HOUSE
RESEARCH
ORGANIZATION bill analysis   5/8/2009

HB 313
Raymond, Dutton
(CSHB 313 by Madden)

SUBJECT: Excluding personal information from court orders in family law cases

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Hunter, Alonzo, Branch, Hartnett, Madden, Martinez, Woolley

                0 nays

                4 absent — Hughes, Jackson, Leibowitz, Lewis

WITNESSES: For — Brian Webb, Texas Family Law Foundation

                Against — None

                On — (*Registered, but did not testify*: Sandra Lackey, Texas Department
                of State Health Services)

BACKGROUND: Current law does not restrict access to personal information contained in a
                divorce decree or a final order in certain suits affecting the parent-child
                relationship. Except in a suit seeking termination of a parent-child
                relationship or a suit for adoption, the final order in all other suits affecting
                the parent-child relationship must contain the social security numbers of
                the parties to the suit, including the child's. The order also may contain
                other personal information, such as the parties' bank account numbers.

DIGEST: CSHB 313 would prohibit disclosure of certain personal information
                contained in a final divorce decree or in a final order in a suit affecting the
                parent-child relationship, subject to certain exceptions. As defined in the
                bill, "personal information" would include:

                • social security numbers;
                • bank account numbers and similar financial information; and
                • the name and birth date of each child.

                CSHB 313 would require the protected personal information to be listed in
                a separate document titled "CONFIDENTIAL DATA PAGE" in bold
                type. The document would have to include the cause number and style of
                the proceeding.

The protected personal information would be confidential and could only be disclosed to:

- a party to the proceeding, or the attorney of that party;
- a law enforcement agency, the Title IV-D agency (the Office of the Attorney General), or another governmental entity that was conducting a criminal investigation or enforcing a child support order; or
- a person authorized by a court order to obtain the information, if the court found good cause to disclose the information.

CSHB 313 would not authorize the court to disclose confidential information protected by other law.

The bill would take effect September 1, 2009.

SUPPORTERS SAY:
CSHB 313 would establish a common sense exclusion of personal information from divorce decrees and final orders in suits affecting the parent-child relationship. The public availability of individuals' social security numbers and other personal information leaves parties to certain family law proceedings vulnerable to identity theft, an increasingly common crime in Texas. Current law could easily be modified to allow certain personal information in family law cases to remain confidential, with certain disclosure exceptions for law enforcement agencies and individuals who could show good cause for disclosure of the information.

OPPONENTS SAY:
No apparent opposition.

NOTES:
The committee substitute would restrict access to a narrower range of personal information than the original bill, which would also have restricted access to a person's driver's license number, physical or work address, and telephone and e-mail contact information. The committee substitute removed provisions in the original bill that would have required the Texas Supreme Court to adopt rules restricting access to personal information.