

By: Zaffirini

S.B. No. 24

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:

(1) the respondent has been finally convicted of an offense an element of which included the respondent assaulting or threatening the petitioner; or

(2) there is evidence sufficient for the court to find that the respondent committed family violence during the marriage, including evidence that:

(A) a temporary order has been issued against the respondent under Subchapter F; or

(B) the petitioner has obtained a protective order under Title 4 against the respondent because of family violence.

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.