

5. The acknowledgement of paternity and the denial of paternity or the combined acknowledgement/denial of paternity must be filed with the bureau of vital statistics, and a certified copy of the filed acknowledgement of paternity and the denial of paternity or the combined acknowledgement/denial of paternity obtained from the bureau, prior to the date of the final hearing. **TEX. FAM. CODE ANN. §160.305.** Information about the requirements for filing the acknowledgement of paternity and the denial of paternity or the combined acknowledgement/denial of paternity and obtaining a certified copy of the form(s) may be obtained from the Bureau of Vital Statistics at 888-963-7111, ext. 3392. A certified copy of the acknowledgement of paternity and the denial of paternity or the combined acknowledgment/denial of paternity must be filed with the Court.
6. The decree of divorce must contain the following findings and order:
 - a. The Court finds that a valid acknowledgement of paternity has been filed and is effective pursuant to Subchapter D, Chapter 160, Texas Family Code.
 - b. The Court finds that a valid denial of paternity has been filed and is effective pursuant to Subchapter D, Chapter 160, Texas Family Code.
 - c. The Courts finds that **[name of husband]** is not the father of the child, **[name of child]**.

IT IS ORDERED AND DECREED that **[name of husband]** is not, and he is adjudicated not to be, the father of the child, **[name of child]**, born on **[date]** to **[name of wife]**.

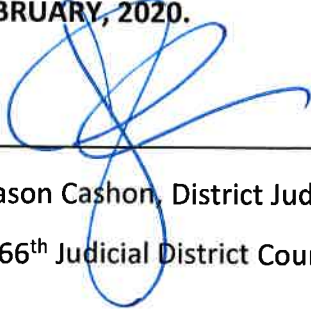
7. If the acknowledgment of paternity or the denial of paternity or the combined acknowledgment/denial of paternity does not conform to the Texas Family Code or cannot be obtained, a proceeding to adjudicate parentage under Subchapter G, Chapter 160, Texas Family Code must be joined with the divorce.
- C. Rebuttal of Presumption by Proceeding to Adjudicate Parentage**
1. The alleged biological father must be made a party to the suit, subject to the provisions for personal jurisdiction under Section 160.604, Texas Family Code.
 2. Note the time limitations on the right to file a proceeding to adjudicate parentage or to disprove the father-child relationship. See, **TEX. FAM. CODE ANN. §160.607.**
 3. A proceeding to determine parentage commenced before the birth of the child may not be concluded until after the birth of the child. **TEX. FAM. CODE ANN. §160.611.**
 4. Genetic testing under Subchapter F, Chapter 160, Texas Family Code must be conducted as to the child, the mother, the husband and the alleged biological father.
 5. The report of the results of genetic testing must be filed with the Court. **TEX. FAM. CODE ANN. §160.504.**
 6. If the report of the results of genetic testing identifies the alleged biological father as the father of the child, a decree of divorce, along with a motion and order for severance shall be prepared as provided herein. If the report excludes the alleged biological father as the father of the child, no further genetic testing will be permitted without a hearing and order of the Court.

7. The decree of divorce must contain the following finding and order:
 - a. The Court finds that admissible results of genetic testing identify another man as the father of the child, **[name of child]**.

IT IS ORDERED AND DECREED that **[name of husband]** is not, and he is adjudicated not to be, the father of the child, **[name of child]**, born on **[date]** to **[name of wife]**.

8. On or before the date of the final hearing, the parties must present the Court with an agreed motion and order for severance of the suit affecting the parent-child relationship regarding the child not of the marriage and have deposited with the District Clerk all cost associated with the filing of the severed suit. The order for severance will be signed by the Court contemporaneously with the divorce decree.
9. The Court may refer, or the custodial parent may be ordered to refer, the severed suit affecting the parent-child relationship to the Office of the Attorney General, Child Support Division for further proceedings.

SIGNED AND SO ORDERED THIS THE 1st DAY OF FEBRUARY, 2020.



Jason Cashon, District Judge
266th Judicial District Court