

Service of Process after Non-Disclosure of Address – Family Code
§§ 105.006; 105.007; 234.012 and creates new Chapter 112

See Accompanying Bill Analysis for Narrative Explanation.

The proposed legislation was previously introduced as H.B. 557 in the 2019 legislative session. It was amended and voted favorably out of the Juvenile Justice and Family Issues Committee, as substituted. There was no House vote on the bill.

The proposed legislation was previously submitted to all Committees and Sections of the State Bar of Texas in June 2018. The Family Law Section was allowed to carry the proposed legislation as a State Bar sponsored bill.

The proposed legislation has been submitted to all sections and committees of the State bar of Texas as required by §8.01.06(D) of the Legislative Policy of the State Bar of Texas. If comments are received, I will forward them to the State Bar.

Respectfully submitted,

Family Law Section, State Bar of Texas
By: /s/ Jack W. Marr
Its: Co-Chair Legislative Committee

ANALYSIS

Service of Process after Nondisclosure of Address Applicable Statutes: Sections 105.006 and 105.007, Section 234.012 and creates Chapter 112

Purpose: Section 105.006(c) of the Texas Family Code permits the trial court to exclude a party's address and other contact information from a final order in a SAPCR, upon a finding that the disclosure of that information would subject the party or a child to possible harm. Private parties seeking to modify or enforce an order against a party whose address has been omitted have difficulty serving the other party due to the lack of an address for service. This bill establishes a process for obtaining service on parties who are subject to an existing order providing for the nondisclosure of a party's address through the creation of Chapter 112. The bill also amends section 105.006 to provide that any party who obtains an order that their contact information be excluded from a final order must designate a registered agent for service.

Policy: This bill was previously filed in 2017. The only criticism raised with respect to the bill was that it allowed for the use of private process servers for service under the new Chapter 112. This current draft includes a requirement that service under Chapter 112 be accomplished only through a sheriff or constable. The bill balances the safety concerns of victims of domestic violence who are entitled to be protected with the due process rights of parties who are entitled to have a way to enforce or modify existing SAPCR orders.