

## **BILL ANALYSIS**

S.B. 814  
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Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, a party to a divorce suit who voluntarily acknowledges being named a party to a suit may file a waiver of service in accordance with state law. Interested parties contend that provisions of law governing a suit to remove the disabilities of minority, a suit to change the name of an adult or a child, or a suit relating to the parent-child relationship lack the specificity to adequately provide for such a waiver. S.B. 814 seeks to address issues relating to waivers of citation and service in certain suits.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 814 amends the Family Code to specify that the requirement that a waiver of service in a suit for dissolution of a marriage be sworn before a notary public who is not an attorney in the suit does not apply if the party executing the waiver is incarcerated and to prohibit a party from executing a waiver of service using a digitized signature. The bill authorizes a party to a suit to remove the disabilities of minority, a suit to change the name of an adult or a child, or a suit relating to the parent-child relationship to waive the issuance or service of citation after the suit is filed by filing with the clerk of the court in which the suit is filed the waiver of the party acknowledging receipt of a copy of the filed petition. The bill prohibits the party executing the waiver from signing the waiver using a digitized signature and requires the waiver to contain the mailing address of the party executing the waiver. The bill requires the waiver to be sworn before a notary public who is not an attorney in the suit, unless the party executing the waiver is incarcerated. The bill exempts a waiver executed under its provisions from the Texas Rules of Civil Procedure.

### **EFFECTIVE DATE**

September 1, 2015.