

## **BILL ANALYSIS**

C.S.H.B. 313  
By: Raymond  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law does not restrict access to personal information contained in a divorce decree. Identity theft is becoming more common in Texas, and divorce and annulment decrees contain personal information that is vulnerable to identity theft.

C.S.H.B. 313 prohibits the final decree of dissolution of a marriage or the final order in a suit affecting the parent-child relationship from containing personal information with regard to any party to the decree or order and creates a separate, confidential document to contain this information.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 313 amends the Family Code to prohibit the final decree of dissolution of a marriage or the final order in a suit affecting the parent-child relationship, and any modification to the decree or order, from containing personal information with regard to any party to the decree or order. The bill requires any personal information otherwise required by law to be in the decree or order or modification to be listed in a separate document titled "CONFIDENTIAL DATA PAGE" in bold type. The bill requires the separate document to include the cause number and style of the proceeding. The bill specifies that the personal information in the separate document is confidential and authorizes the disclosure of the information only to a party or an attorney for a party to the proceeding; a law enforcement agency, the Title IV-D agency, or another governmental entity conducting a criminal investigation or establishing or enforcing a child support order; or another person authorized to obtain the information by a court order that includes a finding of good cause for disclosing the information to that person. The bill clarifies that its provisions do not require a court to grant access to confidential personal information if access is restricted by other law.

C.S.H.B. 313 defines "personal information" to include an individual's social security number; an individual's bank account number and similar financial information; and the name and birth date of each child of an individual.

C.S.H.B. 313 removes the social security number of each party to a suit affecting the parent-child relationship from the information required to be included in the final order for the suit.

### **EFFECTIVE DATE**

September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 313 differs from the original by including the requirement that the separate document containing personal information be titled "CONFIDENTIAL DATA PAGE" in bold type. The substitute differs from the original by including the clarification that the information required to be included in the separate document includes any personal information required by any other law to be in a modification, rather than in an agreement incident to a decree as in the original. The substitute adds a requirement not in the original requiring the cause number and style of the proceeding to be included in the separate document. The substitute omits a requirement in the original requiring the contents of the separate document to be sealed by the court. The substitute omits provisions in the original requiring the Supreme Court of Texas to adopt rules restricting access to personal information contained in the separate document and omits the provision requiring the rules to be adopted not later than March 1, 2010. The substitute differs from the original by specifying the persons and entities to whom the confidential information in the separate document may be disclosed, whereas the original required the rules adopted by the supreme court to provide for access to the information by certain persons and entities. The substitute adds a provision not in the original specifying that the provision providing for disclosure does not require a court to grant access to confidential personal information if access is restricted by other law.

C.S.H.B. 313 differs from the original by defining "personal information" to mean an individual's social security number; an individual's bank account number and similar financial information; and the name and birth date of each child of an individual, whereas the definition in the original does not include information about each child of an individual, but includes a person's driver's license number, physical or work address, home, work, and cellular telephone number, electronic mail address, and similar information. The substitute differs from the original by removing the social security number of each party to a suit affecting the parent-child relationship from the information required to be included in the final order for the suit, whereas the original prohibits any personal information from being in a final order, and any modification to the order, and includes the requirement that the information be contained in the separate document containing personal information.