

By: Dutton

H.B. No. 299

A BILL TO BE ENTITLED

AN ACT

relating to mediation procedures in certain family law suits.

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

SECTION 1. Section 6.602(a), Family Code, is amended to read as follows:

(a) Notwithstanding Section 154.021, Civil Practice and Remedies Code, or any other law authorizing or requiring court referral of a suit to mediation [~~On the written agreement of the parties or on the court's own motion~~], the court may refer a suit for dissolution of a marriage to mediation only on the written agreement of the parties. A party may revoke the party's agreement at any time before the party enters into a binding mediated settlement agreement under Subsection (b). The court may not:

(1) dismiss a suit for the dissolution of a marriage on the basis of a party's:

(A) refusal to mediate; or

(B) revocation of a previous agreement to mediate; or

(2) adopt a local rule that conflicts with this subsection.

SECTION 2. Section 153.0071(c), Family Code, is amended to read as follows:

(c) Notwithstanding Section 154.021, Civil Practice and Remedies Code, or any other law authorizing or requiring court

1 referral of a suit to mediation [~~On the written agreement of the~~
2 ~~parties or on the court's own motion~~], the court may refer a suit
3 affecting the parent-child relationship to mediation only on the
4 written agreement of the parties. A party may revoke the party's
5 agreement at any time before the party enters into a binding
6 mediated settlement agreement under Subsection (d). The court may
7 not:

8 (1) dismiss a suit affecting the parent-child
9 relationship on the basis of a party's:

10 (A) refusal to mediate; or

11 (B) revocation of a previous agreement to
12 mediate; or

13 (2) adopt a local rule that conflicts with this
14 subsection.

15 SECTION 3. Sections 6.602(d) and 153.0071(f), Family Code,
16 are repealed.

17 SECTION 4. The changes in law made by this Act to Sections
18 6.602 and 153.0071, Family Code:

19 (1) apply only to a suit for dissolution of a marriage
20 or a suit affecting the parent-child relationship, respectively,
21 that is pending before a trial court on or filed on or after the
22 effective date of this Act; and

23 (2) do not affect the validity of a mediated
24 settlement agreement binding under Section 6.602(b) or
25 153.0071(d), Family Code, as applicable, that became binding on or
26 before the effective date of this Act.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.