

## **BILL ANALYSIS**

C.S.H.B. 1965  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Although infrequently requested, fault-based divorces remain available to spouses seeking a divorce. Currently, there is no statutory instruction that the divorce court consider fault in the division of marital property. C.S.H.B. 1965 seeks to clear up confusion regarding the standard for division of the spouses' properties by providing a statutory instruction.

### **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**

Amends Section 7.001, Family Code, requiring a court to consider fault of the spouses in dividing the estate of the spouses. Amends Sections 6.001 and 7.001 of the Family Code, changing the references to a "party to a marriage," "party," or "parties" to a "spouse of a marriage," "spouse," or "spouses" to conform to the remainder of this chapter of the Family Code. The bill is prospective in effect.

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1965 removes Sections 2, 3, 4, and 5 of H.B. 1965 and renumbers the sections accordingly. C.S.H.B. 1965 removes the requirements that courts grant a divorce in cases of cruel treatment, adultery, abandonment, or felony conviction.