

BILL ANALYSIS

Senate Research Center

C.S.S.B. 712
By: Harris
Jurisprudence
3-18-97
Committee Report (Substituted)

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, clarifies language in a child support order, and requires that a person provide certain information to certain state agencies.

PURPOSE

As proposed, C.S.S.B. 712 allows for the waiver of process in certain suits, clarifies language in a child support order, and requires that a person provide certain information to certain 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, along with information provided by the applicant or the applicant's attorney that is required under Section 411.042(b)(5), Government Code, to the chief of police of the city where the member of the family or household protected by the order resides, if the person resides in a city, or to the appropriate constable and the sheriff of the county where the person resides, if the person does not reside in a city, who shall enter the information into the statewide law enforcement information system.

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

SECTION 4. 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 in 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 5. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 3, Section 17.17(e), Family Code, to propose the deletion of a clause requiring the clerk of the court to send a copy of the protective order to the Department of Public Safety on the date the order is issued. Adds proposed clause relating to the entering of the information from the protective order into the statewide law enforcement information system.

Amends SECTION 4, Section 158.402, Family Code, to propose changes to the law that were previously proposed in SECTION 5. Deletes changes to the the law in Section 102.013, Family Code, proposing that the clerk is not required to file a suit that requests the adoption of a child in a new file with a new docket number if certain conditions are met.

Amends SECTION 5, to set forth the proposed session law originally proposed in SECTION 6. Makes a nonsubstantive change.

Amends SECTION 6, to set forth the emergency clause that was proposed in SECTION 7.