

By: Casteel

H.B. No. 2117

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the court to exclude a spouse from the marital residence pending a suit for divorce in certain circumstances.

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

SECTION 1. Section 6.501(b), Family Code, is amended to read as follows:

(b) A temporary restraining order under this subchapter may not include a provision:

(1) the subject of which is a requirement, appointment, award, or other order listed in Section 64.104, Civil Practice and Remedies Code; or

(2) that:

(A) excludes a spouse from occupancy of the marital residence ~~[where that spouse is living]~~ except:

(i) as provided in a protective order made in accordance with Title 4; or

(ii) in circumstances in which it is shown by an affidavit or verified pleading that the spouse to be excluded from the marital residence has established another residence;

(B) prohibits a party from spending funds for reasonable and necessary living expenses; or

(C) prohibits a party from engaging in acts reasonable and necessary to conduct that party's usual business and

1 occupation.

2 SECTION 2. The change in law made by this Act applies only
3 to a motion for a temporary restraining order filed on or after the
4 effective date of this Act. A motion for a temporary restraining
5 order filed before the effective date of this Act is governed by the
6 law in effect at the time the motion is filed, and the former law is
7 continued in effect for that purpose.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.