

## **BILL ANALYSIS**

C.S.H.B. 3005  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In Texas, family law requires petitioners for annulment to separate immediately upon learning about a concealed divorce. It has been suggested that this immediate deadline does not give a person sufficient time to try to work through the marital issue or to work out how to leave on stable footing. The need to purchase moving materials, secure rent payment, and arrange for basic necessities could cost thousands of dollars upfront for individuals in order to leave their marriage. In this modern era, the immediate ceasing of cohabitation is impractical. C.S.H.B. 3005 seeks to address this issue by providing additional time for petitioners to work through the marital issue while cohabitating before deciding to move out and proceed with an annulment.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 3005 amends the Family Code to revise the conditions under which a court in a suit for dissolution of a marriage may grant an annulment of the marriage on the grounds of concealed divorce by allowing the petitioner of the annulment not more than one year after the petitioner discovered or a reasonably prudent person would have discovered the fact of the concealed divorce to cease cohabitation with the other party. The bill changes the deadline for bringing a suit for the annulment on those grounds from the first anniversary of the date of the marriage to the second anniversary of that date.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3005 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the original changed the deadline for bringing the annulment suit from the first anniversary of the date of the marriage to the first anniversary of the date the petitioner

discovered or a reasonably prudent person would have discovered the fact of the concealed divorce, the substitute instead changes the deadline to the second anniversary of the date of the marriage.