

By: Lucio III

H.B. No. 1826

Substitute the following for H.B. No. 1826:

By: Dutton

C.S.H.B. No. 1826

A BILL TO BE ENTITLED

AN ACT

relating to waivers of citation in certain family law suits.

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

SECTION 1. Section 6.4035, Family Code, is amended by amending Subsection (c) and adding Subsections (e) and (f) to read as follows:

(c) Notwithstanding Section 132.001, Civil Practice and Remedies Code, the waiver must be sworn before a notary public who is not an attorney in the suit. This subsection does not apply if the party executing the waiver is incarcerated.

(e) The party executing the waiver may not sign the waiver using a digitized signature.

(f) For purposes of this section, "digitized signature" has the meaning assigned by Section 101.0096.

SECTION 2. Chapter 31, Family Code, is amended by adding Section 31.008 to read as follows:

Sec. 31.008. WAIVER OF CITATION. (a) A party to a suit under this chapter may waive the issuance or service of citation after the suit is filed by filing with the clerk of the court in which the suit is filed the waiver of the party acknowledging receipt of a copy of the filed petition.

(b) The party executing the waiver may not sign the waiver using a digitized signature.

(c) The waiver must contain the mailing address of the party

1 executing the waiver.

2 (d) Notwithstanding Section 132.001, Civil Practice and  
3 Remedies Code, the waiver must be sworn before a notary public who  
4 is not an attorney in the suit. This subsection does not apply if  
5 the party executing the waiver is incarcerated.

6 (e) The Texas Rules of Civil Procedure do not apply to a  
7 waiver executed under this section.

8 (f) For purposes of this section, "digitized signature" has  
9 the meaning assigned by Section 101.0096.

10 SECTION 3. Subchapter A, Chapter 45, Family Code, is  
11 amended by adding Section 45.0031 to read as follows:

12 Sec. 45.0031. WAIVER OF CITATION. (a) A party to a suit  
13 under this subchapter may waive the issuance or service of citation  
14 after the suit is filed by filing with the clerk of the court in  
15 which the suit is filed the waiver of the party acknowledging  
16 receipt of a copy of the filed petition.

17 (b) The party executing the waiver may not sign the waiver  
18 using a digitized signature.

19 (c) The waiver must contain the mailing address of the party  
20 executing the waiver.

21 (d) Notwithstanding Section 132.001, Civil Practice and  
22 Remedies Code, the waiver must be sworn before a notary public who  
23 is not an attorney in the suit. This subsection does not apply if  
24 the party executing the waiver is incarcerated.

25 (e) The Texas Rules of Civil Procedure do not apply to a  
26 waiver executed under this section.

27 (f) For purposes of this section, "digitized signature" has

1 the meaning assigned by Section 101.0096.

2 SECTION 4. Subchapter B, Chapter 45, Family Code, is  
3 amended by adding Section 45.107 to read as follows:

4 Sec. 45.107. WAIVER OF CITATION. (a) A party to a suit  
5 under this subchapter may waive the issuance or service of citation  
6 after the suit is filed by filing with the clerk of the court in  
7 which the suit is filed the waiver of the party acknowledging  
8 receipt of a copy of the filed petition.

9 (b) The party executing the waiver may not sign the waiver  
10 using a digitized signature.

11 (c) The waiver must contain the mailing address of the party  
12 executing the waiver.

13 (d) Notwithstanding Section 132.001, Civil Practice and  
14 Remedies Code, the waiver must be sworn before a notary public who  
15 is not an attorney in the suit. This subsection does not apply if  
16 the party executing the waiver is incarcerated.

17 (e) The Texas Rules of Civil Procedure do not apply to a  
18 waiver executed under this section.

19 (f) For purposes of this section, "digitized signature" has  
20 the meaning assigned by Section 101.0096.

21 SECTION 5. Chapter 102, Family Code, is amended by adding  
22 Section 102.0091 to read as follows:

23 Sec. 102.0091. WAIVER OF CITATION. (a) A party to a suit  
24 under this title may waive the issuance or service of citation after  
25 the suit is filed by filing with the clerk of the court in which the  
26 suit is filed the waiver of the party acknowledging receipt of a  
27 copy of the filed petition.

1        (b) The party executing the waiver may not sign the waiver  
2 using a digitized signature.

3        (c) The waiver must contain the mailing address of the party  
4 executing the waiver.

5        (d) Notwithstanding Section 132.001, Civil Practice and  
6 Remedies Code, the waiver must be sworn before a notary public who  
7 is not an attorney in the suit. This subsection does not apply if  
8 the party executing the waiver is incarcerated.

9        (e) The Texas Rules of Civil Procedure do not apply to a  
10 waiver executed under this section.

11        SECTION 6. The changes in law made by this Act apply only to  
12 a suit that is commenced on or after the effective date of this Act.  
13 A suit that is commenced before that date is governed by the law as  
14 it existed on the date the suit was commenced, and the former law is  
15 continued in effect for that purpose.

16        SECTION 7. This Act takes effect September 1, 2015.