

By: Thompson of Harris

H.B. No. 557

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the protection of certain information from disclosure
3 in suits affecting the parent-child relationship and to service of
4 process in those suits on a party whose information is protected
5 from disclosure.

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

7 SECTION 1. Section 105.006(c), Family Code, is amended to
8 read as follows:

9 (c) If a court finds after notice and hearing that requiring
10 a party to provide the information required by this section to
11 another party is likely to cause the child or a conservator
12 harassment, abuse, serious harm, or injury, or to subject the child
13 or a conservator to family violence, as defined by Section 71.004,
14 the court may omit the information from the final order and:

15 (1) order the information not to be disclosed to
16 another party; or

17 (2) render any other order the court considers
18 necessary.

19 SECTION 2. Subtitle A, Title 5, Family Code, is amended by
20 adding Chapter 112 to read as follows:

21 CHAPTER 112. SERVICE OF PROCESS ON PARTY WHOSE INFORMATION IS

22 PROTECTED FROM DISCLOSURE

23 Sec. 112.001. UNAUTHORIZED DISCLOSURE OR DUPLICATION

24 PROHIBITED; CONTEMPT. (a) A party's information that is subject to

1 an order of nondisclosure under Section 105.006(c) may be
2 disclosed, copied, or otherwise duplicated only as provided by this
3 chapter.

4 (b) A person who violates the provisions of this chapter may
5 be punished for contempt of court.

6 Sec. 112.002. REQUEST FOR DISCLOSURE. (a) A party who
7 files any pleading seeking relief, including contempt, with respect
8 to a final order under Section 105.006 against a party whose
9 information is subject to an order of nondisclosure under Section
10 105.006(c) may request disclosure of the other party's information
11 to a person authorized to serve process under this chapter solely
12 for purposes of notice and service of process.

13 (b) A party requesting disclosure under Subsection (a) must
14 state in writing that the party does not have information necessary
15 to satisfy the due process requirements for notice and service of
16 process to the other party.

17 Sec. 112.003. DISCLOSURE TO AUTHORIZED PERSON. (a) On
18 receiving a request under Section 112.002, the clerk of the court
19 shall provide to a person authorized to serve process under this
20 chapter a written copy of the current residence address of the party
21 whose information is subject to an order of nondisclosure under
22 Section 105.006(c).

23 (b) The information may only be provided in person at the
24 office of the clerk of the court.

25 (c) If a citation is issued, the clerk of the court shall
26 ensure that the respondent is identified on the citation by name
27 only.

1 Sec. 112.004. PERSON AUTHORIZED TO SERVE PROCESS.

2 Notwithstanding any other law, a party to the suit or other filing
3 is not authorized to serve process under this chapter.

4 Sec. 112.005. RETURN OF SERVICE. (a) The person who serves
5 process under this chapter shall document that process was served
6 by stating on the return of service that the respondent was served
7 at "the residence address in the clerk's data sheet" or a similar
8 statement. The statement satisfies the requirement of Rule
9 107(b)(6), Texas Rules of Civil Procedure.

10 (b) The person who serves process must return to the clerk
11 of the court the copy of the information provided under Section
12 112.003(a) with the return of service.

13 (c) On receipt of the copy of the information provided under
14 Section 112.003(a), the clerk of the court shall:

15 (1) notate on the court's docket the return of the
16 copy; and

17 (2) destroy the copy.

18 Sec. 112.006. WARNING REQUIRED. The clerk of the court
19 shall attach to a copy of information provided under Section
20 112.003 the following prominently displayed statement in boldfaced
21 type, in capital letters, or underlined:

22 "TO ANY PERSON AUTHORIZED TO SERVE PROCESS:

23 "THIS DOCUMENT CONTAINS INFORMATION SUBJECT TO A COURT ORDER
24 OF NONDISCLOSURE AND IS PROVIDED TO YOU SOLELY FOR THE PURPOSE OF
25 LOCATING AND EFFECTING SERVICE OF PROCESS ON THE NAMED PERSON. YOU
26 MAY NOT DISPLAY THIS DOCUMENT OR DISCLOSE ANY OF THE INFORMATION
27 CONTAINED IN THIS DOCUMENT TO ANY PERSON. YOU MAY NOT COPY OR

1 OTHERWISE DUPLICATE THIS DOCUMENT OR THE INFORMATION IT CONTAINS.
2 ON THE RETURN OF SERVICE, YOU SHALL STATE THE PLACE OF SERVICE ONLY
3 AS "THE RESIDENCE ADDRESS IN CLERK'S DATA SHEET" OR A SIMILAR
4 STATEMENT. YOU MUST RETURN THIS DOCUMENT TO THE CLERK WITH THE
5 RETURN OF SERVICE. VIOLATION OF ANY OF THESE DIRECTIVES MAY BE
6 PUNISHED AS CONTEMPT OF COURT."

7 SECTION 3. The change in law made by this Act to Section
8 105.006(c), Family Code, applies to a suit affecting the
9 parent-child relationship pending in a trial court on or filed on or
10 after the effective date of this Act.

11 SECTION 4. Chapter 112, Family Code, as added by this Act,
12 applies only to a suit affecting the parent-child relationship that
13 is filed on or after the effective date of this Act. A suit filed
14 before the effective date of this Act is governed by the law in
15 effect on the date the suit is filed, and the former law is
16 continued in effect for that purpose.

17 SECTION 5. This Act takes effect September 1, 2019.