

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1404
By: West
Jurisprudence
3/19/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Requirements for certain orders and judgments rendered in suits affecting the parent-child relationship (SAPCR) need to be amended to provide statutory clarity and a modern solution to common issues that arise under current laws.

S.B. 1404 proposes to authorize a court to require a party to provide an email address in a final SAPCR order when nondisclosure of all other contact information has been ordered. Courts, clerks, and litigants have expressed procedural challenges that arise when nondisclosure of a party's contact information is ordered. Specifically, courts, clerks, and litigants may be unable to provide the required notices for subsequent legal documents and legal filings due to the lack of contact information. S.B. 1404 proposes a modern technological solution that balances the safety of parties needing nondisclosure protections with post-judgment due process considerations.

This legislation also seeks to clarify any ambiguity regarding the requirement to render separate judgments for separate obligations in a SAPCR order. Specifically, attorney's fee judgments are often inappropriately commingled with child support judgments. This results in accounting issues in child support cases and potential noncompliance with state and federal laws governing the proper application and disbursement of child support payments. Current law explicitly requires separate judgments for child support, medical support, and dental support obligations to ensure support obligations are clear and support payments apply in the proper priority. S.B. 1404 would clarify that this separate judgment requirement also extends to attorney's fee judgments in SAPCR cases.

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.

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

S.B. 1404 revises requirements for certain orders and judgments rendered in a SAPCR.

S.B. 1404 amends the Family Code requirements for contact information that must be included in a final order when a nondisclosure order has been granted. The provision would authorize the court to require a party to include an email address in the final order when nondisclosure of other contact information has been ordered. The email address would then be available for inclusion in the state's electronic filing system for notice of subsequent legal documents in the case.

S.B. 1404 clarifies that in a subsequent SAPCR modification action, due process requirements for notice and service of process on a party may be satisfied by delivery of written notice to a party's most recent residence address, employment address, or e-mail address on file with the court and the state case registry. This is the same manner that already is statutorily authorized for delivery of notice and service of process in a subsequent non-contempt enforcement action.

S.B. 1404 authorizes the clerk to send legal documents to the party's e-mail address included in the final order using the state's electronic filing system.

S.B. 1404 requires a court in a SAPCR to render any attorney's fees judgments separately from any ordered child support, medical support, or dental support judgments.

(Original Author/Sponsor's Statement of Intent)

C.S.S.B. 1404 amends current law relating to requirements for certain orders and judgments rendered in a suit affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 105.006, Family Code, by adding Subsections (c-1), (c-2), and (i) and amending Subsection (f), as follows:

(c-1) Requires a court, except as provided by Subsection (c-2), if the court renders an order under Subsection (c) (relating to procedures a court is authorized to follow if it finds that requiring a party to provide certain information is likely to cause a child or conservator certain hardships) prohibiting the disclosure of a party's information, to require that the party provide the court, for inclusion in the final order, an e-mail address at which the party is authorized to receive notice and service of process of subsequent motions, petitions, or other legal pleadings using the electronic filing system established under Section 72.031 (Electronic Filing System), Government Code, and other legal documents or required notices.

(c-2) Prohibits the court, if the court finds that requiring a party to provide an e-mail address under Subsection (c-1) is likely to endanger the safety of the party, from requiring the party to provide the e-mail address under that subsection.

(f) Authorizes the court, in any subsequent child support modification or enforcement action, except for an action in which contempt is sought, on a showing that diligent effort has been made to determine the location of a party, 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, e-mail address, or address of employment filed by that party with the court and the state case registry.

(i) Authorizes the clerk to send orders, notices, and other documents relating to a final order to which Section 105.006 (Contents of Final Order) applies to the e-mail address provided by a party under this section using the electronic filing system established under Section 72.031, Government Code.

SECTION 2. Amends Section 106.002, Family Code, by adding Subsection (c) to require the court, in rendering a judgment for attorney's fees or expenses under Section 106.002 (Attorney's Fees and Expenses), to render the judgment separate from any judgment confirming the amount of arrearages under Section 157.263 (Confirmation of Arrearages).

SECTION 3. Amends Section 157.167, Family Code, by adding Subsection (a-1) to require the court, in rendering a judgement for attorney's fees and court costs under Subsection (a) (relating to procedures in the event of a respondent failing to make child support payments), to render the judgment separate from any judgment confirming the amount of arrearages under Section 157.263.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2025.