

By: Hartnett

H.B. No. 1965

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the grounds for a divorce and the division of property
3 in a decree of divorce.

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

5 SECTION 1. Section 6.001, Family Code, is amended to read as
6 follows:

7 Sec. 6.001. INSUPPORTABILITY. On the petition of either
8 spouse of [~~party to~~] a marriage, the court may grant a divorce
9 without regard to fault if the marriage has become insupportable
10 because of discord or conflict of personalities that destroys the
11 legitimate ends of the marital relationship and prevents any
12 reasonable expectation of reconciliation.

13 SECTION 2. Section 6.002, Family Code, is amended to read as
14 follows:

15 Sec. 6.002. CRUELTY. The court shall [~~may~~] grant a divorce
16 in favor of one spouse if the other spouse is guilty of cruel
17 treatment toward the complaining spouse of a nature that renders
18 further living together insupportable.

19 SECTION 3. Section 6.003, Family Code, is amended to read as
20 follows:

21 Sec. 6.003. ADULTERY. The court shall [~~may~~] grant a divorce
22 in favor of one spouse if the other spouse has committed adultery.

23 SECTION 4. Section 6.004(a), Family Code, is amended to
24 read as follows:

1 (a) The court shall [~~may~~] grant a divorce in favor of one
2 spouse if during the marriage the other spouse:

3 (1) has been convicted of a felony;

4 (2) has been imprisoned for at least one year in the
5 state penitentiary, a federal penitentiary, or the penitentiary of
6 another state; and

7 (3) has not been pardoned.

8 SECTION 5. Section 6.005, Family Code, is amended to read as
9 follows:

10 Sec. 6.005. ABANDONMENT. The court shall [~~may~~] grant a
11 divorce in favor of one spouse if the other spouse:

12 (1) left the complaining spouse with the intention of
13 abandonment; and

14 (2) remained away for at least one year.

15 SECTION 6. Section 7.001, Family Code, is amended to read as
16 follows:

17 Sec. 7.001. GENERAL RULE OF PROPERTY DIVISION. (a) In a
18 decree of divorce or annulment, the court shall order a division of
19 the estate of the spouses [~~parties~~] in a manner that the court deems
20 just and right, having due regard for the rights of each spouse
21 [~~party~~] and any children of the marriage.

22 (b) In a decree of divorce granted on a ground described by
23 Section 6.002, 6.003, 6.004, or 6.005, the court shall order a
24 significantly disproportionate division of the estate of the
25 spouses in favor of the spouse who the court determines is least at
26 fault.

27 SECTION 7. The changes in law made by this Act apply to a

1 decree of divorce rendered in a suit for dissolution of a marriage
2 that is pending on the effective date of this Act or filed on or
3 after that date.

4 SECTION 8. This Act takes effect September 1, 2005.