law of the other state.

Sec. 160.312. Forms

- (a) To facilitate compliance with this subchapter, the bureau of vital statistics shall prescribe forms for the:
 - (1) acknowledgment of paternity;
 - (2) denial of paternity; and
 - (3) rescission of an acknowledgment or denial of paternity.
- (b) A valid acknowledgment of paternity, denial of paternity, or rescission of an acknowledgment or denial of paternity is not affected by a later modification of the prescribed form.

Sec. 160.313. Release Of Information

The bureau of vital statistics may release information relating to the acknowledgment of paternity or denial of paternity to a signatory of the acknowledgment or denial and to the courts and Title IV-D agency of this or another state.

Sec. 160.314. Adoption Of Rules

The Title IV-D agency and the bureau of vital statistics may adopt rules to implement this subchapter.

Sec. 160.315. Memorandum Of Understanding

- (a) The Title IV-D agency and the bureau of vital statistics shall adopt a memorandum of understanding governing the collection and transfer of information for the voluntary acknowledgment of paternity.
- (b) The Title IV-D agency and the bureau of vital statistics shall review the memorandum semiannually and renew or modify the memorandum as necessary.

Subchapter E. Registry Of Paternity

Sec. 160.401. Establishment Of Registry

A registry of paternity is established in the bureau of vital statistics.

Sec. 160.402. Registration For Notification

- (a) Except as otherwise provided by Subsection (b), a man who desires to be notified of a proceeding for the adoption of or the termination of parental rights regarding a child that he may have fathered may register with the registry of paternity:
 - (1) before the birth of the child; or
 - (2) not later than the 31st day after the date of the birth of the child.
- (b) A man is entitled to notice of a proceeding described by Subsection (a) regardless of whether he registers with the registry of paternity if:
 - (1) a father-child relationship between the man and the child has been established under this chapter or another law; or
 - (2) the man commences a proceeding to adjudicate his paternity before the court has terminated his parental rights.
- (c) A registrant shall promptly notify the registry in a record of any change in the information provided by the registrant. The bureau of vital statistics shall incorporate all new information received into its records but is not required to affirmatively seek to obtain current information for incorporation in the registry.

Sec. 160.403. Notice Of Proceeding

Except as provided by Sections 161.002(b)(2), (3), and (4) and (f), notice of a proceeding to adopt or to terminate parental rights regarding a child must be given to a registrant who has timely registered with regard to that child. Notice must be given in a manner prescribed for service of process in a civil action.

Sec. 160.404. Termination Of Parental Rights: Failure To Register

The parental rights of a man alleged to be the father of a child may be terminated without notice as provided by Section 161.002 if the man:

- (1) did not timely register with the bureau of vital statistics; and
- (2) is not entitled to notice under Section 160.402 or 161.002.

Sec. 160.411. Required Form

The bureau of vital statistics shall adopt a form for registering with the registry. The form must require the signature of the registrant. The form must state that:

- (1) the form is signed under penalty of perjury;
- (2) a timely registration entitles the registrant to notice of a proceeding for adoption of the child or for termination of the registrant's parental rights;
- (3) a timely registration does not commence a proceeding to establish paternity;
- (4) the information disclosed on the form may be used against the registrant to establish paternity;
- (5) services to assist in establishing paternity are available to the registrant through the support enforcement agency;
- (6) the registrant should also register in another state if the conception or birth of the child occurred in the other state;
- (7) information on registries in other states is available from the bureau of vital statistics; and
- (8) procedures exist to rescind the registration of a claim of paternity.

Sec. 160.412. Furnishing Of Information; Confidentiality

- (a) The bureau of vital statistics is not required to attempt to locate the mother of a child who is the subject of a registration. The bureau of vital statistics shall send a copy of the notice of the registration to a mother who has provided an address.
- (b) Information contained in the registry is confidential and may be released on request only to:
 - (1) a court or a person designated by the court;
 - (2) the mother of the child who is the subject of the registration;
 - (3) an agency authorized by another law to receive the information;
 - (4) a licensed child-placing agency;
 - (5) a support enforcement agency;
 - (6) a party, or the party's attorney of record, to a proceeding under this chapter or a proceeding to adopt or to terminate parental rights regarding a child who is the subject of the registration; and
 - (7) the registry of paternity in another state.

Sec. 160.413. Offense: Unauthorized Release Of Information

- (a) A person commits an offense if the person intentionally releases information from the registry of paternity to another person, including an agency, that is not authorized to receive the information under Section 160.412.
- (b) An offense under this section is a Class A misdemeanor.

Sec. 160.414. Rescission Of Registration

A registrant may rescind his registration at any time by sending to the registry a rescission in a record or another manner authenticated by him and witnessed or notarized.

