

By: Hamric

H.B. No. 1391

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the confidentiality of pleadings and protective order  
3 applications in certain proceedings in the Family Code.

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

5 SECTION 1. Subchapter E, Chapter 6, Family Code, is amended  
6 by adding Section 6.410 to read as follows:

7 Sec. 6.410. CONFIDENTIALITY OF PLEADINGS. (a) This section  
8 applies only in a county with a population of 3.4 million or more.

9 (b) Except as otherwise provided by law, all pleadings and  
10 other documents filed with the court in a suit for dissolution of a  
11 marriage are confidential, are excepted from required public  
12 disclosure under Chapter 552, Government Code, and may not be  
13 released to a person who is not a party to the suit until after the  
14 date of service of citation or the 31st day after the date of filing  
15 the suit, whichever date is sooner.

16 SECTION 2. Subchapter A, Chapter 82, Family Code, is  
17 amended by adding Section 82.010 to read as follows:

18 Sec. 82.010. CONFIDENTIALITY OF APPLICATION. (a) This  
19 section applies only in a county with a population of 3.4 million or  
20 more.

21 (b) Except as otherwise provided by law, an application for  
22 a protective order is confidential, is excepted from required  
23 public disclosure under Chapter 552, Government Code, and may not  
24 be released to a person who is not a respondent to the application

1 until after the date of service of notice of the application or the  
2 date of the hearing on the application, whichever date is sooner.

3 (c) Except as otherwise provided by law, an application  
4 requesting the issuance of a temporary ex parte order under Chapter  
5 83 is confidential, is excepted from required public disclosure  
6 under Chapter 552, Government Code, and may not be released to a  
7 person who is not a respondent to the application until after the  
8 date that the court or law enforcement informs the respondent of the  
9 court's order.

10 SECTION 3. Chapter 102, Family Code, is amended by adding  
11 Section 102.0086 to read as follows:

12 Sec. 102.0086. CONFIDENTIALITY OF PLEADINGS. (a) This  
13 section applies only in a county with a population of 3.4 million or  
14 more.

15 (b) Except as otherwise provided by law, all pleadings and  
16 other documents filed with the court in a suit affecting the  
17 parent-child relationship are confidential, are excepted from  
18 required public disclosure under Chapter 552, Government Code, and  
19 may not be released to a person who is not a party to the suit until  
20 after the date of service of citation or the 31st day after the date  
21 of filing the suit, whichever date is sooner.

22 SECTION 4. (a) This Act takes effect September 1, 2003.

23 (b) Section 6.410, Family Code, as added by this Act,  
24 applies only to a suit for dissolution of a marriage filed on or  
25 after the effective date of this Act. A suit for dissolution of a  
26 marriage filed before the effective date of this Act is governed by  
27 the law in effect on the date the suit was filed, and the former law

1 is continued in effect for that purpose.

2 (c) Section 82.010, Family Code, as added by this Act,  
3 applies only to an application under Title 4, Family Code, for a  
4 protective order or temporary ex parte order filed on or after the  
5 effective date of this Act. An application for a protective order  
6 or temporary ex parte order filed before the effective date of this  
7 Act is governed by the law in effect on the date the application was  
8 filed, and the former law is continued in effect for that purpose.

9 (d) Section 102.0086, Family Code, as added by this Act,  
10 applies only to a suit affecting the parent-child relationship  
11 filed on or after the effective date of this Act. A suit affecting  
12 the parent-child relationship filed before the effective date of  
13 this Act is governed by the law in effect on the date the suit was  
14 filed, and the former law is continued in effect for that purpose.