

By: Raymond

H.B. No. 2268

A BILL TO BE ENTITLED

AN ACT

relating to restricting the availability of certain information contained in a final decree of divorce or annulment.

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

SECTION 1. Subchapter H, Chapter 6, Family Code, is amended by adding Section 6.712 to read as follows:

Sec. 6.712. RESTRICTING ACCESS TO CERTAIN INFORMATION IN DECREE OR INCIDENT AGREEMENT. (a) In this section, "personal information" includes a person's social security number; driver's license number; physical home or work address; home, work, or cellular telephone number; electronic mail address; bank account number or other financial information; and similar information.

(b) The supreme court shall adopt rules restricting access to personal information contained in a final decree of divorce or annulment, including information in an agreement incident to the divorce or annulment that is incorporated by reference in the final decree. The rules must:

(1) permit the parties to the suit for dissolution of the marriage and their attorneys to have access to all information in the decree, except to the extent that access to the information may be restricted under other law;

(2) list governmental entities, such as the Title IV-D agency, as that term is defined by Section 101.033, and law enforcement agencies, that in the opinion of the supreme court are

1 presumed to have a need for the information if they request it and
2 should be able to obtain the information on request without
3 demonstrating that need to the court that issued the decree;

4 (3) provide that a person who is not listed in the
5 supreme court's rule under Subdivision (2) may obtain access to
6 personal information in the decree only on demonstrating a need for
7 the information to the court that issued the decree; and

8 (4) establish guidelines for the courts of this state
9 to use in determining:

10 (A) whether information that is not specifically
11 described by Subsection (a) should be considered to be similar
12 personal information for purposes of this section; and

13 (B) how best to segregate personal information
14 from other information in the decree to facilitate the efficient
15 implementation of this section.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2003.