

BILL ANALYSIS

H.B. 162
By: Raymond
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law does not restrict the availability of personal information contained in divorce decrees. Identity theft is becoming more common in the state of Texas. Divorce and annulment decrees contain information that may aid in the process of identity theft.

House Bill 162 directs the Texas Supreme Court to adopt rules restricting access to personal information contained in the final decree of divorce or any modification of the decree.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1, Section 6.713, SECTION 4, Section 105.0065, and in SECTION 5 of this bill.

ANALYSIS

Requires that the final decree of divorce, or any modification to the decree, may not contain any personal information, as defined by the bill. Any personal information that is required by any provision of the Family Code or other law to be in the decree must be listed in a separate document. The supreme court is directed to adopt rules restricting access to personal information contained in the separate information document, and the contents of the separate document are confidential and shall be sealed by the court and disclosed only to those individuals and entities listed in the supreme court rule, which must include the parties and their attorneys, governmental entities, including the Title IV-D agency and law enforcement agencies, and other persons who have demonstrated a need for the information to the court that issued the decree.

The supreme court is directed to establish guidelines for use by courts in determining whether information that is not specifically described in the definition of personal information should be considered personal information for purposes of this section and how best to segregate the personal information from other information in the decree.

EFFECTIVE DATE

September 1, 2007