

By: Raymond

H.B. No. 733

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to certain personal information included in a decree of  
3 dissolution of a marriage, a qualified domestic relations order, an  
4 order or writ of withholding, or an order in a suit affecting the  
5 parent-child relationship.

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

7 SECTION 1. Subchapter H, Chapter 6, Family Code, is amended  
8 by adding Section 6.712 to read as follows:

9 Sec. 6.712. PERSONAL INFORMATION IN DECREE. (a) In this  
10 section, "personal information" means:

11 (1) an individual's social security number;

12 (2) an individual's bank account number and similar  
13 financial information; and

14 (3) the name and birth date of each child of an  
15 individual.

16 (b) A final decree of dissolution of a marriage, and any  
17 modification of the decree, may not include personal information  
18 with regard to any party to the decree. Any personal information  
19 that is required by this title or any other law to be included in the  
20 decree or modification must be listed in a separate document titled  
21 "CONFIDENTIAL DATA PAGE" in bold type.

22 (c) The separate document described by Subsection (b) must  
23 include the cause number and style of the proceeding.

24 (d) The personal information in the separate document

1 described by Subsection (b) is confidential and may be disclosed  
2 only to:

3 (1) a party to the proceeding or an attorney for a  
4 party to the proceeding;

5 (2) a law enforcement agency, the Title IV-D agency,  
6 or another governmental entity conducting a criminal investigation  
7 or establishing or enforcing a child support order;

8 (3) a plan administrator for a qualified plan under  
9 Section 401(a), Internal Revenue Code of 1986, in connection with  
10 the handling and administration of a proposed or approved qualified  
11 domestic relations order if a party to the proceeding is:

12 (A) a current or former member of the qualified  
13 plan;

14 (B) currently receiving a benefit from the  
15 qualified plan, including as an alternate payee;

16 (C) identified by plan records as a beneficiary  
17 under the qualified plan; or

18 (D) a claimant for distribution of benefits,  
19 including as an alternate payee, from the qualified plan through  
20 the submission of a qualified domestic relations order;

21 (4) a private investigator licensed under Chapter  
22 1702, Occupations Code; or

23 (5) another person authorized to obtain the  
24 information by a court order that includes a finding of good cause  
25 for disclosing the information to that person.

26 (e) This section does not require a court to grant access to  
27 confidential personal information if access is restricted by other

1 law.

2 SECTION 2. Sections 8.152(a) and (c), Family Code, are  
3 amended to read as follows:

4 (a) An order of withholding must state:

5 (1) the style, cause number, and court having  
6 jurisdiction to enforce the order;

7 (2) the name and [7] address[~~, and, if available, the~~  
8 ~~social security number~~] of the obligor;

9 (3) the amount and duration of the spousal maintenance  
10 payments, including the amount and duration of withholding for  
11 arrearages, if any; and

12 (4) the name and [7] address[~~, and, if available, the~~  
13 ~~social security number~~] of the obligee.

14 (c) On request by an obligee, the court may exclude from an  
15 order of withholding the obligee's address [~~and social security~~  
16 ~~number~~] if the obligee or a member of the obligee's family or  
17 household is a victim of family violence and is the subject of a  
18 protective order to which the obligor is also subject. On granting  
19 a request under this subsection, the court shall order the clerk to:

20 (1) strike the address [~~and social security number~~]  
21 required by Subsection (a) from the order or writ of withholding;  
22 and

23 (2) maintain a confidential record of the obligee's  
24 address [~~and social security number~~] to be used only by the court.

25 SECTION 3. Subchapter D, Chapter 8, Family Code, is amended  
26 by adding Section 8.1525 to read as follows:

27 Sec. 8.1525. PERSONAL INFORMATION IN ORDERS OR WRITS OF

1 WITHHOLDING. (a) In this section, "personal information" means:

2 (1) an individual's social security number;

3 (2) an individual's bank account number and similar  
4 financial information; and

5 (3) the name and birth date of each child of an  
6 individual.

7 (b) An order or writ of withholding may not include personal  
8 information with regard to any party to the proceeding. Any  
9 personal information that is required by this title or any other law  
10 to be included in the order or writ must be listed in a separate  
11 document titled "CONFIDENTIAL DATA PAGE" in bold type.

12 (c) The separate document described by Subsection (b) must  
13 include the cause number and style of the proceeding.

14 (d) The personal information in the separate document  
15 described by Subsection (b) is confidential and may be disclosed  
16 only to:

17 (1) a party to the proceeding or an attorney for a  
18 party to the proceeding;

19 (2) a law enforcement agency, the Title IV-D agency,  
20 or another governmental entity conducting a criminal investigation  
21 or establishing or enforcing a child support order;

22 (3) the obligor's employer; or

23 (4) another person authorized to obtain the  
24 information by a court order that includes a finding of good cause  
25 for disclosing the information to that person.

26 (e) This section does not require a court to grant access to  
27 confidential personal information if access is restricted by other

1 law.

