

THE SAFE SAPCR ACT

Service Accountability and Fraud Elimination of Suits Affecting the Parent-Child Relationship Act

BILL TEXT

AN ACT relating to service of process in suits affecting the parent-child relationship; establishing constable service requirements; creating an automated case registry system; providing expedited remedies; establishing criminal penalties for service fraud; and preventing court congestion through early detection and resolution.

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

ARTICLE 1. MANDATORY CONSTABLE SERVICE

SECTION 1.01. Texas Family Code § 102.0101 is added:

Sec. 102.0101. CONSTABLE SERVICE REQUIREMENT.

(a) In a suit affecting the parent-child relationship, initial service of citation must be by constable unless:

- (1) respondent waives service or appears;
- (2) petitioner personally serves with written acknowledgment; or
- (3) court orders alternative service for good cause.

(b) Constable's return must include sworn certification of:

- (1) personal service with identification of person served; or
- (2) abandonment of residence with supporting evidence.

(c) Service is not effective based solely on "last known address" without current verification or proof of abandonment.

SECTION 1.02. Texas Family Code § 102.0102 is added:

Sec. 102.0102. ATTORNEY CERTIFICATION REQUIREMENT.

(a) Before filing, attorney must investigate respondent's current address and search the Family Court Case Registry for related proceedings.

(b) Petition must be accompanied by attorney's affidavit certifying:

- (1) investigation conducted;
- (2) respondent's current address provided; and
- (3) no undisclosed related proceedings exist.

(c) Material misstatements subject attorney and party to sanctions under Chapter 10, Civil Practice and Remedies Code, and potential criminal prosecution under Section 32.47, Penal Code.

ARTICLE 2. AUTOMATED CASE REGISTRY AND EARLY DETECTION

SECTION 2.01. Texas Family Code § 109.010 is added:

Sec. 109.010. STATEWIDE FAMILY COURT CASE REGISTRY.

(a) The Office of Court Administration shall establish an automated Family Court Case Registry that:

- (1) tracks all family law cases statewide by party names, dates of birth, and children;
- (2) automatically flags duplicate or related cases at time of filing; and
- (3) generates immediate alerts to assigned judges before service.

(b) Upon receiving alert, judge shall:

- (1) review related cases within 5 business days;
- (2) order consolidation, transfer, or dismiss duplicate filings; and
- (3) schedule show cause hearing if pattern indicates abuse.

(c) No default judgment may be entered in flagged case until judicial review is complete.

ARTICLE 3. EXPEDITED RELIEF FOR IMPROPER SERVICE

SECTION 3.01. Texas Family Code § 157.401 is added:

Sec. 157.401. EXPEDITED BILL OF REVIEW.

(a) A party may file expedited bill of review to set aside order based on improper service.

(b) Court shall hold hearing within 45 days and may grant temporary orders pending resolution.

(c) If court sets aside order based on improper service:

- (1) court restores party's rights to pre-judgment status;
- (2) court awards reasonable attorney's fees to prevailing party; and
- (3) court refers matter to State Bar and law enforcement if fraud found.

(d) Bill of review must be filed within four years of discovery, but not more than 10 years after order signed.

ARTICLE 4. CRIMINAL PENALTIES FOR SERVICE FRAUD

SECTION 4.01. Texas Penal Code § 32.47 is amended by adding subsection (d):

(d) A person commits an offense if the person knowingly makes a false statement in an affidavit:

- (1) certifying service of process in a family law proceeding; or
- (2) certifying investigation of respondent's address in a suit affecting the parent-child relationship.

An offense under this subsection is a state jail felony, or a felony of the third degree if the false statement was made with intent to obtain custody of a child through fraud.

ARTICLE 5. SANCTIONS FOR ABUSIVE FILING PATTERNS

SECTION 5.01. Texas Civil Practice and Remedies Code § 10.006 is added:

Sec. 10.006. ENHANCED SANCTIONS FOR ABUSIVE FAMILY LAW FILINGS.

(a) Court may impose enhanced sanctions under this section if petitioner files three or more family law cases against same respondent within 24 months without consolidation or legitimate grounds.

(b) Sanctions may include:

- (1) monetary penalties up to \$10,000;
- (2) filing bond requirement for future cases;
- (3) payment of respondent's attorney's fees; and
- (4) referral to State Bar for attorney discipline.

(c) Court shall consider best interest of child in determining appropriate sanctions.

SECTION 5.02. Texas Family Code § 109.015 is added:

Sec. 109.015. ADMINISTRATIVE DISMISSAL OF DUPLICATE FILINGS.

(a) If Registry flags case as duplicate filing and petitioner fails to appear at show cause hearing or demonstrate legitimate grounds, court shall administratively dismiss case without prejudice.

(b) Petitioner may refile only after:

- (1) showing case is not duplicative; or
- (2) consolidating with pending case.

(c) Administrative dismissal does not affect pending related cases.

ARTICLE 6. IMPLEMENTATION AND FUNDING

SECTION 6.01. IMPLEMENTATION TIMELINE.

- (a) Office of Court Administration shall implement automated Registry system within 18 months of effective date.
- (b) Counties must integrate with Registry within 24 months of effective date.
- (c) Constable service requirement takes effect on effective date of Act.

SECTION 6.02. FUNDING.

- (a) Constable service fee of \$50 per service, adjusted annually for inflation.
- (b) 50% of fees fund constable operations; 50% fund Registry system.
- (c) Indigent parties may request fee waiver under Rule 145, Texas Rules of Civil Procedure.

SECTION 6.03. TRANSITIONAL PROVISIONS.

- (a) Act applies only to cases filed on or after effective date.
 - (b) Registry must include existing cases to extent feasible for duplicate detection.
 - (c) Bill of review remedy under Article 3 may challenge orders entered before effective date if filed within applicable limitations period.
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ARTICLE 7. EFFECTIVE DATE

This Act takes effect September 1, 2026.

LEGISLATIVE FINDINGS

The legislature finds that:

- (1) **Due Process Protection:** Article I, Section 19 of the Texas Constitution guarantees no citizen shall be deprived of parental rights except by due course of law, which requires adequate notice and opportunity to be heard.
- (2) **Fraud Prevention:** Fraudulent service and duplicate filings in family courts constitute fraud under common law and existing statutes, warranting specific criminal penalties for this context.
- (3) **Court Efficiency:** An automated case registry prevents court congestion by identifying duplicates at filing rather than after costly litigation, saving judicial resources.
- (4) **Fast-Track Relief:** Expedited bill of review process provides swift remedy without burdening courts, as most improper service cases can be resolved on documentary evidence within 45 days.
- (5) **Best Interest of Children:** Children's interests are served by preventing custody fraud and ensuring legitimate proceedings with proper notice to both parents.
- (6) **Existing Legal Framework:** This Act incorporates existing sanctions under Civil Practice and Remedies Code Chapters 9 and 10, extends criminal fraud provisions under Penal Code Chapter 32, and creates no new bureaucracy—only automated flagging at point of filing.
- (7) **Constitutional Foundation:** This Act vindicates fundamental rights under Article I, Sections 3 (equal rights), 13 (access to courts), and 19 (due process) by ensuring family court proceedings afford meaningful notice and prevent fraud-based deprivation of parental rights.
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CONFORMING AMENDMENTS

SECTION 8.01. Texas Rules of Civil Procedure

Supreme Court shall amend Texas Rules of Civil Procedure as necessary to implement automated registry integration and expedited bill of review procedures under this Act.

SECTION 8.02. Severability

If any provision of this Act is held invalid, invalidity does not affect other provisions that can be given effect without the invalid provision.