

Texas Family Code (2004)
(based upon Uniform Parentage Act (2000))

Note to class: Substitute this statute for the Uniform Parentage Act provisions on pp. 109-11.

§ 160.102. DEFINITIONS. In this chapter: * * *

(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. * * *

(6) "Donor" means an individual who produces eggs or sperm used for assisted reproduction, regardless of whether the production is 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; or
- (B) a woman who gives birth to a child by means of assisted reproduction. * * *

§ 160.103. SCOPE OF CHAPTER; CHOICE OF LAW.

- (a) 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.

§ 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 . . . ;
 - (2) an effective acknowledgment of paternity by the man . . . ;
 - (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.

SUBCHAPTER H. CHILD OF ASSISTED REPRODUCTION

§ 160.701. SCOPE OF SUBCHAPTER. This subchapter applies only to a child conceived by means of assisted reproduction.

§ 160.702. PARENTAL STATUS OF DONOR. A donor is not a parent of a child conceived by means of assisted reproduction.

§ 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.

§ 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. 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.

§ 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.

§ 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 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 at any time before the placement of eggs, sperm, or embryos.

§ 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 that if assisted reproduction were to occur after death the deceased spouse would be a parent of the child.