

BILL ANALYSIS

Senate Research Center

H.B. 2964
By: Hamric (Sponsor Unknown)
Jurisprudence
5/11/2001
Engrossed

DIGEST AND PURPOSE

Current law regulating pleadings and other filings in family law cases allows for full public disclosure at the time of filing. The information contained in filings is sometimes used by family attorneys to solicit business. Having instant access to this information may create a potentially dangerous environment for those involved in the court proceedings. H.B. 2964 requires that filing materials in suits for dissolution of a marriage, suits affecting the parent-child relationship, or applications for protective or temporary ex parte orders remain confidential for specified time periods.

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 Chapter 6E, Family Code, by adding Section 6.410, as follows:

Sec. 6.410. CONFIDENTIALITY OF PLEADINGS. (a) Provides that this section applies only in a county with a population of 1.4 million or more.

(b) Provides that except as otherwise provided by law, all pleadings and other documents filed with the court in a suit for dissolution of a marriage are confidential, are excepted from required public disclosure under Chapter 552, Government Code, and prohibited from being released to a person who is not a party to the suit until after the date of service of citation or the 31st day after the date of filing the suit, whichever date is sooner.

SECTION 2. Amends Chapter 102, Family Code, by adding Section 102.0086, as follows:

Sec. 102.0086. CONFIDENTIALITY OF PLEADINGS. Makes conforming changes to provisions relating to a suit affecting the parent-child relationship.

SECTION 3. Amends Chapter 82A, Family Code, by adding Section 82.010, as follows:

Sec. 82.010. CONFIDENTIALITY OF APPLICATION. Provides that this section applies only in a county with a population of 1.4 million or more. Provides that except as otherwise provided by law, an application for a protective order is confidential, is excepted from required public disclosure under Chapter 552, Government Code, and is prohibited from being released to a person who is not a respondent to the application until after the date of service of notice of the application or the date of the hearing on the application, whichever date is sooner. Provides that except as otherwise provided by law, an application requesting the issuance of a temporary ex parte order under Chapter 83 is confidential, is excepted from required public disclosure under Chapter 552, Government Code, and is prohibited from being released to a person who is not a respondent to the application until after the date that the court or law enforcement

informs the respondent of the court's order.

SECTION 4. (a) Effective date: September 1, 2001.

(b) Makes application of Section 6.410, Family Code, as added by this Act, prospective.

(c) Makes application of Section 102.0086, Family Code, as added by this Act, prospective.

(d) Makes application of Section 82.010, Family Code, as added by this Act, prospective.