



The Information Edge

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

ISSUE 2024-01

WWW.COLLINCOUNTYTX.GOV

FEBRUARY 2024

Useful Internet Sites and Articles

Legislative Update—Family Law

Summaries of Selected Family Law Legislative Updates from the 88th Texas Legislature.

HB 4183 allows an associate judge to sign a waiver of the 72-hour waiting period after a marriage license is issued. This change in law applies only to a marriage ceremony for which a marriage license application is filed on or after September 1, 2023.

HB 2715 adds a new section to TFC 6.501(a). Now a party can request the court to restrain one or both parties from “tracking or monitoring personal property or a motor vehicle in the possession of a party, without that party’s effective consent.” This includes using a tracking application (i.e., Find My, child tracking apps, etc.) and physically following a party or causing another to physically follow a party. It is unknown whether the later restriction would apply to a private investigator hired for a limited purpose in a divorce or custody action. This language is also included in the list of acts the court can prohibit under Chapter 80 of the Family Code. This change is effective on September 1, 2023.

HB 2715 also includes a corollary criminal violation for the acts described above. The Penal Code now includes an offense if a person has a protective order, bond, etc., issued against them and they knowingly or intentionally track or monitor the personal property or motor vehicle of another person without that person’s effective consent. As with the TFC change, this includes using tracking apps or following a person. Unlike the TFC provision, the criminal statute defines effective consent—or rather, what is not effective consent. For the purposes of the criminal statute, it is presumed that a person did not give effective consent to

the actor’s conduct if: (1) an application for a protective order has been filed or a protective order has been issued against the actor; or (2) the person is married to the actor and a petition for dissolution of marriage has been filed, or the person was previously married to the actor and the marriage has been dissolved.

HB 1432 significantly alters the issuance of protective orders. Prior to the passage of this bill, a court could order a protective order on a finding that family violence had occurred and was likely to occur in the future. The second finding is usually the hardest one to prove when the victim has removed themselves from the environment or vicinity of the respondent. HB 1432 removes the second prong throughout Title 4, Subtitle B of the Family Code. This statute is effective on September 1, 2023.

SB 869 amends TFC 102.0091(b) to allow a party executing a waiver to use a digitized signature. This statute is effective on September 1, 2023.

HB 4062 requires a child custody evaluator to create an audiovisual recording of each interview the evaluator conducts with a child who is the subject of the suit affecting the parent-child relationship. This applies to an interview conducted on or after September 1, 2023.

HB 2671 adds TFC sections 6.502(a-1) and 105.001(a-1). The new sections prohibit a court from postponing a temporary hearing for more than 30 days when that court has ordered the parties to mediation. This section applies to a suit pending on or filed after September 1, 2023.

(Summaries provided by the State Bar of Texas)

Copies of these articles are available in the library, or from the law librarian via email:
jsims@co.collin.tx.us

Texas Fresh Start Guide

Texas Law Help has provided a free app to help you find out if you are eligible for an expunction or order of nondisclosure in Texas. Both are procedures used to clean up adult criminal history records. This can make it easier for people to find employment, earn professional licenses, and improve credit scores.

- **Expunction (record clearing)** can permanently remove entries from an adult criminal history record.
- **Nondisclosure (sealing)** hides certain offenses from public disclosure, but the offense are still visible to criminal justice agencies, licensing agencies, and certain government entities. Eligibility for Nondisclosure will depend on the type of offense you committed and whether the court put you on deferred adjudication.

To use this app, **you will need to know:**
the **type of crime(s)** you want to clear,
the **type of court** that handled your case,
the **outcome of your case**, and
any **significant dates**.

Do not use the app to address federal crimes or acts committed while a minor.

Learn more and access the toolkit at the following link or by googling “Texas Fresh Start Guide”:

<https://georgetown.neotalogic.com/a/TexasFreshStartV2>



Legal Aid of NorthWest Texas (LANWT)

Legal Aid of NorthWest Texas is offering free pro-se assistance to those who qualify every Thursday in the conference room of the 429th District Court in the Collin County Courthouse.

For more information please contact:
(972) 542-9405

Do I benefit from **LEGAL AID?**



Legal Aid of NorthWest Texas (LANWT) offers free civil legal assistance to low-income Texans who wouldn't otherwise be able to secure such legal representation.

Practices include:

- Support for Families
- Preserving the Home
- Maintaining Economic Stability
- Safety, Stability and Health
- Individuals with Special Needs
- Problems Affecting Groups of Individuals

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.



Contact Information:

Jonathan Sims
Law Librarian
Email:
jsims@co.collin.tx.us

Hours of Operation:
Monday—Friday
8:00 am—5:00 pm

Note: Computers will
automatically log off
at 4:50 p.m.

Did You Know?

Texas Law Help maintains an event page/calendar where those in need may be able to track down legal assistance from attorneys and discuss a legal issue one-on-one at a clinic hosted by a reliable nonprofit partner. Most clinics offer virtual appointments in order to maintain COVID-19 safety protocol.

Visit texaslawhelp.org/events for more info

**TEXAS
LAW
HELP
★ORG**

Important Announcement

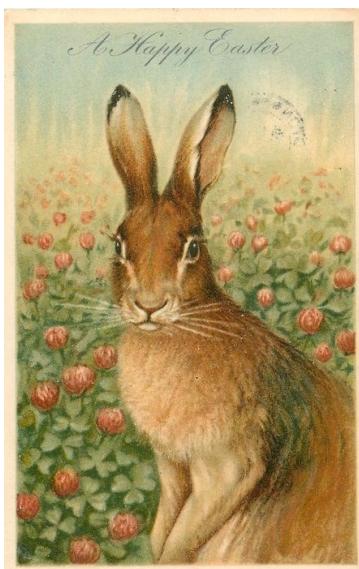
Please keep in mind that if you are not comfortable visiting the library in person to do research during the pandemic, we have a number of resources available online. While we cannot provide legal advice, we may be able to guide you to the resources or forms necessary to assist you in your situation.

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





**The Law Library
will be closed
March 29th for Good
Friday.**



New on the Shelf

- ◆ O'Connor's Texas Civil Appeals—2024
- ◆ Ineffective Assistance of Counsel—2024
- ◆ O'Connor's Texas Family Law Forms—2024
- ◆ Federal Employment Codes—2024-25
- ◆ Rights of Juveniles—2024
- ◆ Davis's Texas Estate Planning Forms—2024
- ◆ Texas Workers' Compensation Manual—2024
- ◆ O'Connor's Texas Rules: Civil Trials—2024
- ◆ Model Jury Instructions: Criminal—2023
- ◆ Texas Insurance Code—2024
- ◆ Texas Rules of Evidence Handbook—2024



Legal Humor



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