

By: Guillen, Gonzales, Thompson, Rodriguez,
Bolton

H.B. No. 72

A BILL TO BE ENTITLED

AN ACT

relating to the waiting period for issuing a decree in certain suits
for divorce.

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

SECTION 1. Section 6.702, Family Code, is amended by
amending Subsection (a) and adding Subsection (c) to read as
follows:

(a) Except as provided by Subsection (c), the ~~[The]~~ court
may not grant a divorce before the 60th day after the date the suit
was filed. A decree rendered in violation of this subsection is not
subject to collateral attack.

(c) A waiting period is not required under Subsection (a)
before a court may grant a divorce in a suit in which the court finds
that:

(1) the respondent has been finally convicted of or
received deferred adjudication for an offense involving family
violence as defined by Section 71.004 against the petitioner or a
member of the petitioner's household; or

(2) the petitioner has obtained a protective order
under Title 4 or a magistrate's order for emergency protection
under Article 17.292, Code of Criminal Procedure, against the
respondent because of family violence committed during the marriage
and there has been a judicial determination that the respondent has
violated that order.

1 SECTION 2. The change in law made by this Act applies only
2 to a suit for dissolution of a marriage filed on or after the
3 effective date of this Act. A suit for dissolution of a marriage
4 filed before the effective date of this Act is governed by the law
5 in effect on the date the suit was filed, and the former law is
6 continued in effect for that purpose.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.