

BILL ANALYSIS

Senate Research Center

S.B. 712
By: Harris
Jurisprudence
3-5-97
As Filed

DIGEST

Currently, district clerks are often put in the position of sending unnecessary paperwork, trying to identify information needed in sending documents, trying to put information in files so that it can be usefully retrieved, or trying to explain why certain actions cannot be carried out by the district clerk. S.B. 712 allows for the waiver of process in certain suits, exempts clerks from opening certain new files, clarifies language in a child support order, and requires that a person provide certain information to the Department of Public Safety and other state agencies.

PURPOSE

As proposed, S.B. 712 allows for the waiver of process in certain suits, exempts clerks from opening certain new files, clarifies language in a child support order, and requires that a person provide certain information to the Department of Public Safety and other state agencies.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 3C, Family Code, by adding Section 3.531, as follows:

Sec. 3.531. WAIVER OF SERVICE. Authorizes a party to a suit for the dissolution of a marriage to waive issuance or service of process after the suit is filed by filing an affidavit with the clerk of the court. Requires the affidavit to contain the mailing address of the party who executed the affidavit. Prohibits the affidavit from being sworn before an attorney in the suit.

SECTION 2. Amends Chapter 3C, Family Code, by adding Section 3.67, as follows:

Sec. 3.67. COPY OF DECREE. Requires the clerk of the court to mail a copy of the final decree of dissolution of a marriage to the party who waived process.

SECTION 3. Amends Section 71.17, Family Code, by amending Subsection (e) and adding Subsection (h), as follows:

(e) Requires the clerk of the court to send a copy of a protective order to the Department of Public Safety along with information provided by the applicant or the applicant's attorney that is required under Section 411.042(b)(5), Government Code.

(h) Sets forth certain information an applicant's attorney is required to send to the clerk of the court.

SECTION 4. Amends Section 102.013, Family Code, by amending Subsection (b) and adding Subsection (c) as follows:

(b) Requires the clerk of the court to file a suit and all other papers relating to the suit in a new file having a new docket number, if a suit requests the adoption of a child, except

as provided by Subsection (c).

(c) Provides that the clerk of the court is not required to file a suit and all other papers relating to the suit in a new file having a new docket number, if a suit requests the adoption of a child, if certain provisions are met.

SECTION 5. Amends Section 158.402, Family Code, to authorize an obligor and obligee to file a notarized request for reduction of child support with the clerk of the court under Section 158.011, Family Code, at the time the event occurs, if the child support order provides for a reduction or termination of child support on the occurrence of an event specified in the order. Requires the clerk to issue and deliver a writ of withholding to the obligor's employer consistent with the provision of the order that provides for the reduction or termination of child support, on receipt of the request under Subsection (a).

SECTION 6. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 7. Emergency clause.