

BILL ANALYSIS

H.B. 1175
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Most persons who execute premarital agreements that eliminate spousal support believe they will have more than sufficient income to support all parties at the time of the dissolution of the marriage. However, the premise of sufficient income has not always proved to be true and persons who would otherwise qualify for spousal maintenance might be blocked from doing so. Additionally, the possibility exists that those persons might end up on public assistance.

House Bill 1175 proposes to add that the elimination of spousal support by a provision in a premarital agreement does not disqualify a person from receiving spousal maintenance under the Family Code.

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 4.003(a) Family Code, that provides that the parties to a premarital agreement may contract with respect to the modification or elimination of spousal support, except that the parties may not agree to modify or eliminate spousal support that may be ordered as maintenance under Subchapter B, Chapter 8.
- Section 2.** The change in law made by this Act applies only to a premarital agreement entered into on or after the effective date of this Act. A premarital agreement entered into before the effective date of this Act is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.
- Section 3.** This Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005.