

Texas Governor Rick Perry Signs “Who’s The Daddy?” Bill Into Law

Texas fathers who suspect they may not be the biological parent of their child have a new option: they can now petition the family law court to challenge paternity and request a DNA test to determine if they are, in fact, the biological father.

Texas Senate Bill 785 was signed by Governor Rick Perry in early May after a long legislative battle spanning several years. Supporters of the law say that it’s needed since technological advances now allow the scientific community to prove paternity in most cases. Without the law, some men might be on the hook financially for children that are not their own.

Under the law, Texas fathers who discover that they are not the biological parent of a child can ask the court to end child support obligations and terminate parental rights to the child through a petition in family court. Texas fathers who currently suspect they may not be the father have until September 1, 2012, to dispute paternity. Fathers who discover they may not be the father of their child have one year from the date of discovery to file a petition challenging paternity. After that, the father cannot dispute paternity.

Putative fathers who later discover they are not the parent of a child also cannot reclaim any child support they have already paid, although they will not be responsible for child support in the future. The new law also does not allow adoptive fathers or fathers whose children were conceived through artificial insemination to challenge paternity.

Things to Consider when Challenging Paternity

Whether or not you’ve developed a significant relationship with the child, challenging paternity can be a difficult process — and the procedures used under this new law are still being tested.

You should consider that if you have a significant relationship with the child, your parental rights to the child will be terminated — you will no longer have a right to visitation or to make decisions about the child’s upbringing. On the other hand, your financial obligation to pay child support will end if your petition is successful. But, as noted, you will not be able to get back any of the child support you already paid.

While you may feel great betrayal and disappointment if you suspect your child is not actually yours, you should approach the decision to challenge paternity with a rational mind and the sound advice of an experienced family law attorney to represent you through the new paternity challenge process.