

By: Estes

S.B. No. 2352

A BILL TO BE ENTITLED

AN ACT

relating to marriage education courses for certain couples filing for divorce on the grounds of insupportability.

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

SECTION 1. Subchapter E, Chapter 6, Family Code, is amended by adding Section 6.4025 to read as follows:

Sec. 6.4025. CRISIS MARRIAGE EDUCATION REQUIRED IN CERTAIN SUITS. (a) This section applies to a suit for dissolution of marriage filed on the grounds of insupportability and in which the household of one of the parties is the primary residence for:

(1) a child under the age of 18;

(2) a child 18 years of age who is attending high school; or

(3) an adult disabled child as described by Section 154.302.

(b) Except as provided by Subsection (d), a petition in a suit for dissolution of a marriage must be accompanied by a completion certificate for a crisis marriage education course under Section 6.412 completed by the petitioner not more than one year before the date the petition is filed.

(c) Not later than the 14th day after the date the respondent receives notice of the suit for dissolution of marriage, the respondent may file with the court a completion certificate for a crisis marriage education course under Section 6.412 completed by

1 the respondent not more than one year before the date the petition
2 is filed.

3 (d) If a party submits evidence under Subsection (e), the
4 court may not:

5 (1) require a completion certificate for a crisis
6 marriage education course to be submitted with the petition; or

7 (2) consider the completion of the crisis marriage
8 education course as a factor in rendering an order affecting the
9 rights or responsibilities of the parties.

10 (e) Either party may submit to the court evidence that the
11 other party to the suit has committed family violence against the
12 party or mentally, emotionally, verbally, or psychologically
13 abused the party, including:

14 (1) a copy of a protective order issued under Title 4
15 against the other party because of family violence;

16 (2) a police record documenting family violence by the
17 other party against the party submitting the evidence;

18 (3) a statement by a physician or other medical
19 evidence that indicates that the party submitting the evidence was
20 a victim of family violence; or

21 (4) a sworn statement by a counselor or advocate in a
22 family violence program that indicates that the party submitting
23 the evidence was a victim of family violence or mental, emotional,
24 verbal, or psychological abuse.

25 SECTION 2. Subchapter E, Chapter 6, Family Code, is amended
26 by adding Section 6.412 to read as follows:

27 Sec. 6.412. CRISIS MARRIAGE EDUCATION COURSES. (a) Each

1 party to a suit for dissolution of a marriage is encouraged to
2 attend a crisis marriage education course of at least 10 hours,
3 completed within a 30-day period. The goal of the course, and the
4 focus of each component of the course, is marriage restoration.

5 (b) A crisis marriage education course must, at a minimum,
6 include instruction in:

- 7 (1) conflict management;
- 8 (2) communication skills; and
- 9 (3) forgiveness skills.

10 (c) A course under this section should be offered by
11 instructors trained and certified in a skills-based and
12 research-based marriage curriculum. The following individuals and
13 organizations may provide courses:

- 14 (1) marriage educators;
- 15 (2) clergy or their designees;
- 16 (3) licensed mental health professionals;
- 17 (4) faith-based organizations; and
- 18 (5) community-based organizations.

19 (d) A person who takes a course under this section shall pay
20 any fee charged for the course.

21 (e) A person who provides a marriage education course shall
22 provide a signed and dated completion certificate to each person
23 who completes the course. The certificate must include the name of
24 the course, the name of the course provider, and the completion
25 date.

26 (f) The Health and Human Services Commission shall maintain
27 an Internet website on which individuals and organizations

1 described by Subsection (c) may electronically register with the
2 commission to indicate the skills-based and research-based
3 curriculum in which the registrant is certified. The executive
4 commissioner shall notify each county clerk and district clerk
5 about the website. The clerk of the court in which a petition for
6 dissolution of a marriage based on insupportability is filed shall
7 give the person filing the petition information about the website
8 along with the location of libraries or other resource centers that
9 provide access to the Internet.

10 SECTION 3. Section 7.002, Family Code, is amended by adding
11 Subsection (d) to read as follows:

12 (d) In ordering a division of the estate of parties subject
13 to Section 6.4025, the court shall consider whether a party has
14 filed with the court a completion certificate for a crisis marriage
15 education course under Section 6.412 completed by the party not
16 more than one year before the date the petition for dissolution of
17 marriage is filed.

