

BILL ANALYSIS

C.S.H.B. 72
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Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides that there is a waiting period of 60 days following the filing of a divorce suit before it is granted. Current law does not allow for an exception to the waiting period in cases where family violence makes an expedited divorce necessary.

C.S.H.B. 72 eliminates the waiting period in certain cases where the respondent is responsible for committing family violence against the petitioner or a member of the petitioner's household.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

ANALYSIS

C.S.H.B. 72 amends the Family Code to authorize the court to grant a divorce before the 60th day after the date the suit was filed if the respondent has been finally convicted of or received deferred adjudication for an offense involving family violence against the petitioner or a member of the petitioner's household or if the court finds that the petitioner has obtained a certain protective order or a magistrate's order for emergency protection against the respondent because of family violence.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 72 authorizes a court to grant an expedited divorce if the respondent has received deferred adjudication by a court in addition to individuals that were finally convicted of such offenses. C.S.H.B. 72 refers to Texas Law to demonstrate that family violence is defined as violence against any person under a household and not only against a spouse. The substitute also narrows the language of the bill to prevent courts from having discretion in determining if family violence occurred by providing that if the respondent has not been convicted or received deferred adjudication for an offense of family violence, the court is required to find that that the petitioner has obtained a certain protective order or magistrate's order for emergency protection because of family violence to grant an expedited divorce..