

BILL ANALYSIS

Senate Research Center
81R679 KKA-D

S.B. 478
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, records filed with the court in family law cases are public and made available to any person who requests to see them. Because of the nature of the cases, these records often contain personal and confidential information such as bank account numbers or Social Security numbers.

As proposed, S.B. 478 requires the use of a confidential data page for certain personal information in certain cases governed by the Family Code. The bill sets forth the required content of the confidential data page and sets forth the persons to whom the confidential data page may be disclosed.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 6, Family Code, by adding Section 6.712, as follows:

Sec. 6.712. PERSONAL INFORMATION IN DECREE. (a) Defines "personal information."

(b) Prohibits a final decree of dissolution of a marriage, and any modification of the decree, from containing personal information with regard to any party to the decree. Requires that any personal information that is required by this title or any other law to be in the decree or modification be listed in a separate document titled "CONFIDENTIAL DATA PAGE" in bold type.

(c) Requires the separate document described by Subsection (b) to include the cause number and style of the proceeding.

(d) Provides that the personal information in the separate document described by Subsection (b) is confidential and is authorized to be disclosed only to a party to the proceeding or an attorney for a party to the proceeding; a law enforcement agency, the Title IV-D agency, or another governmental entity conducting a criminal investigation or establishing or enforcing a child support order; or another person authorized to obtain the information by a court order that includes a finding of good cause for disclosing the information to that person.

(e) Provides that this section does not require a court to grant access to confidential personal information if access is restricted by other law.

SECTION 2. Amends Section 105.006(a), Family Code, to delete existing text requiring a final order, other than in a proceeding under Chapter 161 (Termination of the Parent-Child Relationship) or 162 (Adoption), to contain a social security number.

SECTION 3. Amends Chapter 105, Family Code, by adding Section 105.010, as follows:

Sec. 105.010. PERSONAL INFORMATION IN CERTAIN ORDERS. (a) Defines "personal information."

(b) Prohibits an order in a suit affecting the parent-child relationship from containing personal information with regard to any part to the suit. Requires any personal information that is required by this title or any other law to be in the order to be listed in a separate document titled "CONFIDENTIAL DATA PAGE" in bold type.

(c) Requires the separate document described by Subsection (b) to include the cause number and style of the proceeding.

(d) Provides that the personal information in the separate document described by Subsection (b) is confidential and is authorized to be disclosed only to a party to the suit or an attorney for a party to the suit; a law enforcement agency, the Title IV-D agency, or another governmental entity conducting a criminal investigation or enforcing a child support order; or another person authorized to obtain the information by a court order that includes a finding of good cause for disclosing the information to that person.

(e) Provides that this section does not require a court to grant access to confidential personal information if access is restricted by other law.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2009.