

By: Thompson of Harris

H.B. No. 387

A BILL TO BE ENTITLED

AN ACT

relating to spousal maintenance agreements.

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

SECTION 1. The heading to Subchapter B, Chapter 8, Family Code, is amended to read as follows:

SUBCHAPTER B. [~~COURT-ORDERED~~] MAINTENANCE ORDERED OR
APPROVED BY COURT

SECTION 2. The heading to Section 8.059, Family Code, is amended to read as follows:

Sec. 8.059. ENFORCEMENT OF MAINTENANCE ORDER; LIMITED ENFORCEMENT OF MAINTENANCE AGREEMENT.

SECTION 3. Section 8.059(a), Family Code, is amended to read as follows:

(a) The court may enforce by contempt against the obligor the court's maintenance order or an agreement for the payment of maintenance under the terms of this chapter voluntarily entered into between the parties and approved by the court, except that the [~~The~~] court may not enforce payment of [~~by contempt any provision of an agreed order for~~] maintenance for a period longer than or in an amount of periodic support greater than [~~of maintenance~~] the court could have ordered under this chapter.

SECTION 4. Section 8.101(b), Family Code, is amended to read as follows:

1 (b) This subchapter applies [~~does not apply~~] to contractual
2 alimony or spousal maintenance, including an agreement for the
3 payment of maintenance under the terms of this chapter voluntarily
4 entered into between the parties and approved by the court, subject
5 to the limits on the court's authority to enforce the agreement
6 under Section 8.059(a) [~~regardless of whether the alimony or~~
7 ~~maintenance is taxable, unless:~~

8 [~~(1) the contract specifically permits income~~
9 ~~withholding; or~~

10 [~~(2) the alimony or maintenance payments are not~~
11 ~~timely made under the terms of the contract]~~.

12 SECTION 5. The changes in law made by this Act to Chapter 8,
13 Family Code, apply to an order for maintenance or a maintenance
14 agreement under Subchapter B, Chapter 8, Family Code, regardless of
15 whether the order was rendered or the agreement was approved
16 before, on, or after the effective date of this Act.

17 SECTION 6. This Act takes effect September 1, 2013.