

By: Sanford

H.B. No. 2985

A BILL TO BE ENTITLED

AN ACT

relating to marriage education courses for certain couples filing for divorce on the grounds of insupportability.

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

SECTION 1. Subchapter E, Chapter 6, Family Code, is amended by adding Section 6.4025 to read as follows:

Sec. 6.4025. CRISIS MARRIAGE EDUCATION REQUIRED IN CERTAIN SUITS. (a) This section applies to a suit for dissolution of marriage that is filed on the grounds of insupportability and in which the household of one of the parties is the primary residence for:

(1) a child under the age of 18;

(2) a child 18 years of age who is attending high school; or

(3) an adult disabled child as described by Section 154.302.

(b) Except as provided by Subsection (d), a petition in a suit for dissolution of a marriage must be accompanied by a completion certificate for a crisis marriage education course under Section 6.412 completed by the petitioner not less than 60 days or more than one year before the date the petition is filed.

(c) Not later than the 60th day after the date the respondent receives notice of the suit for dissolution of marriage, the respondent may file with the court a completion certificate for

1 a crisis marriage education course under Section 6.412 completed by
2 the respondent not more than 60 days before the date the petition is
3 filed.

4 (d) If a party submits evidence under Subsection (e), the
5 court may not:

6 (1) require a completion certificate for a crisis
7 marriage education course to be submitted with the petition; or

8 (2) consider the completion of the crisis marriage
9 education course as a factor in rendering an order affecting the
10 rights or responsibilities of the parties.

11 (e) Either party may submit to the court any of the
12 following as evidence that the other party to the suit has committed
13 family violence against the party or mentally, emotionally,
14 verbally, or psychologically abused the party:

15 (1) a copy of a protective order issued under Title 4
16 against the other party because of family violence;

17 (2) a police record documenting family violence by the
18 other party against the party submitting the evidence;

19 (3) a statement by a physician or other medical
20 evidence that indicates that the party submitting the evidence was
21 a victim of family violence; or

22 (4) a sworn statement by a counselor or advocate in a
23 family violence program that indicates that the party submitting
24 the evidence was a victim of family violence or mental, emotional,
25 verbal, or psychological abuse.

26 SECTION 2. Subchapter E, Chapter 6, Family Code, is amended
27 by adding Section 6.412 to read as follows:

1 Sec. 6.412. CRISIS MARRIAGE EDUCATION COURSES. (a) Each
2 party to a suit for dissolution of a marriage is encouraged to
3 attend a crisis marriage education course of at least 10 hours. The
4 goal of the course, and the focus of each component of the course,
5 is marriage restoration.

6 (b) A crisis marriage education course must, at a minimum,
7 include instruction in:

8 (1) conflict management;
9 (2) communication skills;
10 (3) forgiveness skills; and
11 (4) research-based potential effects of divorce on
12 children and the parties to a divorce.

13 (c) A course under this section should be offered by
14 instructors trained and certified in a skills-based and
15 research-based marriage curriculum. The following individuals and
16 organizations may provide courses:

17 (1) marriage educators;
18 (2) clergy or their designees;
19 (3) licensed mental health professionals;
20 (4) faith-based organizations; and
21 (5) community-based organizations.

22 (d) A person who takes a course under this section shall pay
23 any fee charged for the course.

24 (e) A person who provides a crisis marriage education course
25 shall provide a signed and dated completion certificate to each
26 person who completes the course. The certificate must include the
27 name of the course, the name of the course provider, and the

1 completion date.

2 (f) The Health and Human Services Commission shall maintain
3 an Internet website on which individuals and organizations
4 described by Subsection (c) may electronically register with the
5 commission to indicate the skills-based and research-based
6 curriculum in which the registrant is certified. The executive
7 commissioner of the Health and Human Services Commission shall
8 notify each county clerk and district clerk about the website. The
9 clerk of the court in which a petition for dissolution of a marriage
10 based on insupportability is filed shall give the person filing the
11 petition information about the website along with the location of
12 libraries or other resource centers that provide access to the
13 Internet.

14 SECTION 3. Section 6.702, Family Code, is amended by
15 amending Subsection (a) and adding Subsections (d) and (e) to read
16 as follows:

17 (a) Except as provided by Subsection (c) or (d), the court
18 may not grant a divorce before the 60th day after the date the suit
19 was filed. [~~A decree rendered in violation of this subsection is~~
20 ~~not subject to collateral attack.~~]

21 (d) The court may not grant a divorce on the grounds of
22 insupportability before:

23 (1) the 275th day after the date the suit was filed; or
24 (2) the 60th day after the date the suit was filed, if
25 each party submits to the court a completion certificate for a
26 crisis marriage education course under Section 6.412.

27 (e) A decree rendered in violation of Subsection (a) or (d)

1 is not subject to collateral attack.

2 SECTION 4. The change in law made by this Act applies only
3 to a suit for dissolution of a marriage filed on or after the
4 effective date of this Act. A suit for dissolution of a marriage
5 filed before the effective date of this Act is governed by the law
6 in effect on the date the suit was filed, and the former law is
7 continued in effect for that purpose.

8 SECTION 5. This Act takes effect September 1, 2013.