

By: Raymond

H.B. No. 313

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, 2010.

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, 2009.