

BILL ANALYSIS

C.S.H.B. 4035
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that courts, clerks, and litigants have expressed concerns relating to procedural challenges that arise when nondisclosure of all contact information is granted in a suit affecting the parent-child relationship, specifically in regards to the possible inability to provide required notice or service of legal documents. C.S.H.B. 4035 seeks to balance the safety of parties needing nondisclosure protections with due process considerations by authorizing documents to be delivered by email in applicable cases, as well as updating judgment and fee processes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4035 amends the Family Code to require a court in a suit affecting the parent-child relationship that renders an order prohibiting the disclosure of a party's information on finding that such disclosure would likely cause the child or a conservator harassment, abuse, serious harm, or injury, or subject the child or a conservator to family violence, to require that the party provide to the court, for inclusion in the final order, an email address at which the party may receive the following:

- notice and service of process of subsequent motions, petitions, or other legal pleadings using the state court electronic filing system; and
- other legal documents or required notices.

The bill prohibits a court, if the court finds that requiring a party to provide an email address is likely to endanger the safety of the party, from requiring the party to provide an email address under the bill's provisions.

C.S.H.B. 4035 makes the authorization for a court, in any subsequent child support enforcement action except for one in which contempt is sought and on a showing that diligent effort has been made to determine a party's location, to consider due process requirements for notice and service of process to be met with respect to that party on delivery of written notice to the most recent residence address, email address, or address of employment filed by the party with the court and the state case registry applicable also with respect to any subsequent child support modification. The bill authorizes a clerk to send orders, notices, and other documents relating to a final order to which provisions relating to the contents of such orders apply to the email address provided by a party under those provisions using the state court electronic filing system.

C.S.H.B. 4035 requires a court, in rendering a judgment for attorney's fees or expenses in a suit affecting the parent-child relationship or in rendering a judgment for attorney's fees and court costs when the court finds that a respondent has failed to make child support payments, to render the judgment separate from any judgment confirming the amount of arrearages under statutory provisions relating to the confirmation of arrearages.

C.S.H.B. 4035 applies to a suit affecting the parent-child relationship that is pending in a trial court on the bill's effective date or that is filed on or after that date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4035 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced prohibiting a court, if the court finds that requiring a party to provide an email address is likely to endanger the safety of the party, from requiring the party to provide the email address under the substitute's provisions.