

SUBJECT: Sealing written divorce and annulment agreements from the public record

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 8 ayes — Dutton, Murr, Bowers, Calanni, Cyrier, Dean, Shine, Talarico
0 nays

WITNESSES: For — Rachel Reuter, Texas Family Law Foundation; (*Registered, but did not testify*: Amy Bresnen and Ashley Butler, Texas Family Law Foundation)

Against — None

BACKGROUND: Family Code sec. 7.006 allows spouses to enter into a written agreement, called an agreement incident to divorce or annulment, to amicably divide their assets and liabilities when divorcing or entering into an annulment. If a court approves the written agreement, it may set forth the agreement in full or incorporate the agreement by reference in the final decree.

DIGEST: HB 559 would specify that written divorce or annulment agreements that were incorporated by reference in the final decree of a divorce or annulment would not be required to be filed with a court or court clerk.

The bill would apply to agreements incorporated by reference in a final decree of divorce or annulment regardless of whether the decree was signed before, on, or after the bill's effective date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY: HB 559 would allow individuals to keep personal information contained in divorce and annulment agreements out of a court's records and, therefore, out of the public record. Such agreements often contain sensitive information about the spouses' properties, bank accounts,

retirement assets, and other assets.

The bill would provide clear instructions to courts that these agreements would not need to be filed with the court. Current law does not specify whether they should be filed, and some courts require their filing while others do not.

OPPONENTS
SAY:

No concerns identified.