Sec. 160.415. Untimely Registration

If a man registers later than the 31st day after the date of the birth of the child, the bureau of vital statistics shall notify the registrant that the registration was not timely filed.

Sec. 160.416. Fees For Registry

- (a) A fee may not be charged for filing a registration or to rescind a registration.
- (b) Except as otherwise provided by Subsection (c), the bureau of vital statistics may charge a reasonable fee for making a search of the registry and for furnishing a certificate.
- (c) A support enforcement agency is not required to pay a fee authorized by Subsection (b).

Sec. 160.421. Search Of Appropriate Registry

- (a) If a father-child relationship has not been established under this chapter, a petitioner for the adoption of or the termination of parental rights regarding the child must obtain a certificate of the results of a search of the registry. The petitioner may request a search of the registry on or after the 32nd day after the date of the birth of the child, and the bureau of vital statistics may not by rule impose a waiting period that must elapse before the bureau will conduct the requested search.
- (b) If the petitioner for the adoption of or the termination of parental rights regarding a child has reason to believe that the conception or birth of the child may have occurred in another state, the petitioner must obtain a certificate of the results of a search of the paternity registry, if any, in the other state.

Sec. 160.422. Certificate Of Search Of Registry

- (a) The bureau of vital statistics shall furnish a certificate of the results of a search of the registry on request by an individual, a court, or an agency listed in Section 160.412(b).
- (b) The certificate of the results of a search must be signed on behalf of the bureau and state that:
 - (1) a search has been made of the registry; and
 - (2) a registration containing the information required to identify the registrant:
 - (A) has been found and is attached to the certificate; or
 - (B) has not been found.
- (c) A petitioner must file the certificate of the results of a search of the registry with the court before a proceeding for the adoption of or termination of parental rights regarding a child may be concluded.
- (d) A search of the registry is not required if a parent-child relationship exists between a man and the child, as provided by Section 160.201(b), and that man:
 - (1) has been served with citation of the proceeding for termination of the parent-child relationship; or
 - (2) has signed a relinquishment of parental rights with regard to the child.

Sec. 160.423. Admissibility Of Certificate

A certificate of the results of a search of the registry in this state or of a paternity registry in another state is admissible in a proceeding for the adoption of or the termination of parental rights regarding a child and, if relevant, in other legal proceedings.

Subchapter F. Genetic Testing

Sec. 160.501. Application Of Subchapter

This subchapter governs genetic testing of an individual to determine parentage, regardless of whether the individual:

- (1) voluntarily submits to testing; or
- (2) is tested under an order of a court or a support enforcement agency.

Sec. 160.502. Order For Testing

- (a) Except as otherwise provided by this subchapter and by Subchapter G, a court shall order a child and other designated individuals to submit to genetic testing if the request is made by a party to a proceeding to determine parentage.
- (b) If a request for genetic testing of a child is made before the birth of the child, the court or support enforcement agency may not order in utero testing.
- (c) If two or more men are subject to court-ordered genetic testing, the testing may be ordered concurrently or sequentially.

Sec. 160.503. Requirements For Genetic Testing

- (a) Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing. The testing must be performed in a testing laboratory accredited by:
 - (1) the American Association of Blood Banks, or a successor to its functions;
 - (2) the American Society for Histocompatibility and Immunogenetics, or a successor to its functions; or
 - (3) an accrediting body designated by the federal secretary of health and human services.

- (b) A specimen used in genetic testing may consist of one or more samples, or a combination of samples, of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing is not required to be of the same kind for each individual undergoing genetic testing.
- (c) Based on the ethnic or racial group of an individual, the testing laboratory shall determine the databases from which to select frequencies for use in the calculation of the probability of paternity of the individual. If there is disagreement as to the testing laboratory's choice:
 - (1) the objecting individual may require the testing laboratory, not later than the 30th day after the date of receipt of the report of the test, to recalculate the probability of paternity using an ethnic or racial group different from that used by the laboratory;
 - (2) the individual objecting to the testing laboratory's initial choice shall:
 - (A) if the frequencies are not available to the testing laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or
 - (B) engage another testing laboratory to perform the calculations; and
 - (3) the testing laboratory may use its own statistical estimate if there is a question regarding which ethnic or racial group is appropriate and, if available, shall calculate the frequencies using statistics for any other ethnic or racial group requested.
- (d) If, after recalculation using a different ethnic or racial group, genetic testing does not rebuttably identify a man as the father of a child under Section 160.505, an individual who has been tested may be required to submit to additional genetic testing.

Sec. 160.504. Report Of Genetic Testing

- (a) A report of the results of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report made under the requirements of this subchapter is self-authenticating.
- (b) Documentation from the testing laboratory is sufficient to establish a reliable chain of custody that allows the results of genetic testing to be admissible without testimony if the documentation includes:
 - (1) the name and photograph of each individual whose specimens have been taken;
 - (2) the name of each individual who collected the specimens;
 - (3) the places in which the specimens were collected and the date of each collection;
 - (4) the name of each individual who received the specimens in the testing laboratory; and
 - (5) the dates the specimens were received.

