

1-1 By: Goodman (Senate Sponsor - Harris) H.B. No. 202
1-2 (In the Senate - Received from the House April 18, 2005;
1-3 April 19, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 6, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 6, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 202 By: Harris

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain marital property agreements.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 4.102, Family Code, is amended to read as
1-13 follows:

1-14 Sec. 4.102. PARTITION OR EXCHANGE OF COMMUNITY PROPERTY.
1-15 At any time, the spouses may partition or exchange between
1-16 themselves all or part of their community property, then existing
1-17 or to be acquired, as the spouses may desire. Property or a
1-18 property interest transferred to a spouse by a partition or
1-19 exchange agreement becomes that spouse's separate property. The
1-20 partition or exchange of property may also provide that ~~[includes]~~
1-21 future earnings and income arising from the transferred property
1-22 shall be [as] the separate property of the owning spouse ~~[unless the~~
1-23 ~~spouses agree in a record that the future earnings and income will~~
1-24 ~~be community property after the partition or exchange]~~.

1-25 SECTION 2. Section 4.104, Family Code, is amended to read as
1-26 follows:

1-27 Sec. 4.104. FORMALITIES. A partition or exchange agreement
1-28 under Section 4.102 or an agreement under Section 4.103 must be in
1-29 writing and signed by both parties. Either agreement is
1-30 enforceable without consideration.

1-31 SECTION 3. Subchapter G, Chapter 6, Family Code, is amended
1-32 by adding Section 6.604 to read as follows:

1-33 Sec. 6.604. INFORMAL SETTLEMENT CONFERENCE. (a) The
1-34 parties to a suit for dissolution of a marriage may agree to one or
1-35 more informal settlement conferences and may agree that the
1-36 settlement conferences may be conducted with or without the
1-37 presence of the parties' attorneys, if any.

1-38 (b) A written settlement agreement reached at an informal
1-39 settlement conference is binding on the parties if the agreement:

1-40 (1) provides, in a prominently displayed statement
1-41 that is in boldfaced type or in capital letters or underlined, that
1-42 the agreement is not subject to revocation;

1-43 (2) is signed by each party to the agreement; and

1-44 (3) is signed by the party's attorney, if any, who is
1-45 present at the time the agreement is signed.

1-46 (c) If a written settlement agreement meets the
1-47 requirements of Subsection (b), a party is entitled to judgment on
1-48 the settlement agreement notwithstanding Rule 11, Texas Rules of
1-49 Civil Procedure, or another rule of law.

1-50 (d) If the court finds that the terms of the written
1-51 informal settlement agreement are just and right, those terms are
1-52 binding on the court. If the court approves the agreement, the
1-53 court may set forth the agreement in full or incorporate the
1-54 agreement by reference in the final decree.

1-55 (e) If the court finds that the terms of the written
1-56 informal settlement agreement are not just and right, the court may
1-57 request the parties to submit a revised agreement or set the case
1-58 for a contested hearing.

1-59 SECTION 4. The changes in law made by this Act to Sections
1-60 4.102 and 4.104, Family Code, apply only to agreements made on or
1-61 after the effective date of this Act. An agreement made before the
1-62 effective date of this Act is governed by the law in effect on the
1-63 date the agreement was made, and the former law is continued in

2-1 effect for that purpose.
2-2 SECTION 5. This Act takes effect September 1, 2005.
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