

By: Cook

H.B. No. 980

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the privilege against disclosure of certain  
3 collaborative family law communications.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 15.115(a), Family Code, is amended to  
6 read as follows:

7 (a) The privilege prescribed by Section 15.114 does not  
8 apply to a collaborative family law communication that is:

9 (1) in an agreement resulting from the collaborative  
10 family law process, evidenced in a record signed by all parties to  
11 the agreement;

12 (2) subject to an express waiver of the privilege in a  
13 record or orally during a proceeding if the waiver is made by all  
14 parties and nonparty participants;

15 (3) available to the public under Chapter 552,  
16 Government Code, or made during a session of a collaborative family  
17 law process that is open, or is required by law to be open, to the  
18 public;

19 (4) a threat or statement of a plan to inflict bodily  
20 injury or commit a crime of violence;

21 (5) a disclosure of a plan to commit or attempt to  
22 commit a crime, or conceal an ongoing crime or ongoing criminal  
23 activity;

24 (6) a disclosure in a report of:

1 (A) suspected abuse or neglect of a child to an  
2 appropriate agency under Subchapter B, Chapter 261, or in a  
3 proceeding regarding the abuse or neglect of a child, except that  
4 evidence may be excluded in the case of communications between an  
5 attorney and client under Subchapter C, Chapter 261; or

6 (B) abuse, neglect, or exploitation of an elderly  
7 or disabled person to an appropriate agency under Subchapter B,  
8 Chapter 48, Human Resources Code; or

9 (7) sought or offered to prove or disprove:

10 (A) a claim or complaint of professional  
11 misconduct or malpractice arising from or related to a  
12 collaborative family law process;

13 (B) an allegation that the settlement agreement  
14 was procured by fraud, duress, coercion, or other dishonest means  
15 or that terms of the settlement agreement are illegal; or

16 (C) the necessity and reasonableness of  
17 attorney's fees and related expenses incurred during a  
18 collaborative family law process or to challenge or defend the  
19 enforceability of the collaborative family law settlement  
20 agreement [~~, or~~

21 [~~(D) a claim against a third person who did not~~  
22 ~~participate in the collaborative family law process].~~

23 SECTION 2. Section 15.115, Family Code, as amended by this  
24 Act, applies to a disclosure made on or after the effective date of  
25 this Act, regardless of whether the communication that is the  
26 subject of the disclosure was made before, on, or after that date.

27 SECTION 3. This Act takes effect September 1, 2023.