Sec. 160.505. Genetic Testing Results; Rebuttal

- (a) A man is rebuttably identified as the father of a child under this chapter if the genetic testing complies with this subchapter and the results disclose:
 - (1) that the man has at least a 99 percent probability of paternity, using a prior probability of 0.5, as calculated by using the combined paternity index obtained in the testing; and
 - (2) a combined paternity index of at least 100 to 1.
- (b) A man identified as the father of a child under Subsection (a) may rebut the genetic testing results only by producing other genetic testing satisfying the requirements of this subchapter that:
 - (1) excludes the man as a genetic father of the child; or
 - (2) identifies another man as the possible father of the child.
- (c) Except as otherwise provided by Section 160.510, if more than one man is identified by genetic testing as the possible father of the child, the court shall order each man to submit to further genetic testing to identify the genetic father.

Sec. 160.506. Costs Of Genetic Testing

- (a) Subject to the assessment of costs under Subchapter G, the cost of initial genetic testing must be advanced:
 - (1) by a support enforcement agency, if the agency is providing services in the proceeding;
 - (2) by the individual who made the request;
 - (3) as agreed by the parties; or
 - (4) as ordered by the court.
- (b) In cases in which the cost of genetic testing is advanced by the support enforcement agency, the agency may seek reimbursement from a man who is rebuttably identified as the father.

Sec. 160.507. Additional Genetic Testing

The court or the support enforcement agency shall order additional genetic testing on the request of a party who contests the result of the original testing. If the previous genetic testing identified a man as the father of the child under Section 160.505, the court or agency may not order additional testing unless the party provides advance payment for the testing.

Sec. 160.508. Genetic Testing When All Individuals Not Available

- (a) Subject to Subsection (b), if a genetic testing specimen for good cause and under circumstances the court considers to be just is not available from a man who may be the father of a child, a court may order the following individuals to submit specimens for genetic testing:
 - (1) the parents of the man;
 - (2) any brothers or sisters of the man;
 - (3) any other children of the man and their mothers; and
 - (4) other relatives of the man necessary to complete genetic testing.
- (b) A court may not render an order under this section unless the court finds that the need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

Sec. 160.509. Deceased Individual

For good cause shown, the court may order genetic testing of a deceased individual.

Sec. 160.510. Identical Brothers

- (a) The court may order genetic testing of a brother of a man identified as the father of a child if the man is commonly believed to have an identical brother and evidence suggests that the brother may be the genetic father of the child.
- (b) If each brother satisfies the requirements of Section 160.505 for being the identified father of the child and there is not another identical brother being identified as the father of the child, the court may rely on nongenetic evidence to adjudicate which brother is the father of the child.

Sec. 160.511. Offense: Unauthorized Release Of Specimen

- (a) A person commits an offense if the person intentionally releases an identifiable specimen of another person for any purpose not relevant to the parentage proceeding and without a court order or the written permission of the person who furnished the specimen.
- (b) An offense under this section is a Class A misdemeanor.

Sec. 160.512. Offense: Falsification Of Specimen

- (a) A person commits an offense if the person alters, destroys, conceals, fabricates, or falsifies genetic evidence in a proceeding to adjudicate parentage, including inducing another person to provide a specimen with the intent to affect the outcome of the proceeding.
- (b) An offense under this section is a felony of the third degree.
- (c) An order excluding a man as the biological father of a child based on genetic evidence shown to be altered, fabricated, or falsified is void and unenforceable.

Subchapter G. Proceeding To Adjudicate Parentage

Sec. 160.601. Proceeding Authorized; Rules Of Procedure

- (a) A civil proceeding may be maintained to adjudicate the parentage of a child.
- (b) The proceeding is governed by the Texas Rules of Civil Procedure, except as provided by Chapter 233.

Sec. 160.602. Standing To Maintain Proceeding

- (a) Subject to Subchapter D and Sections 160.607 and 160.609 and except as provided by Subsection (b), a proceeding to adjudicate parentage may be maintained by:
 - (1) the child;
 - (2) the mother of the child;
 - (3) a man whose paternity of the child is to be adjudicated;
 - (4) the support enforcement agency or another government agency authorized by other law;
 - (5) an authorized adoption agency or licensed child-placing agency;
 - (6) a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, is incapacitated, or is a minor;
 - (7) a person related within the second degree by consanguinity to the mother of the child, if the mother is deceased; or
 - (8) a person who is an intended parent.
- (b) After the date a child having no presumed, acknowledged, or adjudicated father becomes an adult, a proceeding to adjudicate the parentage of the adult child may only be maintained by the adult child.

