

## BILL ANALYSIS

C.S.H.B. 3470  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Dealing with divorce can be one of the most emotional experiences in a person's life. Many people are not aware of the divorce options that exist and may think that only one option is available. The more information that a person has during the process, the better informed that person will be to make critical decisions, which can help result in a more amicable divorce. Attorneys can be a critical source of this information. C.S.H.B. 3470 seeks to help inform people of their options when they first decide to take steps to dissolve their marriage.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

C.S.H.B. 3470 amends the Family Code to prohibit an attorney from agreeing to represent a client in a suit for dissolution of a marriage unless the attorney provides to the client a disclosure form that the State Bar of Texas is required to adopt regarding arbitration, mediation, collaborative law, alternatives to retaining an attorney for the dissolution of a marriage, and any other information the state bar requires and the client subsequently acknowledges in writing that the client has received and understands the disclosure. The bill requires the state bar to adopt the required disclosure form not later than January 1, 2014. The bill's provisions apply to the representation of a client that begins on or after March 1, 2014.

### EFFECTIVE DATE

September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3470 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Subchapter E, Chapter 6, Family Code, is amended by adding Section 6.412 to read as follows:

Sec. 6.412. DISCLOSURE REQUIRED.  
(a) An attorney may not agree to represent a client in a suit for dissolution of a marriage unless:

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter E, Chapter 6, Family Code, is amended by adding Section 6.412 to read as follows:

Sec. 6.412. DISCLOSURE REQUIRED.  
(a) An attorney may not agree to represent a client in a suit for dissolution of a marriage unless:

(1) the attorney provides the disclosure described by Subsection (b) to the client; and

(2) the client acknowledges in writing that the client has received and understands the disclosure.

(b) The attorney general shall adopt by rule the disclosure required under this section.

The disclosure must include:

(1) information about arbitration, mediation, collaborative law, and alternatives to retaining an attorney for the dissolution of a marriage; and

(2) any other information the attorney general requires.

SECTION 2. (a) The attorney general shall adopt the form required by Section 6.412, Family Code, as added by this Act, not later than January 1, 2014.

(b) Section 6.412, Family Code, as added by this Act, applies to the representation of a client that begins on or after March 1, 2014.

SECTION 3. This Act takes effect September 1, 2013.

(1) the attorney provides the disclosure described by Subsection (b) to the client; and

(2) the client acknowledges in writing that the client has received and understands the disclosure.

(b) The State Bar of Texas shall adopt the disclosure form required under this section.

The disclosure must include:

(1) information about arbitration, mediation, collaborative law, and alternatives to retaining an attorney for the dissolution of a marriage; and

(2) any other information the state bar requires.

SECTION 2. (a) The State Bar of Texas shall adopt the disclosure form required by Section 6.412, Family Code, as added by this Act, not later than January 1, 2014.

(b) Section 6.412, Family Code, as added by this Act, applies to the representation of a client that begins on or after March 1, 2014.

SECTION 3. Same as introduced version.