

1-1 By: Rodríguez S.B. No. 814  
 1-2 (In the Senate - Filed February 26, 2015; March 3, 2015,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 25, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 8, Nays 0; March 25, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 814 By: Creighton

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to waivers of citation in certain family law suits.  
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-23 SECTION 1. Section 6.4035, Family Code, is amended by  
 1-24 amending Subsection (c) and adding Subsections (e) and (f) to read  
 1-25 as follows:  
 1-26 (c) Notwithstanding Section 132.001, Civil Practice and  
 1-27 Remedies Code, the waiver must be sworn before a notary public who  
 1-28 is not an attorney in the suit. This subsection does not apply if  
 1-29 the party executing the waiver is incarcerated.  
 1-30 (e) The party executing the waiver may not sign the waiver  
 1-31 using a digitized signature.  
 1-32 (f) For purposes of this section, "digitized signature" has  
 1-33 the meaning assigned by Section 101.0096.  
 1-34 SECTION 2. Chapter 31, Family Code, is amended by adding  
 1-35 Section 31.008 to read as follows:  
 1-36 Sec. 31.008. WAIVER OF CITATION. (a) A party to a suit  
 1-37 under this chapter may waive the issuance or service of citation  
 1-38 after the suit is filed by filing with the clerk of the court in  
 1-39 which the suit is filed the waiver of the party acknowledging  
 1-40 receipt of a copy of the filed petition.  
 1-41 (b) The party executing the waiver may not sign the waiver  
 1-42 using a digitized signature.  
 1-43 (c) The waiver must contain the mailing address of the party  
 1-44 executing the waiver.  
 1-45 (d) Notwithstanding Section 132.001, Civil Practice and  
 1-46 Remedies Code, the waiver must be sworn before a notary public who  
 1-47 is not an attorney in the suit. This subsection does not apply if  
 1-48 the party executing the waiver is incarcerated.  
 1-49 (e) The Texas Rules of Civil Procedure do not apply to a  
 1-50 waiver executed under this section.  
 1-51 (f) For purposes of this section, "digitized signature" has  
 1-52 the meaning assigned by Section 101.0096.  
 1-53 SECTION 3. Subchapter A, Chapter 45, Family Code, is  
 1-54 amended by adding Section 45.0031 to read as follows:  
 1-55 Sec. 45.0031. WAIVER OF CITATION. (a) A party to a suit  
 1-56 under this subchapter may waive the issuance or service of citation  
 1-57 after the suit is filed by filing with the clerk of the court in  
 1-58 which the suit is filed the waiver of the party acknowledging  
 1-59 receipt of a copy of the filed petition.  
 1-60 (b) The party executing the waiver may not sign the waiver

2-1 using a digitized signature.  
2-2 (c) The waiver must contain the mailing address of the party  
2-3 executing the waiver.  
2-4 (d) Notwithstanding Section 132.001, Civil Practice and  
2-5 Remedies Code, the waiver must be sworn before a notary public who  
2-6 is not an attorney in the suit. This subsection does not apply if  
2-7 the party executing the waiver is incarcerated.  
2-8 (e) The Texas Rules of Civil Procedure do not apply to a  
2-9 waiver executed under this section.  
2-10 (f) For purposes of this section, "digitized signature" has  
2-11 the meaning assigned by Section 101.0096.  
2-12 SECTION 4. Subchapter B, Chapter 45, Family Code, is  
2-13 amended by adding Section 45.107 to read as follows:  
2-14 Sec. 45.107. WAIVER OF CITATION. (a) A party to a suit  
2-15 under this subchapter may waive the issuance or service of citation  
2-16 after the suit is filed by filing with the clerk of the court in  
2-17 which the suit is filed the waiver of the party acknowledging  
2-18 receipt of a copy of the filed petition.  
2-19 (b) The party executing the waiver may not sign the waiver  
2-20 using a digitized signature.  
2-21 (c) The waiver must contain the mailing address of the party  
2-22 executing the waiver.  
2-23 (d) Notwithstanding Section 132.001, Civil Practice and  
2-24 Remedies Code, the waiver must be sworn before a notary public who  
2-25 is not an attorney in the suit. This subsection does not apply if  
2-26 the party executing the waiver is incarcerated.  
2-27 (e) The Texas Rules of Civil Procedure do not apply to a  
2-28 waiver executed under this section.  
2-29 (f) For purposes of this section, "digitized signature" has  
2-30 the meaning assigned by Section 101.0096.  
2-31 SECTION 5. Chapter 102, Family Code, is amended by adding  
2-32 Section 102.0091 to read as follows:  
2-33 Sec. 102.0091. WAIVER OF CITATION. (a) A party to a suit  
2-34 under this title may waive the issuance or service of citation after  
2-35 the suit is filed by filing with the clerk of the court in which the  
2-36 suit is filed the waiver of the party acknowledging receipt of a  
2-37 copy of the filed petition.  
2-38 (b) The party executing the waiver may not sign the waiver  
2-39 using a digitized signature.  
2-40 (c) The waiver must contain the mailing address of the party  
2-41 executing the waiver.  
2-42 (d) Notwithstanding Section 132.001, Civil Practice and  
2-43 Remedies Code, the waiver must be sworn before a notary public who  
2-44 is not an attorney in the suit. This subsection does not apply if  
2-45 the party executing the waiver is incarcerated.  
2-46 (e) The Texas Rules of Civil Procedure do not apply to a  
2-47 waiver executed under this section.  
2-48 SECTION 6. The changes in law made by this Act apply only to  
2-49 a suit that is commenced on or after the effective date of this Act.  
2-50 A suit that is commenced before that date is governed by the law as  
2-51 it existed on the date the suit was commenced, and the former law is  
2-52 continued in effect for that purpose.  
2-53 SECTION 7. This Act takes effect September 1, 2015.

2-54

\* \* \* \* \*