Sec. 160.603. Necessary Parties To Proceeding

The following individuals must be joined as parties in a proceeding to adjudicate parentage:

- (1) the mother of the child; and
- (2) a man whose paternity of the child is to be adjudicated.

Sec. 160.604. Personal Jurisdiction

- (a) An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.
- (b) A court of this state having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual or the guardian or conservator of the individual if the conditions in Section 159.201 are satisfied.
- (c) Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.

Sec. 160.605. Venue

Venue for a proceeding to adjudicate parentage is in the county of this state in which:

- (1) the child resides or is found;
- (2) the respondent resides or is found if the child does not reside in this state; or
- (3) a proceeding for probate or administration of the presumed or alleged father's estate has been commenced.

Sec. 160.606. No Time Limitation: Child Having No Presumed, Acknowledged, Or Adjudicated Father

A proceeding to adjudicate the parentage of a child having no presumed, acknowledged, or adjudicated father may be commenced at any time, including after the date:

- (1) the child becomes an adult; or
- (2) an earlier proceeding to adjudicate paternity has been dismissed based on the application of a statute of limitation then in effect.

Sec. 160.607. Time Limitation: Child Having Presumed Father

- (a) Except as otherwise provided by Subsection (b), a proceeding brought by a presumed father, the mother, or another individual to adjudicate the parentage of a child having a presumed father shall be commenced not later than the fourth anniversary of the date of the birth of the child.
- (b) A proceeding seeking to adjudicate the parentage of a child having a presumed father may be maintained at any time if the court determines that:
 - (1) the presumed father and the mother of the child did not live together or engage in sexual intercourse with each other during the probable time of conception; or
 - (2) the presumed father was precluded from commencing a proceeding to adjudicate the parentage of the child before the expiration of the time prescribed by Subsection (a) because of the mistaken belief that he was the child's biological father based on misrepresentations that led him to that conclusion.

Sec. 160.608. Authority To Deny Motion For Genetic Testing

- (a) In a proceeding to adjudicate parentage, a court may deny a motion for an order for the genetic testing of the mother, the child, and the presumed father if the court determines that:
 - (1) the conduct of the mother or the presumed father estops that party from denying parentage; and
 - (2) it would be inequitable to disprove the father-child relationship between the child and the presumed father.
- (b) In determining whether to deny a motion for an order for genetic testing under this section, the court shall consider the best interest of the child, including the following factors:
 - (1) the length of time between the date of the proceeding to adjudicate parentage and the date the presumed father was placed on notice that he might not be the genetic father;
 - (2) the length of time during which the presumed father has assumed the role of father of the child;
 - (3) the facts surrounding the presumed father's discovery of his possible nonpaternity;
 - (4) the nature of the relationship between the child and the presumed father;
 - (5) the age of the child;
 - (6) any harm that may result to the child if presumed paternity is successfully disproved;
 - (7) the nature of the relationship between the child and the alleged father;
 - (8) the extent to which the passage of time reduces the chances of establishing the paternity of another man and a child support obligation in favor of the child; and
 - (9) other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed father or the chance of other harm to the child.

- (c) In a proceeding involving the application of this section, a child who is a minor or is incapacitated must be represented by an amicus attorney or attorney ad litem.
- (d) A denial of a motion for an order for genetic testing must be based on clear and convincing evidence.
- (e) If the court denies a motion for an order for genetic testing, the court shall issue an order adjudicating the presumed father to be the father of the child.
- (f) This section applies to a proceeding to challenge an acknowledgment of paternity or a denial of paternity as provided by Section 160.309(d).

Sec. 160.609. Time Limitation: Child Having Acknowledged Or Adjudicated Father

- (a) If a child has an acknowledged father, a signatory to the acknowledgment or denial of paternity may commence a proceeding under this chapter to challenge the paternity of the child only within the time allowed under Section 160.308.
- (b) If a child has an acknowledged father or an adjudicated father, an individual, other than the child, who is not a signatory to the acknowledgment or a party to the adjudication and who seeks an adjudication of paternity of the child must commence a proceeding not later than the fourth anniversary of the effective date of the acknowledgment or adjudication.

Sec. 160.610. Joinder Of Proceedings

- (a) Except as provided by Subsection (b), a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, possession of or access to a child, child support, divorce, annulment, or probate or administration of an estate or another appropriate proceeding.
- (b) A respondent may not join a proceeding described by Subsection (a) with a proceeding to adjudicate parentage brought under Chapter 159.

Sec. 160.611. Proceedings Before Birth

- (a) A proceeding to determine parentage commenced before the birth of the child may not be concluded until after the birth of the child.
- (b) In a proceeding described by Subsection (a), the following actions may be taken before the birth of the child:
 - (1) service of process;
 - (2) discovery; and
 - (3) except as prohibited by Section 160.502, collection of specimens for genetic testing.

