

1-1 By: Thompson of Harris (Senate Sponsor - Rodriguez) H.B. No. 389
1-2 (In the Senate - Received from the House April 15, 2013;
1-3 April 17, 2013, read first time and referred to Committee on
1-4 Jurisprudence; May 9, 2013, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the enforcement of spousal maintenance agreements and
1-18 property distribution agreements incident to divorce or annulment.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. The heading to Subchapter B, Chapter 8, Family
1-21 Code, is amended to read as follows:

1-22 SUBCHAPTER B. SPOUSAL [~~COURT-ORDERED~~] MAINTENANCE

1-23 SECTION 2. The heading to Section 8.051, Family Code, is
1-24 amended to read as follows:

1-25 Sec. 8.051. ELIGIBILITY FOR MAINTENANCE [~~, COURT ORDER~~].

1-26 SECTION 3. Section 8.059, Family Code, is amended by
1-27 amending Subsection (a) and adding Subsection (a-1) to read as
1-28 follows:

1-29 (a) The court may enforce by contempt against the obligor:

1-30 (1) the court's maintenance order; or

1-31 (2) an agreement for periodic payments [~~the payment~~]
1-32 of spousal maintenance under the terms of this chapter voluntarily
1-33 entered into between the parties and approved by the court.

1-34 (a-1) The court may not enforce by contempt any provision of
1-35 an agreed order for maintenance that exceeds the amount of periodic
1-36 support the court could have ordered under this chapter or for any
1-37 period of maintenance beyond the period of maintenance the court
1-38 could have ordered under this chapter.

1-39 SECTION 4. Section 8.101, Family Code, is amended by adding
1-40 Subsections (a-1) and (a-2) to read as follows:

1-41 (a-1) The court may order that income be withheld from the
1-42 disposable earnings of the obligor in a proceeding in which there is
1-43 an agreement for periodic payments of spousal maintenance under the
1-44 terms of this chapter voluntarily entered into between the parties
1-45 and approved by the court.

1-46 (a-2) The court may not order that income be withheld from
1-47 the disposable earnings of the obligor to the extent that any
1-48 provision of an agreed order for maintenance exceeds the amount of
1-49 periodic support the court could have ordered under this chapter or
1-50 for any period of maintenance beyond the period of maintenance the
1-51 court could have ordered under this chapter.

1-52 SECTION 5. Section 9.001(a), Family Code, is amended to
1-53 read as follows:

1-54 (a) A party affected by a decree of divorce or annulment
1-55 providing for a division of property as provided by Chapter 7,
1-56 including a division of property and any contractual provisions
1-57 under the terms of an agreement incident to divorce or annulment
1-58 under Section 7.006 that was approved by the court, may request
1-59 enforcement of that decree by filing a suit to enforce as provided
1-60 by this chapter in the court that rendered the decree.

1-61 SECTION 6. Section 9.002, Family Code, is amended to read as

2-1 follows:

2-2 Sec. 9.002. CONTINUING AUTHORITY TO ENFORCE DECREE. The
2-3 court that rendered the decree of divorce or annulment retains the
2-4 power to enforce the property division as provided by Chapter 7,
2-5 including a property division and any contractual provisions under
2-6 the terms of an agreement incident to divorce or annulment under
2-7 Section 7.006 that was approved by the court.

2-8 SECTION 7. Sections 9.006(a) and (b), Family Code, are
2-9 amended to read as follows:

2-10 (a) Except as provided by this subchapter and by the Texas
2-11 Rules of Civil Procedure, the court may render further orders to
2-12 enforce the division of property made or approved in the decree of
2-13 divorce or annulment to assist in the implementation of or to
2-14 clarify the prior order.

2-15 (b) The court may specify more precisely the manner of
2-16 effecting the property division previously made or approved if the
2-17 substantive division of property is not altered or changed.

2-18 SECTION 8. Section 9.009, Family Code, is amended to read as
2-19 follows:

2-20 Sec. 9.009. DELIVERY OF PROPERTY. To enforce the division
2-21 of property made or approved in a decree of divorce or annulment,
2-22 the court may make an order to deliver the specific existing
2-23 property awarded, without regard to whether the property is of
2-24 especial value, including an award of an existing sum of money or
2-25 its equivalent.

2-26 SECTION 9. (a) The changes in law made by this Act to
2-27 Chapter 8, Family Code, apply to an order for maintenance or a
2-28 maintenance agreement under Subchapter B, Chapter 8, Family Code,
2-29 regardless of whether the order was rendered or the agreement was
2-30 approved before, on, or after the effective date of this Act.

2-31 (b) The changes in law made by this Act to Chapter 9, Family
2-32 Code, apply to the enforcement of a property division and any
2-33 contractual provisions under the terms of an agreement incident to
2-34 divorce or annulment under Section 7.006, Family Code, that was
2-35 approved by the court regardless of whether the agreement was
2-36 approved or the decree of divorce or annulment was rendered before,
2-37 on, or after the effective date of this Act.

2-38 SECTION 10. This Act takes effect September 1, 2013.

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