

By: Thompson of Harris

H.B. No. 388

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of a property distribution agreement incident to divorce or annulment.

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

SECTION 1. Section 9.001(a), Family Code, is amended to read as follows:

(a) A party affected by a decree of divorce or annulment providing for a division of property as provided by Chapter 7, including a division of property and any contractual provisions under the terms of an agreement incident to divorce or annulment under Section 7.006 that was approved by the court, may request enforcement of that decree by filing a suit to enforce as provided by this chapter in the court that rendered the decree.

SECTION 2. Section 9.002, Family Code, is amended to read as follows:

Sec. 9.002. CONTINUING AUTHORITY TO ENFORCE DECREE. The court that rendered the decree of divorce or annulment retains the power to enforce the property division as provided by Chapter 7, including a property division and any contractual provisions under the terms of an agreement incident to divorce or annulment under Section 7.006 that was approved by the court.

SECTION 3. Sections 9.006(a) and (b), Family Code, are amended to read as follows:

(a) Except as provided by this subchapter and by the Texas

1 Rules of Civil Procedure, the court may render further orders to
2 enforce the division of property made or approved in the decree of
3 divorce or annulment to assist in the implementation of or to
4 clarify the prior order.

5 (b) The court may specify more precisely the manner of
6 effecting the property division previously made or approved if the
7 substantive division of property is not altered or changed.

8 SECTION 4. Section 9.009, Family Code, is amended to read as
9 follows:

10 Sec. 9.009. DELIVERY OF PROPERTY. To enforce the division
11 of property made or approved in a decree of divorce or annulment,
12 the court may make an order to deliver the specific existing
13 property awarded, without regard to whether the property is of
14 especial value, including an award of an existing sum of money or
15 its equivalent.

16 SECTION 5. The changes in law made by this Act apply to the
17 enforcement of a property division and any contractual provisions
18 under the terms of an agreement incident to divorce or annulment
19 under Section 7.006, Family Code, that was approved by the court
20 regardless of whether the agreement was approved or the decree of
21 divorce or annulment was rendered before, on, or after the
22 effective date of this Act.

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