Sec. 160.612. Child As Party; Representation

- (a) A minor child is a permissible party, but is not a necessary party to a proceeding under this subchapter.
- (b) The court shall appoint an amicus attorney or attorney ad litem to represent a child who is a minor or is incapacitated if the child is a party or the court finds that the interests of the child are not adequately represented.

Sec. 160.621. Admissibility Of Results Of Genetic Testing; Expenses

- (a) Except as otherwise provided by Subsection (c), a report of a genetic testing expert is admissible as evidence of the truth of the facts asserted in the report. The admissibility of the report is not affected by whether the testing was performed:
 - (1) voluntarily or under an order of the court or a support enforcement agency; or
 - (2) before or after the date of commencement of the proceeding.
- (b) A party objecting to the results of genetic testing may call one or more genetic testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.

- (c) If a child has a presumed, acknowledged, or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed:
 - (1) with the consent of both the mother and the presumed, acknowledged, or adjudicated father; or
 - (2) under an order of the court under Section 160.502.
- (d) Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child that are furnished to the adverse party on or before the 10th day before the date of a hearing are admissible to establish:
 - (1) the amount of the charges billed; and
 - (2) that the charges were reasonable, necessary, and customary.

Sec. 160.622. Consequences Of Declining Genetic Testing

- (a) An order for genetic testing is enforceable by contempt.
- (b) A court may adjudicate parentage contrary to the position of an individual whose paternity is being determined on the grounds that the individual declines to submit to genetic testing as ordered by the court.
- (c) Genetic testing of the mother of a child is not a prerequisite to testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court may order the testing of the child and each man whose paternity is being adjudicated.

Sec. 160.623. Admission Of Paternity Authorized

- (a) A respondent in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.
- (b) If the court finds that the admission of paternity satisfies the requirements of this section and that there is no reason to question the admission, the court shall render an order adjudicating the child to be the child of the man admitting paternity.

Sec. 160.624. Temporary Order

- (a) In a proceeding under this subchapter, the court shall render a temporary order for child support for a child if the order is appropriate and the individual ordered to pay child support:
 - (1) is a presumed father of the child;
 - (2) is petitioning to have his paternity adjudicated;
 - (3) is identified as the father through genetic testing under Section 160.505;
 - (4) is an alleged father who has declined to submit to genetic testing;
 - (5) is shown by clear and convincing evidence to be the father of the child; or
 - (6) is the mother of the child.
- (b) A temporary order may include provisions for the possession of or access to the child as provided by other laws of this state.

Sec. 160.631. Rules For Adjudication Of Paternity

- (a) The court shall apply the rules stated in this section to adjudicate the paternity of a child.
- (b) The paternity of a child having a presumed, acknowledged, or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man as the father of the child.
- (c) Unless the results of genetic testing are admitted to rebut other results of genetic testing, the man identified as the father of a child under Section 160.505 shall be adjudicated as being the father of the child.
- (d) Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man excluded as the father of a child by genetic testing shall be adjudicated as not being the father of the child.
- (e) If the court finds that genetic testing under Section 160.505 does not identify or exclude a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing and other evidence are admissible to adjudicate the issue of paternity.

Sec. 160.632. Jury Prohibited

The court shall adjudicate paternity of a child without a jury.

Sec. 160.633. Hearings; Inspection Of Records

- (a) A proceeding under this subchapter is open to the public as in other civil cases.
- (b) Papers and records in a proceeding under this subchapter are available for public inspection.

Sec. 160.634. Order On Default

The court shall issue an order adjudicating the paternity of a man who:

- (1) after service of process, is in default; and
- (2) is found by the court to be the father of a child.

Sec. 160.635. Dismissal For Want Of Prosecution

The court may issue an order dismissing a proceeding commenced under this chapter for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

Sec. 160.636. Order Adjudicating Parentage; Costs

- (a) The court shall render an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.
- (b) An order adjudicating parentage must identify the child by name and date of birth.
- (c) Except as otherwise provided by Subsection (d), the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this subchapter. Attorney's fees awarded by the court may be paid directly to the attorney. An attorney who is awarded attorney's fees may enforce the order in the attorney's own name.
- (d) The court may not assess fees, costs, or expenses against the support enforcement agency of this state or another state, except as provided by other law.
- (e) On request of a party and for good cause shown, the court may order that the name of the child be changed.
- (f) If the order of the court is at variance with the child's birth certificate, the court shall order the bureau of vital statistics to issue an amended birth record.
- (g) On a finding of parentage, the court may order retroactive child support as provided by Chapter 154 and, on a proper showing, order a party to pay an equitable portion of all of the prenatal and postnatal health care expenses of the mother and the child.
- (h) In rendering an order for retroactive child support under this section, the court shall use the child support guidelines provided by Chapter 154, together with any relevant factors.

