

By: Christian

H.B. No. 3707

A BILL TO BE ENTITLED

AN ACT

relating to the waiting period for certain spouses filing for divorce on the grounds of insupportability.

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

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

(a) Except as provided by Subsection (a-1) or (c), 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.

(a-1) Except as provided by Subsection (c), the court may not grant a divorce before the first anniversary of the date the suit was filed if:

(1) the divorce is sought on the grounds of insupportability;

(2) the household of one of the spouses is the primary residence for a child under the age of 18 born of the marriage; and

(3) the respondent does not agree to the divorce.

(c) A waiting period is not required under Subsection (a) or (a-1) 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

1 violence as defined by Section 71.004 against the petitioner or a
2 member of the petitioner's household; or

3 (2) the petitioner has an active protective order
4 under Title 4 or an active magistrate's order for emergency
5 protection under Article 17.292, Code of Criminal Procedure, based
6 on a finding of family violence, against the respondent because of
7 family violence committed during the marriage.

8 SECTION 2. The change in law made by this Act applies only
9 to a suit for dissolution of a marriage filed on or after the
10 effective date of this Act. A suit for dissolution of a marriage
11 filed before the effective date of this Act is governed by the law
12 in effect on the date the suit was filed, and the former law is
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2011.