18 SECTION 4. Section 8.052, Family Code, is amended to read as
19 follows:

20 Sec. 8.052. FACTORS IN DETERMINING MAINTENANCE. A court
21 that determines that a spouse is eligible to receive maintenance
22 under this chapter shall determine the nature, amount, duration,
23 and manner of periodic payments by considering all relevant
24 factors, including:

25 (1) the financial resources of the spouse seeking
26 maintenance, including the community and separate property and
27 liabilities apportioned to that spouse in the dissolution

1 proceeding, and that spouse's ability to meet the spouse's needs
2 independently;

3 (2) the education and employment skills of the
4 spouses, the time necessary to acquire sufficient education or
5 training to enable the spouse seeking maintenance to find
6 appropriate employment, the availability of that education or
7 training, and the feasibility of that education or training;

8 (3) the duration of the marriage;

9 (4) the age, employment history, earning ability, and
10 physical and emotional condition of the spouse seeking maintenance;

11 (5) the ability of the spouse from whom maintenance is
12 requested to meet that spouse's personal needs and to provide
13 periodic child support payments, if applicable, while meeting the
14 personal needs of the spouse seeking maintenance;

15 (6) acts by either spouse resulting in excessive or
16 abnormal expenditures or destruction, concealment, or fraudulent
17 disposition of community property, joint tenancy, or other property
18 held in common;

19 (7) the comparative financial resources of the
20 spouses, including medical, retirement, insurance, or other
21 benefits, and the separate property of each spouse;

22 (8) the contribution by one spouse to the education,
23 training, or increased earning power of the other spouse;

24 (9) the property brought to the marriage by either
25 spouse;

26 (10) the contribution of a spouse as homemaker;

27 (11) marital misconduct of the spouse seeking

1 maintenance; ~~and~~

2 (12) the efforts of the spouse seeking maintenance to
3 pursue available employment counseling as provided by Chapter 304,
4 Labor Code; and

5 (13) if the suit for dissolution was subject to
6 Section 6.4025, whether either spouse has filed with the court a
7 completion certificate for a crisis marriage education course under
8 Section 6.412 completed by the spouse not more than one year before
9 the date the petition for dissolution of marriage is filed.

10 SECTION 5. Subchapter A, Chapter 153, Family Code, is
11 amended by adding Section 153.0035 to read as follows:

12 Sec. 153.0035. CONSIDERATION OF COMPLETION OF CRISIS
13 MARRIAGE EDUCATION COURSE. In determining whether to appoint a
14 party as a sole or joint managing conservator, the court shall
15 consider whether a party in a suit subject to Section 6.4025 has
16 filed with the court a completion certificate for a crisis marriage
17 education course under Section 6.412 completed by the party not
18 more than one year before the date the petition for dissolution of
19 marriage is filed.

20 SECTION 6. Section 154.123(b), Family Code, is amended to
21 read as follows:

22 (b) In determining whether application of the guidelines
23 would be unjust or inappropriate under the circumstances, the court
24 shall consider evidence of all relevant factors, including:

25 (1) the age and needs of the child;

26 (2) the ability of the parents to contribute to the
27 support of the child;

1 (3) any financial resources available for the support
2 of the child;

3 (4) the amount of time of possession of and access to a
4 child;

5 (5) the amount of the obligee's net resources,
6 including the earning potential of the obligee if the actual income
7 of the obligee is significantly less than what the obligee could
8 earn because the obligee is intentionally unemployed or
9 underemployed and including an increase or decrease in the income
10 of the obligee or income that may be attributed to the property and
11 assets of the obligee;

12 (6) child care expenses incurred by either party in
13 order to maintain gainful employment;

14 (7) whether either party has the managing
15 conservatorship or actual physical custody of another child;

16 (8) the amount of alimony or spousal maintenance
17 actually and currently being paid or received by a party;

18 (9) the expenses for a son or daughter for education
19 beyond secondary school;

20 (10) whether the obligor or obligee has an automobile,
21 housing, or other benefits furnished by his or her employer,
22 another person, or a business entity;

23 (11) the amount of other deductions from the wage or
24 salary income and from other compensation for personal services of
25 the parties;

26 (12) provision for health care insurance and payment
27 of uninsured medical expenses;

1 (13) special or extraordinary educational, health
2 care, or other expenses of the parties or of the child;

3 (14) the cost of travel in order to exercise
4 possession of and access to a child;

5 (15) positive or negative cash flow from any real and
6 personal property and assets, including a business and investments;

7 (16) debts or debt service assumed by either party;
8 [~~and~~]

9 (17) if the obligee and obligor were parties in a suit
10 subject to Section 6.4025, whether either party has filed with the
11 court a completion certificate for a crisis marriage education
12 course under Section 6.412 completed by the party not more than one
13 year before the date the petition for dissolution of marriage is
14 filed; and

15 (18) any other reason consistent with the best
16 interest of the child, taking into consideration the circumstances
17 of the parents.

18 SECTION 7. The change in law made by this Act applies only
19 to a suit for dissolution of a marriage filed on or after the
20 effective date of this Act. A suit for dissolution of a marriage
21 filed before the effective date of this Act is governed by the law
22 in effect on the date the suit was filed, and the former law is
23 continued in effect for that purpose.

24 SECTION 8. This Act takes effect September 1, 2010.