2 (f) On request by an obligee, the court may exclude from the  
3 confidential data page the obligee's social security number if the  
4 obligee or a member of the obligee's family or household is a victim  
5 of family violence and is the subject of a protective order to which  
6 the obligor is also subject. On granting a request under this  
7 subsection, the court shall order the clerk to:

8 (1) strike the social security number of the obligee  
9 from the confidential data page; and

10 (2) maintain a confidential record of the obligee's  
11 social security number to be used only by the court.

12 SECTION 4. Subchapter B, Chapter 9, Family Code, is amended  
13 by adding Section 9.1025 to read as follows:

14 Sec. 9.1025. PERSONAL INFORMATION IN QUALIFIED DOMESTIC  
15 RELATIONS ORDERS. (a) In this section, "personal information"  
16 means:

17 (1) an individual's social security number;

18 (2) an individual's bank account number and similar  
19 financial information; and

20 (3) the name and birth date of each child of an  
21 individual.

22 (b) A qualified domestic relations order may not include  
23 personal information with regard to any party to the proceeding.  
24 Except as otherwise provided by Section 804.003(f)(2)(B),  
25 Government Code, any personal information that is required by this  
26 title or any other law to be included in the order must be listed in  
27 a separate document titled "CONFIDENTIAL DATA PAGE" in bold type.

1        (c) The separate document described by Subsection (b) must  
2 include the cause number and style of the proceeding.

3        (d) The personal information in the separate document  
4 described by Subsection (b) is confidential and may be disclosed  
5 only to:

6            (1) a party to the proceeding or an attorney for a  
7 party to the proceeding;

8            (2) a law enforcement agency, the Title IV-D agency,  
9 or another governmental entity conducting a criminal investigation  
10 or establishing or enforcing a child support order;

11           (3) a plan administrator for a qualified plan under  
12 Section 401(a), Internal Revenue Code of 1986, in connection with  
13 the handling and administration of the proposed or approved  
14 qualified domestic relations order if a party to the proceeding is:

15                    (A) a current or former member of the qualified  
16 plan;

17                    (B) currently receiving a benefit from the  
18 qualified plan, including as an alternate payee;

19                    (C) identified by plan records as a beneficiary  
20 under the qualified plan; or

21                    (D) a claimant for distribution of benefits,  
22 including as an alternate payee, from the qualified plan through  
23 the submission of a qualified domestic relations order; or

24            (4) another person authorized to obtain the  
25 information by a court order that includes a finding of good cause  
26 for disclosing the information to that person.

27        (e) This section does not require a court to grant access to

1 confidential personal information if access is restricted by other  
2 law.

3 (f) On request by an alternate payee covered by the order,  
4 the court may exclude from the confidential data page the payee's  
5 social security number if the payee or a member of the payee's  
6 family or household is a victim of family violence and is the  
7 subject of a protective order to which the member or retiree is also  
8 subject. On granting a request under this subsection, the court  
9 shall order the clerk to:

10 (1) strike the social security number of the payee  
11 from the confidential data page; and

12 (2) maintain a confidential record of the payee's  
13 social security number to be used only by the court.

14 SECTION 5. Section 105.006(a), Family Code, is amended to  
15 read as follows:

16 (a) A final order, other than in a proceeding under Chapter  
17 161 or 162, must contain:

18 (1) the [~~social security number and~~] driver's license  
19 number of each party to the suit, including the child, except that  
20 the child's [~~social security number or~~] driver's license number is  
21 not required if the child has not been assigned a [~~social security~~  
22 ~~number or~~] driver's license number; and

23 (2) each party's current residence address, mailing  
24 address, home telephone number, name of employer, address of  
25 employment, and work telephone number, except as provided by  
26 Subsection (c).

27 SECTION 6. Chapter 105, Family Code, is amended by adding

1 Section 105.010 to read as follows:

2 Sec. 105.010. PERSONAL INFORMATION IN CERTAIN ORDERS. (a)

3 In this section, "personal information" means:

4 (1) an individual's social security number;

5 (2) an individual's bank account number and similar  
6 financial information; and

7 (3) the name and birth date of each child of an  
8 individual.

9 (b) An order in a suit affecting the parent-child  
10 relationship may not include personal information with regard to  
11 any party to the suit. Any personal information that is required by  
12 this title or any other law to be included in the order must be  
13 listed in a separate document titled "CONFIDENTIAL DATA PAGE" in  
14 bold type.

15 (c) The separate document described by Subsection (b) must  
16 include the cause number and style of the proceeding.

17 (d) The personal information in the separate document  
18 described by Subsection (b) is confidential and may be disclosed  
19 only to:

20 (1) a party to the suit or an attorney for a party to  
21 the suit;

22 (2) a law enforcement agency, the Title IV-D agency,  
23 or another governmental entity conducting a criminal investigation  
24 or establishing or enforcing a child support order; or

25 (3) another person authorized to obtain the  
26 information by a court order that includes a finding of good cause  
27 for disclosing the information to that person.