Sec. 160.637. Binding Effect Of Determination Of Parentage

- (a) Except as otherwise provided by Subsection (b) or Section 160.316, a determination of parentage is binding on:
 - (1) all signatories to an acknowledgment or denial of paternity as provided by Subchapter D; and
 - (2) all parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of Section 159.201.
- (b) A child is not bound by a determination of parentage under this chapter unless:
 - (1) the determination was based on an unrescinded acknowledgment of paternity and the acknowledgment is consistent with the results of genetic testing;
 - (2) the adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or
 - (3) the child was a party or was represented in the proceeding determining parentage by an attorney ad litem.
- (c) In a proceeding to dissolve a marriage, the court is considered to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of Section 159.201, and the final order:
 - (1) expressly identifies the child as "a child of the marriage" or "issue of the marriage" or uses similar words indicating that the husband is the father of the child; or
 - (2) provides for the payment of child support for the child by the husband unless paternity is specifically disclaimed in the order.
- (d) Except as otherwise provided by Subsection (b), a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.
- (e) A party to an adjudication of paternity may challenge the adjudication only under the laws of this state relating to appeal, the vacating of judgments, or other judicial review.

Subchapter H. Child Of Assisted Reproduction

Sec. 160.701. Scope Of Subchapter

This subchapter applies only to a child conceived by means of assisted reproduction.

Sec. 160.702. Parental Status Of Donor

A donor is not a parent of a child conceived by means of assisted reproduction.

Sec. 160.703. Husband's Paternity Of Child Of Assisted Reproduction

If a husband provides sperm for or consents to assisted reproduction by his wife as provided by Section 160.704, he is the father of a resulting child.

Sec. 160.7031. Unmarried Man's Paternity Of Child Of Assisted Reproduction

- (a) If an unmarried man, with the intent to be the father of a resulting child, provides sperm to a licensed physician and consents to the use of that sperm for assisted reproduction by an unmarried woman, he is the father of a resulting child.
- (b) Consent by an unmarried man who intends to be the father of a resulting child in accordance with this section must be in a record signed by the man and the unmarried woman and kept by a licensed physician.

Sec. 160.704. Consent To Assisted Reproduction

- (a) Consent by a married woman to assisted reproduction must be in a record signed by the woman and her husband and kept by a licensed physician. This requirement does not apply to the donation of eggs by a married woman for assisted reproduction by another woman.
- (b) Failure by the husband to sign a consent required by Subsection (a) before or after the birth of the child does not preclude a finding that the husband is the father of a child born to his wife if the wife and husband openly treated the child as their own.

Sec. 160.705. Limitation On Husband's Dispute Of Paternity

- (a) Except as otherwise provided by Subsection (b), the husband of a wife who gives birth to a child by means of assisted reproduction may not challenge his paternity of the child unless:
 - (1) before the fourth anniversary of the date of learning of the birth of the child he commences a proceeding to adjudicate his paternity; and
 - (2) the court finds that he did not consent to the assisted reproduction before or after the birth of the child.
- (b) A proceeding to adjudicate paternity may be maintained at any time if the court determines that:
 - (1) the husband did not provide sperm for or, before or after the birth of the child, consent to assisted reproduction by his wife;
 - (2) the husband and the mother of the child have not cohabited since the probable time of assisted reproduction; and
 - (3) the husband never openly treated the child as his own.
- (c) The limitations provided by this section apply to a marriage declared invalid after assisted reproduction.

Sec. 160.706. Effect Of Dissolution Of Marriage

- (a) If a marriage is dissolved before the placement of eggs, sperm, or embryos, the former spouse is not a parent of the resulting child unless the former spouse consented in a record kept by a licensed physician that if assisted reproduction were to occur after a divorce the former spouse would be a parent of the child.
- (b) The consent of a former spouse to assisted reproduction may be withdrawn by that individual in a record kept by a licensed physician at any time before the placement of eggs, sperm, or embryos.

Sec. 160.707. Parental Status Of Deceased Spouse

If a spouse dies before the placement of eggs, sperm, or embryos, the deceased spouse is not a parent of the resulting child unless the deceased spouse consented in a record kept by a licensed physician that if assisted reproduction were to occur after death the deceased spouse would be a parent of the child.

Subchapter I. Gestational Agreements

Sec. 160.751. Definition

In this subchapter, "gestational mother" means a woman who gives birth to a child conceived under a gestational agreement.

Sec. 160.752. Scope Of Subchapter; Choice Of Law

- (a) Notwithstanding any other provision of this chapter or another law, this subchapter authorizes an agreement between a woman and the intended parents of a child in which the woman relinquishes all rights as a parent of a child conceived by means of assisted reproduction and that provides that the intended parents become the parents of the child.
- (b) This subchapter controls over any other law with respect to a child conceived under a gestational agreement under this subchapter.

