

A BILL TO BE ENTITLED
AN ACT

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

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

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

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

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

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

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

CHAPTER 112. SERVICE OF PROCESS ON PARTY WHOSE INFORMATION IS PROTECTED FROM DISCLOSURE

Sec. 112.001. UNAUTHORIZED DISCLOSURE OR DUPLICATION PROHIBITED; CONTEMPT. (a) A party's information that is subject to an order of nondisclosure under Section 105.006(c) may be disclosed, copied, or otherwise duplicated only as provided by this chapter.

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

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

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

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

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

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

Sec. 112.004. PERSON AUTHORIZED TO SERVE PROCESS. Notwithstanding any other law, a party to the suit or other filing is not authorized to serve process under this chapter.

Sec. 112.005. RETURN OF SERVICE. (a) The person who serves process under this chapter shall document that process was served by stating on the return of service that the respondent was served at "the residence address in the clerk's data sheet" or a similar

statement. The statement satisfies the requirement of Rule 107(b)(6), Texas Rules of Civil Procedure.

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

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

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

.(2) destroy the copy.

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

"TO ANY PERSON AUTHORIZED TO SERVE PROCESS:

"THIS DOCUMENT CONTAINS INFORMATION SUBJECT TO A COURT ORDER OF NONDISCLOSURE AND IS PROVIDED TO YOU SOLELY FOR THE PURPOSE OF LOCATING AND EFFECTING SERVICE OF PROCESS ON THE NAMED PERSON. YOU MAY NOT DISPLAY THIS DOCUMENT OR DISCLOSE ANY OF THE INFORMATION CONTAINED IN THIS DOCUMENT TO ANY PERSON. YOU MAY NOT COPY OR OTHERWISE DUPLICATE THIS DOCUMENT OR THE INFORMATION IT CONTAINS. ON THE RETURN OF SERVICE, YOU SHALL STATE THE PLACE OF SERVICE ONLY AS "THE RESIDENCE ADDRESS IN CLERK'S DATA SHEET" OR A SIMILAR STATEMENT. YOU MUST RETURN THIS DOCUMENT TO THE CLERK WITH THE RETURN OF SERVICE. VIOLATION OF ANY OF THESE DIRECTIVES MAY BE PUNISHED AS CONTEMPT OF COURT."

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

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

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