

By: Krause

H.B. No. 3187

A BILL TO BE ENTITLED

AN ACT

relating to divorce on the grounds of insupportability.

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

SECTION 1. Section 6.001, Family Code, is amended to read as follows:

Sec. 6.001. INSUPPORTABILITY. (a) On the petition of either party to a marriage or both parties to a marriage, the court may grant a divorce without regard to fault if the marriage has become insupportable because of discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation.

(b) Notwithstanding any other law, if only one party files a petition for divorce on the grounds of insupportability, the party that did not file the petition shall be given reasonable opportunity to provide to the court a proposal for the division of real and personal community property of the parties. The court shall consider the proposal when determining the just and right division of the property under Chapter 7.

(c) Notwithstanding any other law, if only one party files a petition for divorce on the grounds of insupportability and if the suit for dissolution of marriage includes a suit affecting the parent-child relationship, it is a rebuttable presumption that it is in the best interest of the child for the party who did not file

1 the petition to serve as the joint managing conservator with the  
2 exclusive right to determine the primary residence of the child.

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

9           SECTION 3. This Act takes effect September 1, 2021.