



# The Information Edge

## Current Legal News from Collin County's Curt B. Henderson Law Library

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### Useful Internet Sites and Articles

#### O'Connor's 2021-2022 Family Code and Criminal Code Legislative Updates

*O'Connor's Texas Family Code plus - 2021-2022 ed.*

- ◆ **Address Confidentiality Program.** Family Code §45.102 was amended to provide victims of family violence, sexual assault or abuse, human trafficking, or stalking, an avenue for changing their name without disclosing their address of residence to the court.
- ◆ **Adoption—Fees.** §108.006 was amended to eliminate additional filing fees for a suit requesting the adoption of a child.
- ◆ **Child Support—Incarcerated Parent.** §154.006 was amended to prohibit courts from treating incarceration as intentional unemployment or underemployment when establishing or modifying support orders.
- ◆ **Child Support—Withholding.** §§101.001 and 234.101 were amended to allow income withholding for child support from persons working for a transportation-network company and from persons who operate a technology platform used to make deliveries to customers.
- ◆ **Foster Care.** Family Code chapter 264 was amended to increase the efficiency and flexibility of the state's foster-care system.
- ◆ **Protective order—default order.** §85.006 was amended to clarify that judges may render a default judgment for a protective order as long as the respondent was served in advance and proof of service is on file with the court.
- ◆ **Protective order—separation of wireless phone service.** §85.0225 was enacted to authorize a petitioner for a protective order to separate the petitioner's and any applicable children's wireless-telephone numbers from the respondent's wireless-telephone service account. This change is intended to protect survivors of family violence.

*O'Connor's Texas Criminal Code plus - 2021-2022 ed.*

- ◆ **Bail—charitable bail organizations.** Art. 17.071 was enacted to establish requirements and re-

strictions for persons who accept and use donations from the public to post bond for defendants.

- ◆ **Bail—eligibility.** Art. 1.07 was amended to state that any person is eligible for bail unless denial of bail is expressly permitted by the Texas Constitution or other law. The amendments deleted the provision denying bail for capital offenses when proof is evident.
- ◆ **Blood draw.** Art. 18.067 was enacted to provide that a warrant to collect blood from a person suspected of committing an intoxication offense may be executed in any county adjacent to the county where the warrant was issued and by any law-enforcement officer authorized to make an arrest in that county.
- ◆ **Choke holds.** Art. 2.33 (as added by S.B. 69, § 1, 87th leg., R.S., eff Sept. 1, 2021) was enacted to prohibit peace officers from intentionally using a choke hold or similar neck restraint in searching or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person.
- ◆ **Drones.** Penal Code §9.54 was enacted to establish a limitation on the use of force by drone by law enforcement. Code of Criminal Procedure art. 2.33 (as added by H.B. 1758, § 1, 87th Leg., R.S., eff. Sept. 1, 2021) was enacted to require a law-enforcement agency that uses or intends to use a drone for law-enforcement purposes to adopt a written policy regarding such use.
- ◆ **Financial abuse of elderly individual.** Penal Code §32.55 was enacted to criminalize knowingly engaging in the financial abuse of a person age 65 or older.



Copies of these articles are available in the library, or from the law librarian via email:  
[bfansler@co.collin.tx.us](mailto:bfansler@co.collin.tx.us)

## Current Emergency Orders Issued in response to COVID-19

In response to COVID-19, the Supreme Court has issued the following Emergency Order that is still in effect.

### Emergency Order 47 - Issued 9/21/2021 (effective 1/19/2022)

The Supreme Court issued the Forty-Seventh Emergency Order that replaces the previous general emergency order (Forty-Fifth) that was set to expire on February 1. The Forty-Seventh Emergency Order leaves in place all provisions of the prior emergency order (Forty-Fifth) and adds one provision regarding the extension of deadlines in CPS cases. The following are the key provisions of the new order:

- Continues the authority of courts, without a participant's consent, to modify certain procedures and deadlines in CPS cases for certain stated periods of time;
- Authorizes the regional presiding judge of the trial court's administrative judicial region to extend dismissal dates in CPS cases up to 60 days beyond the dates specifically provided in the emergency order without a participant's consent upon good cause shown by the requesting trial court after the dismissal date;
- Subject to constitutional limitations and review for abuse of discretion, continues the authority of all courts, without a participant's consent, to require or allow remote hearings, consider sworn statements made out of court or sworn testimony given remotely, conduct proceedings away from the court, require participants to provide certain COVID-related information to the court, and take any other reasonable action to avoid exposing court proceedings and participants to the threat of COVID-19;
- In criminal cases where confinement in jail or prison is a potential punishment, remote jury proceedings must not be conducted over the objection of the defendant or the prosecutor. In all other cases, continues the authority of courts to conduct remote jury trials without consent, except that the court must consider on the record or in a written order any objection or motion related to the remote jury proceeding;
- Provides that a timely objection to a remote jury proceeding may be granted for good cause;
- Continues the authority of the chief justices of the courts of appeals and local administrative district judges/municipal court presiding judges to mandate compliance with the minimum standard health protocols that they adopt for their courtrooms and the public areas of court buildings;
- Requires OCA to continue issuing best practices as necessary.

The Forty-Seventh Emergency Order expires on April 1, 2022, unless extended by the Chief Justice.

## Tech Tips: More Useful Sites and Law Blogs

- <https://capitol.texas.gov/>
- Legislative history for recent bills can be found on the Texas Legislature Online (TLO) website at the web address listed above. Other legislative history, such as passed and rejected amendments, floor journals, fiscal notes, and audio or video recordings of hearings, can also be found on the TLO website.



87th Legislature Regular Session  
Texas Legislature Online

## No Kid Hungry—Texas

### NO CHILD SHOULD GO HUNGRY IN TEXAS

At No Kid Hungry, that's the promise. If it sounds simple, that's because it is. That doesn't mean ending childhood hunger is easy. They know what works, and they've made extraordinary progress for kids and families. But the job isn't done, and won't be done until Texas meets that promise and every single child in America has the food they need to grow up healthy and strong.

### THE PROBLEM: KIDS IN TEXAS ARE HUNGRY

There is no possible excuse for children to go hungry in this country. Yet it happens - every day, in every community. More than 23% of children in Texas live in "food insecure" homes. That phrase may sound mild, but it means that those households don't have enough food for every family member to lead a healthy life.

We have plenty of food in the United States. And we have child hunger relief programs that work. The problem is that not enough kids are able to access them. That's a problem we know how to solve. No Kid Hungry Texas works to ensure all children have access to the nutrition they need to grow and thrive.

Please visit <https://state.nokidhungry.org/texas/> to find information about a meal program near you.



### Did You Know?

The South Texas College of Law Houston has archived the Texas Rules of Civil Procedure effective from September 1, 1941. <http://www.stcl.edu/library/special-collections/texas-rules/>

At this website, you can:

- See the rules listed in numerical order
- See the current rules as well as any prior amendments
- See the various versions of each rule over time.

### Important Announcement

Please keep in mind that if you are not comfortable visiting the library in person to do research during the pandemic, we have a number of resources available online. While we cannot provide legal advice, we may be able to guide you to the resources or forms necessary to assist you in your situation.

Library staff may be reached at 972-548-4255 or 972-548-4260.



## New on the Shelf



**The Law Library  
will be closed  
April 15th for  
Good  
Friday.**



## Legal Humor



"... and do you smell that man anywhere in the courtroom?"