Sec. 160.753. Establishment Of Parent-Child Relationship

- (a) Notwithstanding any other provision of this chapter or another law, the mother-child relationship exists between a woman and a child by an adjudication confirming the woman as a parent of the child born to a gestational mother under a gestational agreement if the gestational agreement is validated under this subchapter or enforceable under other law, regardless of the fact that the gestational mother gave birth to the child.
- (b) The father-child relationship exists between a child and a man by an adjudication confirming the man as a parent of the child born to a gestational mother under a gestational agreement if the gestational agreement is validated under this subchapter or enforceable under other law.

Sec. 160.754. Gestational Agreement Authorized

- (a) A prospective gestational mother, her husband if she is married, each donor, and each intended parent may enter into a written agreement providing that:
 - (1) the prospective gestational mother agrees to pregnancy by means of assisted reproduction;
 - (2) the prospective gestational mother, her husband if she is married, and each donor other than the intended parents, if applicable, relinquish all parental rights and duties with respect to a child conceived through assisted reproduction;
 - (3) the intended parents will be the parents of the child; and
 - (4) the gestational mother and each intended parent agree to exchange throughout the period covered by the agreement all relevant information regarding the health of the gestational mother and each intended parent.
- (b) The intended parents must be married to each other. Each intended parent must be a party to the gestational agreement.
- (c) The gestational agreement must require that the eggs used in the assisted reproduction procedure be retrieved from an intended parent or a donor. The gestational mother's eggs may not be used in the assisted reproduction procedure.
- (d) The gestational agreement must state that the physician who will perform the assisted reproduction procedure as provided by the agreement has informed the parties to the agreement of:
 - (1) the rate of successful conceptions and births attributable to the procedure, including the most recent published outcome statistics of the procedure at the facility at which it will be performed;
 - (2) the potential for and risks associated with the implantation of multiple embryos and consequent multiple births resulting from the procedure;
 - (3) the nature of and expenses related to the procedure;
 - (4) the health risks associated with, as applicable, fertility drugs used in the procedure, egg retrieval procedures, and egg or embryo transfer procedures; and
 - (5) reasonably foreseeable psychological effects resulting from the procedure.
- (e) The parties to a gestational agreement must enter into the agreement before the 14th day preceding the date the transfer of eggs, sperm, or embryos to the gestational mother occurs for the purpose of conception or implantation.
- (f) A gestational agreement does not apply to the birth of a child conceived by means of sexual intercourse.
- (g) A gestational agreement may not limit the right of the gestational mother to make decisions to safeguard her health or the health of an embryo.

Sec. 160.755. Petition To Validate Gestational Agreement

- (a) The intended parents and the prospective gestational mother under a gestational agreement may commence a proceeding to validate the agreement.
- (b) A person may maintain a proceeding to validate a gestational agreement only if:
 - (1) the prospective gestational mother or the intended parents have resided in this state for the 90 days preceding the date the proceeding is commenced;
 - (2) the prospective gestational mother's husband, if she is married, is joined as a party to the proceeding; and
 - (3) a copy of the gestational agreement is attached to the petition.

Sec. 160.756. Hearing To Validate Gestational Agreement

- (a) A gestational agreement must be validated as provided by this section.
- (b) The court may validate a gestational agreement as provided by Subsection (c) only if the court finds that:
 - (1) the parties have submitted to the jurisdiction of the court under the jurisdictional standards of this chapter;
 - (2) the medical evidence provided shows that the intended mother is unable to carry a pregnancy to term and give birth to the child or is unable to carry the pregnancy to term and give birth to the child without unreasonable risk to her physical or mental health or to the health of the unborn child;
 - (3) unless waived by the court, an agency or other person has conducted a home study of the intended parents and has determined that the intended parents meet the standards of fitness applicable to adoptive parents;
 - (4) each party to the agreement has voluntarily entered into and understands the terms of the agreement;
 - (5) the prospective gestational mother has had at least one previous pregnancy and delivery and carrying another pregnancy to term and giving birth to another child would not pose an unreasonable risk to the child's health or the physical or mental health of the prospective gestational mother; and
 - (6) the parties have adequately provided for which party is responsible for all reasonable health care expenses associated with the pregnancy, including providing for who is responsible for those expenses if the agreement is terminated.
- (c) If the court finds that the requirements of Subsection (b) are satisfied, the court may render an order validating the gestational agreement and declaring that the intended parents will be the parents of a child born under the agreement.
- (d) The court may validate the gestational agreement at the court's discretion. The court's determination of whether to validate the agreement is subject to review only for abuse of discretion.

