

## **BILL ANALYSIS**

H.B. 202  
By: Goodman  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current Family Code provisions, postmarital agreements have evolved as the constitution has changed. The provisions in postmarital agreements regarding the income from separate property may not be in conformity with constitutional provisions. Additionally, the requirements for execution of the document differ from the requirements of premarital agreements.

House Bill 202 clarifies the provisions of the statute regarding income from separate property and conforms the requirement for execution of postmarital agreements to those for premarital agreements.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

- SECTION 1.** Amends Section 4.102 of the Family Code to clarify that income from separate property is separate property if the parties so agree.
- SECTION 2.** Amends Section 4.104 of the Family Code by providing that a partition or exchange agreement under Section 4.102 or an agreement under Section 4.103 must be in writing and signed by both parties. Either agreement is enforceable without consideration.
- SECTION 3.** The changes in law made by this Act to Sections 4.102 and 4.104, Family Code, apply only to agreements made on or after the effective date of this Act. An agreement made before the effective date of this Act is governed by the law in effect on the date the agreement was made, and the former law is continued in effect for that purpose.
- SECTION 4.** This Act takes effect September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005.