

By: Raymond

H.B. No. 162

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to access to certain information contained in a decree of  
3 dissolution of a marriage or in an order in a suit affecting the  
4 parent-child relationship.

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

6 SECTION 1. Subchapter H, Chapter 6, Family Code, is amended  
7 by adding Sections 6.712 and 6.713 to read as follows:

8 Sec. 6.712. CONTENTS OF DECREE. (a) The final decree of  
9 dissolution of a marriage, and any modification to the decree, may  
10 not contain personal information with regard to any party to the  
11 decree. Any personal information that is required by this title or  
12 any other law to be in the decree or in an agreement incident to the  
13 decree must be listed in a separate document that contains all  
14 private information that is recorded with regard to the parties to  
15 the decree.

16 (b) The contents of the separate document described by  
17 Subsection (a) are confidential and shall be sealed by the court.  
18 Information in the document may be disclosed only as provided by  
19 Section 6.713.

20 Sec. 6.713. RESTRICTING ACCESS TO PERSONAL INFORMATION.  
21 The supreme court shall adopt rules restricting access to personal  
22 information contained in the separate information document  
23 required by Section 6.712. The rules may permit the information to  
24 be maintained in a manner other than in a document. The rules must:

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

5           (2) list governmental entities, including the Title  
6 IV-D agency and law enforcement agencies, that in the opinion of the  
7 supreme court are presumed to have a need for the information if  
8 they request it and should be able to obtain the information on  
9 request without demonstrating that need to the court that issued  
10 the decree;

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

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

17                   (A) whether information that is not specifically  
18 described by Section 101.0275 should be considered to be similar  
19 personal information for purposes of this section; and

20                   (B) how best to facilitate the efficient  
21 implementation of this section.

22           SECTION 2. Chapter 101, Family Code, is amended by adding  
23 Section 101.0275 to read as follows:

24           Sec. 101.0275. PERSONAL INFORMATION. "Personal  
25 information" includes a person's:

26                   (1) social security number;

27                   (2) driver's license number;

1           (3) physical home or work address;

2           (4) home, work, and cellular telephone number;

3           (5) electronic mail address;

4           (6) bank account number and other financial  
5 information; and

6           (7) similar information.

7           SECTION 3. Section 105.006, Family Code, is amended by  
8 amending Subsection (a) and adding Subsection (a-1) to read as  
9 follows:

10           (a) The final order in a suit, and any modification to the  
11 order, may not contain personal information with regard to any  
12 party to the order. Any personal information that is required by  
13 this title or any other law to be in the order or in an agreement  
14 incident to the order must be listed in a separate document that  
15 contains all private information that is recorded with regard to  
16 the parties to the order. That document [~~A final order~~], other than  
17 in a proceeding under Chapter 161 or 162, must contain:

18           (1) the social security number and driver's license  
19 number of each party to the suit, including the child, except that  
20 the child's social security number or driver's license number is not  
21 required if the child has not been assigned a social security number  
22 or driver's license number; and

23           (2) each party's current residence address, mailing  
24 address, home telephone number, name of employer, address of  
25 employment, and work telephone number, except as provided by  
26 Subsection (c).

27           (a-1) The contents of the separate document described by

1 Subsection (a) are confidential and shall be sealed by the court.  
2 Information in the document may be disclosed only as provided by  
3 Section 105.0065.

4 SECTION 4. Chapter 105, Family Code, is amended by adding  
5 Section 105.0065 to read as follows:

6 Sec. 105.0065. RESTRICTING ACCESS TO PERSONAL INFORMATION.

7 The supreme court shall adopt rules restricting access to personal  
8 information contained in the separate information document  
9 required by Section 105.006(a). The rules may permit the  
10 information to be maintained in a manner other than in a document.

11 The rules must:

12 (1) permit the parties to the suit and their attorneys  
13 to have access to all information in the document, except to the  
14 extent that access to the information may be restricted under other  
15 law;

16 (2) list governmental entities, including the Title  
17 IV-D agency and law enforcement agencies, that in the opinion of the  
18 supreme court are presumed to have a need for the information if  
19 they request it and should be able to obtain the information on  
20 request without demonstrating that need to the court that issued  
21 the order;

22 (3) provide that a person who is not listed in the  
23 supreme court's rule under Subdivision (2) may obtain access to  
24 personal information in the document only on demonstrating a need  
25 for the information to the court that issued the order; and

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

1                   (A) whether information that is not specifically  
2 described by Section 101.0275 should be considered to be similar  
3 personal information for purposes of this section; and

4                   (B) how best to facilitate the efficient  
5 implementation of this section.

6           SECTION 5. The Supreme Court of Texas shall adopt rules  
7 under Sections 6.713 and 105.0065, Family Code, as added by this  
8 Act, as soon as practicable, but not later than March 1, 2008.

9           SECTION 6. The change in law made by this Act applies only  
10 to a decree in a suit for the dissolution of a marriage or an order  
11 in a suit affecting the parent-child relationship that is rendered  
12 on or after the date the rules adopted by the Supreme Court of Texas  
13 under Sections 6.713 and 105.0065, Family Code, as added by this  
14 Act, are adopted and take effect. A decree or order rendered  
15 before the date the rules adopted by the Supreme Court of Texas  
16 under Sections 6.713 and 105.0065, Family Code, as added by this  
17 Act, are adopted and take effect is governed by the law in effect on  
18 the date the decree or order was rendered, and the former law is  
19 continued in effect for that purpose.

20           SECTION 7. Except as provided by Section 6 of this Act, this  
21 Act takes effect September 1, 2007.