

By:

_____.B. No. ____

A BILL TO BE ENTITLED

1 AN ACT

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

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

7 SECTION 1. Section 105.006, Family Code, is amended by
8 amending Subsections (c), (e), and (f) and adding Subsections (c-1)
9 and (c-2) to read as follows:

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

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

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

1 (c-1) If a court renders an order under Subsection (c), the
2 court shall:

3 (1) require the party with respect to whom information
4 is omitted under the final order to designate:

5 (A) a substitute post office box address that the
6 party may use in place of that party's true residential, business,
7 or school address; and

8 (B) an individual at that post office box address
9 to act as agent to receive service of process and mail on the
10 protected party's behalf;

11 (2) inform the party of the party's right to designate
12 the attorney general as the party's agent to receive service of
13 process and mail on behalf of the party through the address
14 confidentiality program created by Article 56.82, Code of Criminal
15 Procedure, and provide the party with information regarding that
16 program; and

17 (3) if the party chooses to participate in the address
18 confidentiality program described by Subdivision (2), provide the
19 party with the application for the program.

20 (c-2) The substitute address and name of the individual acting
21 as agent for the party or the designation of the attorney general
22 as the party's agent, must be contained in the final order.

23 (c-3) If a party designates the attorney general as the

1 party's agent, any summons, writ, notice, demand or process in a
2 case arising under Title 1 or Title 5 of this Code may be served on
3 the attorney general on behalf of the party in accordance with the
4 provisions of Article 56.82, Code of Criminal Procedure.

5 (c-4) If a party designates a substitute address and an
6 individual to act as agent for the party, any summons, writ,
7 notice, demand or process in a case arising under Title 1 or Title
8 5 of this Code may be served on the designated individual on behalf
9 of the party in accordance with the Texas Rules of Civil Procedure.

10 (e) Except as provided by Subsection (c), an order in a suit
11 that orders child support or possession of or access to a child
12 must also contain the following prominently displayed statement in
13 boldfaced type, in capital letters, or underlined:

14 "UNLESS THE COURT HAS ORDERED A PARTY TO DESIGNATE A
15 SUBSTITUTE ADDRESS AND AN INDIVIDUAL TO ACT AS AN AGENT TO RECEIVE
16 SERVICE OF PROCESS, EACH PERSON WHO IS A PARTY TO THIS ORDER IS
17 ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE
18 REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS,
19 MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS
20 OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER.
21 THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF
22 THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE
23 STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED

1 CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE
2 CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS
3 ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY
4 AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE."

5 "IF THE COURT HAS ORDERED A PARTY TO DESIGNATE A SUBSTITUTE
6 ADDRESS AND AN INDIVIDUAL TO ACT AS AN AGENT TO RECEIVE SERVICE OF
7 PROCESS, THE PARTY IS ORDERED TO NOTIFY EACH OTHER PARTY, THE
8 COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S
9 DESIGNATED SUBSTITUTE ADDRESS OR AGENT, INCLUDING THE PARTY'S
10 DESIGNATING OR CEASING TO DESIGNATE THE ATTORNEY GENERAL AS THE
11 PARTY'S AGENT THROUGH THE ADDRESS CONFIDENTIALITY PROGRAM CREATED
12 BY ARTICLE 56.82, CODE OF CRIMINAL PROCEDURE."

13 "THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE
14 COURT, AND THE STATE CASE REGISTRY AND TO NOTIFY EACH OTHER PARTY,
15 THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE REGARDING A
16 DESIGNATED SUBSTITUTE ADDRESS OR AGENT CONTINUES AS LONG AS ANY
17 PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY
18 CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD."

19 "FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE
20 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE
21 CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION
22 TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF
23 CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX

1 MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY
2 JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS. IF
3 APPLICABLE, FAILURE BY A PARTY TO NOTIFY EACH OTHER PARTY, THE
4 COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S
5 DESIGNATED SUBSTITUTE ADDRESS OR AGENT MAY RESULT IN A DEFAULT
6 JUDGMENT."

