

By: Lucio III

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. 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 executing the waiver.

(d) 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.

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

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

SECTION 2. Subchapter A, Chapter 45, Family Code, is amended by adding Section 45.0031 to read as follows:

Sec. 45.0031. WAIVER OF CITATION. (a) A party to a suit

1 under this subchapter may waive the issuance or service of citation
2 after the suit is filed by filing with the clerk of the court in
3 which the suit is filed the waiver of the party acknowledging
4 receipt of a copy of the filed petition.

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

7 (c) The waiver must contain the mailing address of the party
8 executing the waiver.

9 (d) Notwithstanding Section 132.001, Civil Practice and
10 Remedies Code, the waiver must be sworn before a notary public who
11 is not an attorney in the suit.

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

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

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

18 Sec. 45.107. WAIVER OF CITATION. (a) A party to a suit
19 under this subchapter may waive the issuance or service of citation
20 after the suit is filed by filing with the clerk of the court in
21 which the suit is filed the waiver of the party acknowledging
22 receipt of a copy of the filed petition.

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

25 (c) The waiver must contain the mailing address of the party
26 executing the waiver.

27 (d) Notwithstanding Section 132.001, Civil Practice and

1 Remedies Code, the waiver must be sworn before a notary public who
2 is not an attorney in the suit.

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

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

7 SECTION 4. Chapter 102, Family Code, is amended by adding
8 Section 102.0091 to read as follows:

9 Sec. 102.0091. WAIVER OF CITATION. (a) A party to a suit
10 under this title may waive the issuance or service of citation after
11 the suit is filed by filing with the clerk of the court in which the
12 suit is filed the waiver of the party acknowledging receipt of a
13 copy of the filed petition.

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

16 (c) The waiver must contain the mailing address of the party
17 executing the waiver.

18 (d) Notwithstanding Section 132.001, Civil Practice and
19 Remedies Code, the waiver must be sworn before a notary public who
20 is not an attorney in the suit.

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

23 SECTION 5. The changes in law made by this Act apply only to
24 a suit that is commenced on or after the effective date of this Act.
25 A suit that is commenced before that date is governed by the law as
26 it existed on the date the suit was commenced, and the former law is
27 continued in effect for that purpose.

1 SECTION 6. This Act takes effect September 1, 2015.