

A BILL TO BE ENTITLED

AN ACT

relating to personal information contained in certain decrees and orders in family law proceedings.

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

SECTION 1. Chapter 1, Family Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. MISCELLANEOUS PROVISIONS

Sec. 1.151. PERSONAL INFORMATION IN CERTAIN DECREES AND ORDERS. (a) In this section:

(1) "Domestic relations office" has the meaning assigned by Section 203.001.

(2) "Personal information" means an individual's:

(A) complete social security number;

(B) complete driver's license number; and

(C) complete account number for an account with a bank or other financial institution, including credit and debit card accounts and insurance-related accounts.

(b) Except as provided by Subsection (e), the following decrees and orders, including any temporary orders, enforcement orders, or modification orders related to the following decrees and orders, may not contain personal information with regard to any party to the proceeding:

(1) a final decree of dissolution of a marriage, including a decree of annulment and a decree declaring a marriage

1 void;

2 (2) an order in a suit affecting the parent-child
3 relationship, including an order adjudicating parentage;

4 (3) an order related to the disposition of marital
5 property;

6 (4) an order related to an award of spousal
7 maintenance; and

8 (5) an order related to an award of child support.

9 (c) Except as provided by Subsection (e), personal
10 information regarding a party must be listed in a separate document
11 titled "CONFIDENTIAL DATA PAGE" in boldfaced type that also
12 includes:

13 (1) the cause number and style of the proceeding;

14 (2) the name of each party to the proceeding; and

15 (3) the current residence address and mailing address
16 of each party to the proceeding.

17 (d) Access to the confidential data page required by
18 Subsection (c) may be granted only to a person listed in Subsection
19 (f).

20 (e) If personal information is required by any federal or
21 state law or agency rule or regulation to be included in a decree or
22 order described by Subsection (b), the decree or order is
23 confidential. Access to a document described by this subsection
24 may be granted only to a person listed in Subsection (f).

25 (f) Access to the confidential data page required by
26 Subsection (c) or a decree or order described by Subsection (e) may
27 be granted only to:

1 (1) a party to the proceeding or an attorney for a
2 party to the proceeding;

3 (2) a law enforcement agency, the Title IV-D agency,
4 or another governmental entity conducting a criminal investigation
5 or establishing or enforcing a child support order;

6 (3) a representative of the Department of Family and
7 Protective Services;

8 (4) a representative of a domestic relations office;

9 (5) the attorney general or an assistant or
10 representative of the attorney general;

11 (6) a representative of a pension fund managing a
12 qualified plan under Section 401(a), Internal Revenue Code of 1986,
13 in connection with the handling and administration of a proposed or
14 approved qualified domestic relations order, if a party to the
15 proceeding:

16 (A) is a current or former member of the
17 qualified plan;

18 (B) is currently receiving a benefit from the
19 qualified plan, including as an alternate payee;

20 (C) is identified by plan records as a
21 beneficiary under the qualified plan; or

22 (D) is making or has made a claim for
23 distribution of benefits, including as an alternate payee, from the
24 qualified plan through the submission of a qualified domestic
25 relations order; and

26 (7) any other person authorized to obtain the
27 information by a court order that includes a finding of good cause

1 for disclosing the information to that person.

2 (g) This section does not require a court to grant access to
3 confidential personal information if access is restricted by other
4 law.

5 (h) Notwithstanding Subsection (f), this section does not
6 limit or otherwise affect:

7 (1) the authority of the Title IV-D agency or a
8 domestic relations office to collect and use personal information
9 for child support purposes; or

10 (2) the use by the clerk of a court, for reference
11 purposes only, of the last four numbers of a bank account number.

12 SECTION 2. Subsections (a) and (e), Section 105.006, Family
13 Code, are amended to read as follows:

14 (a) A final order, other than in a proceeding under Chapter
15 161 or 162, must contain:

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

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

26 (e) Except as provided by Subsection (c), an order in a suit
27 that orders child support or possession of or access to a child must

1 also contain the following prominently displayed statement in
2 boldfaced type, capital letters, or underlined:

3 "EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY
4 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY
5 CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS,
6 HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT,
7 [~~DRIVER'S LICENSE NUMBER,~~] AND WORK TELEPHONE NUMBER. THE PARTY IS
8 ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED
9 INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE
10 REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF
11 THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN
12 SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO
13 GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE
14 THAT THE PARTY KNOWS OF THE CHANGE.

15 "THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY,
16 THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY
17 PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD
18 SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

19 "FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE
20 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE
21 CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION
22 TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF
23 CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX
24 MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY
25 JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS."

26 SECTION 3. The changes in law made by this Act apply only to
27 a decree or order that is rendered or issued on or after the

1 effective date of this Act. A decree or order rendered or issued
2 before the effective date of this Act is governed by the law in
3 effect on the date the decree or order was rendered or issued, and
4 the former law is continued in effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2009.