7 (f) Except for an action in which contempt is sought, in any
8 subsequent child support enforcement action, the court may:

9 (1) on a showing that diligent effort has been made to
10 determine the location of a party, consider due process
11 requirements for notice and service of process to be met with
12 respect to that party on delivery of written notice to the most
13 recent residential or employer address filed by that party with the
14 court and the state case registry; or

15 (2) on a showing that diligent effort has been made to
16 determine the location of a party who is subject to an order
17 rendered under Subsection (c), consider due process requirements
18 for notice and service of process to be met with respect to the
19 party on delivery of written notice to the most recent substitute
20 address designated by the party.

21 SECTION 2. Section 105.007, Family Code, is amended to read as
22 follows:

23 Sec. 105.007. COMPLIANCE WITH ORDER REQUIRING NOTICE OF CHANGE

1 OF REQUIRED INFORMATION. (a) Except for a suit in which an order
2 is rendered under Subsection (c), a [A] party shall comply with the
3 order by giving written notice to each other party of an intended
4 change in the party's current residence address, mailing address,
5 home telephone number, name of employer, address of employment, and
6 work telephone number.

7 (b) Except for a suit in which an order is rendered under
8 Subsection (c), the [The] party must give written notice by
9 registered or certified mail of an intended change in the required
10 information to each other party on or before the 60th day before
11 the change is made. If the party does not know or could not have
12 known of the change in sufficient time to provide 60-day notice,
13 the party shall provide the written notice of the change on or
14 before the fifth day after the date that the party knew of the
15 change.

16 (c) A party who has been ordered under Section 105.006(c) to
17 designate a substitute address and an individual to act as an agent
18 to receive service of process on the party's behalf, including a
19 party who has designated the attorney general as the party's agent
20 through the address confidentiality program created by Article
21 56.82, Code of Criminal Procedure, must give written notice of a
22 change in either the substituted address or the designated agent by
23 registered or certified mail on or before the 60th day before the

1 change is made. If the party does not know or could not have known
2 of the change in sufficient time to provide the 60-day notice, the
3 party shall provide the written notice of the change on or before
4 the fifth day after the date the party knew of the change~~[The court~~
5 ~~may waive the notice required by this section on motion by a party~~
6 ~~if it finds that the giving of notice of a change of the required~~
7 ~~information would be likely to expose the child or the party to~~
8 ~~harassment, abuse, serious harm, or injury].~~

9 SECTION 3. Subtitle A, Title 5, Family Code, is amended by
10 adding Chapter 112 to read as follows:

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

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

18 (b) A person who violates the provisions of this chapter may
19 be punished for contempt of court. A person who is found in
20 contempt of court is subject to:

21 (1) incarceration in the county jail for a period of not
22 less than three days; and

23 (2) a fine of not less than \$200 for each instance of

1 contempt.

2 Sec. 112.002. REQUEST FOR DISCLOSURE. (a) A party who files
3 any pleading seeking relief, including contempt, with respect to
4 any matter arising under this title or Title 4 against a party
5 whose information is subject to an order of nondisclosure under
6 Section 105.006(c) rendered before September 1, 2021 may request
7 disclosure of the other party's information to the clerk of the
8 court and to a person authorized to serve process under this
9 chapter solely for purposes of notice and service of process.

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

14 Sec. 112.003. DISCLOSURE TO AUTHORIZED PERSON. (a) On
15 receiving a request under Section 112.002, the clerk of the court
16 shall send a request to the state case registry for the disclosure
17 of the current residence address of that party whose information is
18 subject to an order of nondisclosure under Section 105.006(c).
19 Within ten days of receipt of a request, the state case registry
20 shall provide the requested information in writing to the clerk of
21 the court. On disclosure of the address by the state case registry,
22 the clerk of the court shall provide the information in writing to
23 a person authorized to serve process under this chapter.

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

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

6 Sec. 112.004. PERSON AUTHORIZED TO SERVE PROCESS. Unless
7 otherwise authorized by written court order, only a sheriff or
8 constable is authorized to serve process under this chapter.

