

1-1 By: Hamric (Senate Sponsor - Gallegos) H.B. No. 1391
1-2 (In the Senate - Received from the House May 1, 2003;
1-3 May 6, 2003, read first time and referred to Committee on
1-4 Jurisprudence; May 19, 2003, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the confidentiality of pleadings and protective order
1-9 applications in certain proceedings in the Family Code.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter E, Chapter 6, Family Code, is amended
1-12 by adding Section 6.410 to read as follows:

1-13 Sec. 6.410. CONFIDENTIALITY OF PLEADINGS. (a) This section
1-14 applies only in a county with a population of 3.4 million or more.

1-15 (b) Except as otherwise provided by law, all pleadings and
1-16 other documents filed with the court in a suit for dissolution of a
1-17 marriage are confidential, are excepted from required public
1-18 disclosure under Chapter 552, Government Code, and may not be
1-19 released to a person who is not a party to the suit until after the
1-20 date of service of citation or the 31st day after the date of filing
1-21 the suit, whichever date is sooner.

1-22 SECTION 2. Subchapter A, Chapter 82, Family Code, is
1-23 amended by adding Section 82.010 to read as follows:

1-24 Sec. 82.010. CONFIDENTIALITY OF APPLICATION. (a) This
1-25 section applies only in a county with a population of 3.4 million or
1-26 more.

1-27 (b) Except as otherwise provided by law, an application for
1-28 a protective order is confidential, is excepted from required
1-29 public disclosure under Chapter 552, Government Code, and may not
1-30 be released to a person who is not a respondent to the application
1-31 until after the date of service of notice of the application or the
1-32 date of the hearing on the application, whichever date is sooner.

1-33 (c) Except as otherwise provided by law, an application
1-34 requesting the issuance of a temporary ex parte order under Chapter
1-35 83 is confidential, is excepted from required public disclosure
1-36 under Chapter 552, Government Code, and may not be released to a
1-37 person who is not a respondent to the application until after the
1-38 date that the court or law enforcement informs the respondent of the
1-39 court's order.

1-40 SECTION 3. Chapter 102, Family Code, is amended by adding
1-41 Section 102.0086 to read as follows:

1-42 Sec. 102.0086. CONFIDENTIALITY OF PLEADINGS. (a) This
1-43 section applies only in a county with a population of 3.4 million or
1-44 more.

1-45 (b) Except as otherwise provided by law, all pleadings and
1-46 other documents filed with the court in a suit affecting the
1-47 parent-child relationship are confidential, are excepted from
1-48 required public disclosure under Chapter 552, Government Code, and
1-49 may not be released to a person who is not a party to the suit until
1-50 after the date of service of citation or the 31st day after the date
1-51 of filing the suit, whichever date is sooner.

1-52 SECTION 4. (a) This Act takes effect September 1, 2003.

1-53 (b) Section 6.410, Family Code, as added by this Act,
1-54 applies only to a suit for dissolution of a marriage filed on or
1-55 after the effective date of this Act. A suit for dissolution of a
1-56 marriage filed before the effective date of this Act is governed by
1-57 the law in effect on the date the suit was filed, and the former law
1-58 is continued in effect for that purpose.

1-59 (c) Section 82.010, Family Code, as added by this Act,
1-60 applies only to an application under Title 4, Family Code, for a
1-61 protective order or temporary ex parte order filed on or after the
1-62 effective date of this Act. An application for a protective order
1-63 or temporary ex parte order filed before the effective date of this
1-64 Act is governed by the law in effect on the date the application was

2-1 filed, and the former law is continued in effect for that purpose.
2-2 (d) Section 102.0086, Family Code, as added by this Act,
2-3 applies only to a suit affecting the parent-child relationship
2-4 filed on or after the effective date of this Act. A suit affecting
2-5 the parent-child relationship filed before the effective date of
2-6 this Act is governed by the law in effect on the date the suit was
2-7 filed, and the former law is continued in effect for that purpose.

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