1       (e) This section does not require a court to grant access to  
2 confidential personal information if access is restricted by other  
3 law.

4       (f) On request by a party to the suit, the court may exclude  
5 from the confidential data page the party's social security number  
6 if the party or a member of the party's family or household is a  
7 victim of family violence and is the subject of a protective order  
8 to which another party to the suit is also subject. On granting a  
9 request under this subsection, the court shall order the clerk to:

10           (1) strike the social security number of the  
11 requesting party from the confidential data page; and

12           (2) maintain a confidential record of the requesting  
13 party's social security number to be used only by the court.

14       SECTION 7. Subchapter B, Chapter 158, Family Code, is  
15 amended by adding Section 158.1035 to read as follows:

16       Sec. 158.1035. PERSONAL INFORMATION IN ORDERS OR WRITS OF  
17 WITHHOLDING. (a) In this section, "personal information" means:

18           (1) an individual's social security number;  
19           (2) an individual's bank account number and similar  
20 financial information; and

21           (3) the name and birth date of each child of an  
22 individual.

23       (b) An order or writ of withholding may not include personal  
24 information with regard to any party to the suit. Any personal  
25 information that is required by this title or any other law to be  
26 included in the order or writ must be listed in a separate document  
27 titled "CONFIDENTIAL DATA PAGE" in bold type.

1        (c) The separate document described by Subsection (b) must  
2 include the cause number and style of the proceeding.

3        (d) The personal information in the separate document  
4 described by Subsection (b) is confidential and may be disclosed  
5 only to:

6            (1) a party to the suit or an attorney for a party to  
7 the suit;

8            (2) a law enforcement agency, the Title IV-D agency,  
9 or another governmental entity conducting a criminal investigation  
10 or establishing or enforcing a child support order;

11            (3) the obligor's employer; or

12            (4) another person authorized to obtain the  
13 information by a court order that includes a finding of good cause  
14 for disclosing the information to that person.

15        (e) This section does not require a court to grant access to  
16 confidential personal information if access is restricted by other  
17 law.

18        (f) On request by an obligee, the court may exclude from the  
19 confidential data page the obligee's social security number if the  
20 obligee or a member of the obligee's family or household is a victim  
21 of family violence and is the subject of a protective order to which  
22 the obligor is also subject. On granting a request under this  
23 subsection, the court shall order the clerk to:

24            (1) strike the social security number of the obligee  
25 from the confidential data page; and

26            (2) maintain a confidential record of the obligee's  
27 social security number to be used only by the court.

1 SECTION 8. Section 804.003(f), Government Code, is amended  
2 to read as follows:

3 (f) A domestic relations order is a qualified domestic  
4 relations order only if such order:

5 (1) clearly specifies the~~+~~  
6 ~~[(A)]~~ name and last known mailing address of:  
7 (A) [(i)] the member or retiree; and  
8 (B) [(ii)] each alternate payee covered by the  
9 order;

10 (2) includes, with respect to the [and  
11 [(B)] social security number of the member or  
12 retiree and each alternate payee covered by the order:

13 (A) a confidential data page as provided by  
14 Section 9.1025, Family Code, that contains those social security  
15 numbers; [7] or

16 (B) an express authorization for the parties to  
17 use an alternate method acceptable to the public retirement system  
18 to verify the social security number [7] of the member or retiree and  
19 each alternate payee covered by the order;

20 (3) [(2)] clearly specifies the amount or percentage  
21 of the member's or retiree's benefits to be paid by a public  
22 retirement system to each such alternate payee or the manner in  
23 which such amount or percentage is to be determined;

24 (4) [(3)] clearly specifies the number of payments or  
25 the period to which such order applies;

26 (5) [(4)] clearly specifies that such order applies to  
27 a designated public retirement system;

1           (6) [~~(5)~~] does not require the public retirement  
2 system to provide any type or form of benefit or any option not  
3 otherwise provided under the plan;

4           (7) [~~(6)~~] does not require the public retirement  
5 system to provide increased benefits determined on the basis of  
6 actuarial value;

7           (8) [~~(7)~~] does not require the payment of benefits to  
8 an alternate payee which are required to be paid to another  
9 alternate payee under another order previously determined to be a  
10 qualified domestic relations order; and

11           (9) [~~(8)~~] does not require the payment of benefits to  
12 an alternate payee before the retirement of a member, the  
13 distribution of a withdrawal of contributions to a member, or other  
14 distribution to a member required by law.

15           SECTION 9. The changes in law made by this Act apply only to  
16 a decree of dissolution of a marriage, qualified domestic relations  
17 order, order or writ of withholding, or order in a suit affecting  
18 the parent-child relationship that is rendered or issued on or  
19 after the effective date of this Act. A decree, order, or writ  
20 rendered or issued before the effective date of this Act is governed  
21 by the law in effect on the date the decree, order, or writ was  
22 rendered or issued, and the former law is continued in effect for  
23 that purpose.

24           SECTION 10. This Act takes effect September 1, 2013.