9 Sec. 112.005. NOTICE SENT BY CLERK. Before or at the time
10 the citation is issued, the clerk of the court must give notice to
11 the party identified in the citation at the provided address that
12 states the style and cause number of the case. The notice must
13 contain the following prominently displayed statement in boldfaced
14 type, in capital letters, or underlined:

15 "YOUR ADDRESS HAS BEEN WITHHELD FROM DISCLOSURE FROM A PARTY
16 IN THE CAUSE NUMBER ABOVE. A CITATION HAS BEEN ISSUED TO GIVE YOU
17 NOTICE THAT A SUIT HAS BEEN FILED. YOUR ADDRESS HAS BEEN PROVIDED
18 TO A PERSON AUTHORIZED TO SERVE CITATION. YOUR ADDRESS HAS NOT BEEN
19 DISCLOSED TO ANY OTHER PARTIES. A DISCLOSURE OF YOUR INFORMATION BY
20 THE PERSON AUTHORIZED TO SERVE CITATION MAY RESULT IN THAT PERSON
21 BEING HELD IN CONTEMPT OF COURT."

22 Sec. 112.006. RETURN OF SERVICE. (a) The person who serves
23 process under this chapter shall document that process was served

1 by stating on the return of service that the respondent was served
2 at "the residence address in the clerk's data sheet" or a similar
3 statement. The statement satisfies the requirement of Rule
4 107(b) (6), Texas Rules of Civil Procedure. The return may not state
5 the physical location where process was served.

6 (b) The person who serves process must return to the clerk of
7 the court the copy of the information provided under Section
8 112.003(a) with the return of service.

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

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

13 (2) destroy the copy.

14 Sec. 112.007. WARNING REQUIRED. The clerk of the court shall
15 attach to a copy of information provided under Section 112.003 the
16 following prominently displayed statement in boldfaced type, in
17 capital letters, or underlined:

18 "TO ANY PERSON AUTHORIZED TO SERVE PROCESS:

19 "THIS DOCUMENT CONTAINS INFORMATION SUBJECT TO A COURT ORDER
20 OF NONDISCLOSURE AND IS PROVIDED TO YOU SOLELY FOR THE PURPOSE OF
21 LOCATING AND EFFECTING SERVICE OF PROCESS ON THE NAMED PERSON. YOU
22 MAY NOT DISPLAY THIS DOCUMENT OR DISCLOSE ANY OF THE INFORMATION
23 CONTAINED IN THIS DOCUMENT TO ANY PERSON. YOU MAY NOT COPY OR

1 OTHERWISE DUPLICATE THIS DOCUMENT OR THE INFORMATION IT CONTAINS.
2 ON THE RETURN OF SERVICE, YOU SHALL STATE THE PLACE OF SERVICE ONLY
3 AS "THE RESIDENCE ADDRESS IN CLERK'S DATA SHEET" OR A SIMILAR
4 STATEMENT. YOU MUST RETURN THIS DOCUMENT TO THE CLERK WITH THE
5 RETURN OF SERVICE. VIOLATION OF ANY OF THESE DIRECTIVES MAY BE
6 PUNISHED AS CONTEMPT OF COURT."

7 SECTION 4. Section 234.012, Family Code, is amended to read
8 as follows:

9 (a) Unless prohibited by a court in accordance with Section
10 105.006(c), the state case registry shall, on request and to the
11 extent permitted by federal law, provide the information required
12 under Sections 105.006 and 105.008 in any case included in the
13 registry under Section 234.001(b) to:

- 14 (1) any party to the proceeding;
- 15 (2) an amicus attorney;
- 16 (3) an attorney ad litem;
- 17 (4) a friend of the court;
- 18 (5) a guardian ad litem;
- 19 (6) a domestic relations office;
- 20 (7) a prosecuting attorney or juvenile court acting in a
21 proceeding under Title 3;1 or
- 22 (8) a governmental entity or court acting in a proceeding
23 under Chapter 262.

1 (b) Notwithstanding Subsection (a), the state case registry
2 shall release information that was subject to an order of
3 nondisclosure under Section 105.006(c) as necessary to respond to a
4 request of a clerk of court made in accordance with Chapter 112
5 within ten days of the state case registry's receipt of the
6 request.

7 SECTION 5. The change in law made by this Act to Sections
8 105.006 and 105.007, Family Code, apply to a suit affecting the
9 parent-child relationship pending in a trial court on or filed on
10 or after the effective date of this Act.

11 SECTION 6. Chapter 112, Family Code, as added by this Act,
12 applies only to a suit affecting the parent-child relationship that
13 is filed on or after the effective date of this Act. A suit filed
14 before the effective date of this Act is governed by the law in
15 effect on the date the suit is filed, and the former law is
16 continued in effect for that purpose.

17 SECTION 7. This Act takes effect September 1, 2021.