

1-1 By: Carona S.B. No. 478
1-2 (In the Senate - Filed January 14, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 23, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 23, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 478 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to personal information contained in certain decrees and
1-11 orders in family law proceedings.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 1, Family Code, is amended by adding
1-14 Subchapter C to read as follows:

1-15 SUBCHAPTER C. MISCELLANEOUS PROVISIONS

1-16 Sec. 1.151. PERSONAL INFORMATION IN CERTAIN DECREES AND
1-17 ORDERS. (a) In this section:

1-18 (1) "Domestic relations office" has the meaning
1-19 assigned by Section 203.001.

1-20 (2) "Personal information" means an individual's:

1-21 (A) complete social security number;

1-22 (B) complete driver's license number; and

1-23 (C) complete account number for an account with a
1-24 bank or other financial institution, including credit and debit
1-25 card accounts and insurance-related accounts.

1-26 (b) Except as provided by Subsection (e), the following
1-27 decrees and orders, including any temporary orders, enforcement
1-28 orders, or modification orders related to the following decrees and
1-29 orders, may not contain personal information with regard to any
1-30 party to the proceeding:

1-31 (1) a final decree of dissolution of a marriage,
1-32 including a decree of annulment and a decree declaring a marriage
1-33 void;

1-34 (2) an order in a suit affecting the parent-child
1-35 relationship, including an order adjudicating parentage;

1-36 (3) an order related to the disposition of marital
1-37 property;

1-38 (4) an order related to an award of spousal
1-39 maintenance; and

1-40 (5) an order related to an award of child support.

1-41 (c) Except as provided by Subsection (e), personal
1-42 information regarding a party must be listed in a separate document
1-43 titled "CONFIDENTIAL DATA PAGE" in boldfaced type that also
1-44 includes:

1-45 (1) the cause number and style of the proceeding;

1-46 (2) the name of each party to the proceeding; and

1-47 (3) the current residence address and mailing address
1-48 of each party to the proceeding.

1-49 (d) Access to the confidential data page required by
1-50 Subsection (c) may be granted only to a person listed in Subsection
1-51 (f).

1-52 (e) If personal information is required by any federal or
1-53 state law or agency rule or regulation to be included in a decree or
1-54 order described by Subsection (b), the decree or order is
1-55 confidential. Access to a document described by this subsection
1-56 may be granted only to a person listed in Subsection (f).

1-57 (f) Access to the confidential data page required by
1-58 Subsection (c) or a decree or order described by Subsection (e) may
1-59 be granted only to:

1-60 (1) a party to the proceeding or an attorney for a
1-61 party to the proceeding;

1-62 (2) a law enforcement agency, the Title IV-D agency,
1-63 or another governmental entity conducting a criminal investigation

2-1 or establishing or enforcing a child support order;
 2-2 (3) a representative of the Department of Family and
 2-3 Protective Services;
 2-4 (4) a representative of a domestic relations office;
 2-5 (5) the attorney general or an assistant or
 2-6 representative of the attorney general;
 2-7 (6) a representative of a pension fund managing a
 2-8 qualified plan under Section 401(a), Internal Revenue Code of 1986,
 2-9 in connection with the handling and administration of a proposed or
 2-10 approved qualified domestic relations order, if a party to the
 2-11 proceeding:

2-12 (A) is a current or former member of the
 2-13 qualified plan;

2-14 (B) is currently receiving a benefit from the
 2-15 qualified plan, including as an alternate payee;

2-16 (C) is identified by plan records as a
 2-17 beneficiary under the qualified plan; or

2-18 (D) is making or has made a claim for
 2-19 distribution of benefits, including as an alternate payee, from the
 2-20 qualified plan through the submission of a qualified domestic
 2-21 relations order; and

2-22 (7) any other person authorized to obtain the
 2-23 information by a court order that includes a finding of good cause
 2-24 for disclosing the information to that person.

2-25 (g) This section does not require a court to grant access to
 2-26 confidential personal information if access is restricted by other
 2-27 law.

2-28 (h) Notwithstanding Subsection (f), this section does not
 2-29 limit or otherwise affect:

2-30 (1) the authority of the Title IV-D agency or a
 2-31 domestic relations office to collect and use personal information
 2-32 for child support purposes; or

2-33 (2) the use by the clerk of a court, for reference
 2-34 purposes only, of the last four numbers of a bank account number.

2-35 SECTION 2. Subsections (a) and (e), Section 105.006, Family
 2-36 Code, are amended to read as follows:

2-37 (a) A final order, other than in a proceeding under Chapter
 2-38 161 or 162, must contain:

2-39 (1) the last three numbers of the social security
 2-40 number and the last three numbers of the driver's license number of
 2-41 each party to the suit, including the child, except that the child's
 2-42 partial social security number or partial driver's license number
 2-43 is not required if the child has not been assigned a social security
 2-44 number or driver's license number; and

2-45 (2) each party's current residence address, mailing
 2-46 address, home telephone number, name of employer, address of
 2-47 employment, and work telephone number, except as provided by
 2-48 Subsection (c).

2-49 (e) Except as provided by Subsection (c), an order in a suit
 2-50 that orders child support or possession of or access to a child must
 2-51 also contain the following prominently displayed statement in
 2-52 boldfaced type, capital letters, or underlined:

2-53 "EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY
 2-54 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY
 2-55 CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS,
 2-56 HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT,
 2-57 [~~DRIVER'S LICENSE NUMBER,~~] AND WORK TELEPHONE NUMBER. THE PARTY IS
 2-58 ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED
 2-59 INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE
 2-60 REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF
 2-61 THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN
 2-62 SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO
 2-63 GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE
 2-64 THAT THE PARTY KNOWS OF THE CHANGE.

2-65 "THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY,
 2-66 THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY
 2-67 PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD
 2-68 SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

2-69 "FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE

3-1 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE
3-2 CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION
3-3 TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF
3-4 CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX
3-5 MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY
3-6 JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS."

3-7 SECTION 3. The changes in law made by this Act apply only to
3-8 a decree or order that is rendered or issued on or after the
3-9 effective date of this Act. A decree or order rendered or issued
3-10 before the effective date of this Act is governed by the law in
3-11 effect on the date the decree or order was rendered or issued, and
3-12 the former law is continued in effect for that purpose.

3-13 SECTION 4. This Act takes effect September 1, 2009.

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