

BILL ANALYSIS

Senate Research Center
81R16671 KKA-F

C.S.S.B. 478
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Jurisprudence
3/19/2009
Committee Report (Substituted)

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 these cases, these records often contain personal and confidential information such as bank account numbers, driver's license numbers, or Social Security numbers. There is no protection of personal information required to be found in court-ordered documents related to family law cases.

C.S.S.B. 478 restricts access to "personal information," and makes such information only accessible to parties involved and their counsel.

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 Chapter 1, Family Code, by adding Subchapter C, as follows:

SUBCHAPTER C. MISCELLANEOUS PROVISIONS

Sec. 1.151. PERSONAL INFORMATION IN CERTAIN DECREES AND ORDERS.

(a) Defines "domestic relations office" and "personal information."

(b) Prohibits the following decrees and orders, including any temporary orders, enforcement orders, modification orders related to the following decrees and orders, except as provided by Subsection (e), from containing personal information with regard to any party to the proceeding: a final decree of dissolution of a marriage, including a decree of annulment and a decree declaring a marriage void; an order in a suit affecting the parent-child relationship, including an order adjudicating parentage; an order related to the disposition of marital property; an order related to an award of spousal maintenance; and an order related to an award of child support.

(c) Requires that personal information regarding a party, except as provided by Subsection (e), be listed in a separate document titled "CONFIDENTIAL DATA PAGE" in boldfaced type that also includes the cause number and style of the proceeding, the name of each party to the proceeding, and the current residence address and mailing address of each party to the proceeding.

(d) Authorizes access to the confidential data page required by Subsection (c) to be granted only to a person listed in Subsection (f).

(e) Provides that if personal information is required by any federal or state law or agency rule or regulation to be included in a decree or order described by Subsection (b), the decree or order is confidential. Authorizes that access to the document described by this subsection to be granted only to the person listed in Subsection (f).

(f) Authorizes that access to the confidential data page required by Subsection (c) or a decree or order described by Subsection (e) to be granted only to certain persons or agencies.

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

(h) Provides that this section, notwithstanding Subsection (f), does not limit or otherwise affect the authority of the Title IV-D agency or a domestic relations office to collect and use personal information for child support purposes or the use by the clerk of the court, for reference purposes only, of the last four numbers of a bank account number.

SECTION 2. Amends Sections 105.006(a) and (e), Family Code, as follows:

(a) Requires that a final order, other than in a proceeding under Chapter 161 (Termination of the Parent-Child Relationship) or 162 (Adoption), contain the last three numbers of the social security number and the last three numbers of the driver's license number of each party to the suit, including the child, except that the child's partial social security number or partial driver's license number is not required if the child has not been assigned a social security or driver's license number.

(e) Requires that an order in a suit that orders a child support or possession of or access to a child, except as provided by Subsection (c), also contain certain language prominently displayed as a statement in boldfaced type, capital letters, or underlined. Sets forth the required language of the statement.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.