Sec. 160.757. Inspection Of Records

The proceedings, records, and identities of the parties to a gestational agreement under this subchapter are subject to inspection under the same standards of confidentiality that apply to an adoption under the laws of this state.

Sec. 160.758. Continuing, Exclusive Jurisdiction

Subject to Section 152.201, a court that conducts a proceeding under this subchapter has continuing, exclusive jurisdiction of all matters arising out of the gestational agreement until the date a child born to the gestational mother during the period covered by the agreement reaches 180 days of age.

Sec. 160.759. Termination Of Gestational Agreement

- (a) Before a prospective gestational mother becomes pregnant by means of assisted reproduction, the prospective gestational mother, her husband if she is married, or either intended parent may terminate a gestational agreement validated under Section 160.756 by giving written notice of the termination to each other party to the agreement.
- (b) A person who terminates a gestational agreement under Subsection (a) shall file notice of the termination with the court. A person having the duty to notify the court who does not notify the court of the termination of the agreement is subject to appropriate sanctions.
- (c) On receipt of the notice of termination, the court shall vacate the order rendered under Section 160.756 validating the gestational agreement.
- (d) A prospective gestational mother and her husband, if she is married, may not be liable to an intended parent for terminating a gestational agreement if the termination is in accordance with this section.

Sec. 160.760. Parentage Under Validated Gestational Agreement

- (a) On the birth of a child to a gestational mother under a validated gestational agreement, the intended parents shall file a notice of the birth with the court not later than the 300th day after the date assisted reproduction occurred.
- (b) After receiving notice of the birth, the court shall render an order that:
 - (1) confirms that the intended parents are the child's parents;
 - (2) requires the gestational mother to surrender the child to the intended parents, if necessary; and
 - (3) requires the bureau of vital statistics to issue a birth certificate naming the intended parents as the child's parents.
- (c) If a person alleges that a child born to a gestational mother did not result from assisted reproduction, the court shall order that scientifically accepted parentage testing be conducted to determine the child's parentage.
- (d) If the intended parents fail to file the notice required by Subsection (a), the gestational mother or an appropriate state agency may file the notice required by that subsection. On a showing that an order validating the gestational agreement was rendered in accordance with Section 160.756, the court shall order that the intended parents are the child's parents and are financially responsible for the child.

Sec. 160.761. Effect Of Gestational Mother's Marriage After Validation Of Agreement

If a gestational mother is married after the court renders an order validating a gestational agreement under this subchapter:

- (1) the validity of the gestational agreement is not affected;
- (2) the gestational mother's husband is not required to consent to the agreement; and
- (3) the gestational mother's husband is not a presumed father of the child born under the terms of the agreement.

Sec. 160.762. Effect Of Gestational Agreement That Is Not Validated

- (a) A gestational agreement that is not validated as provided by this subchapter is unenforceable, regardless of whether the agreement is in a record.
- (b) The parent-child relationship of a child born under a gestational agreement that is not validated as provided by this subchapter is determined as otherwise provided by this chapter.
- (c) A party to a gestational agreement that is not validated as provided by this subchapter who is an intended parent under the agreement may be held liable for the support of a child born under the agreement, even if the agreement is otherwise unenforceable.
- (d) The court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this section. Attorney's fees awarded by the court may be paid directly to the attorney. An attorney who is awarded attorney's fees may enforce the order in the attorney's own name.

Sec. 160.763. Health Care Facility Reporting Requirement

- (a) The Texas Department of Health by rule shall develop and implement a confidential reporting system that requires each health care facility in this state at which assisted reproduction procedures are performed under gestational agreements to report statistics related to those procedures.
- (b) In developing the reporting system, the department shall require each health care facility described by Subsection (a) to annually report:
 - (1) the number of assisted reproduction procedures under a gestational agreement performed at the facility during the preceding year; and
 - (2) the number and current status of embryos created through assisted reproduction procedures described by Subdivision (1) that were not transferred for implantation.

Subchapter D. Emergency Possession Of Certain Abandoned Children

Sec. 262.302. Accepting Possession Of Certain Abandoned Children

- (a) A designated emergency infant care provider shall, without a court order, take possession of a child who appears to be 60 days old or younger if the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child.
- (b) A designated emergency infant care provider who takes possession of a child under this section has no legal duty to detain or pursue the parent and may not do so unless the child appears to have been abused or neglected. The designated emergency infant care provider has no legal duty to ascertain the parent's identity and the parent may remain anonymous. However, the parent may be given a form for voluntary disclosure of the child's medical facts and history.
- (c) A designated emergency infant care provider who takes possession of a child under this section shall perform any act necessary to protect the physical health or safety of the child. The designated emergency infant care provider is not liable for damages related to the provider's taking possession of, examining, or treating the child, except for damages related to the provider's negligence.