

BILL ANALYSIS

Senate Research Center
88R22079 AMF-F

H.B. 3431
By: Dutton (Hughes)
Jurisprudence
5/16/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current state law does not adequately address situations involving fraudulent acts used to assert jurisdiction. Individuals who marry an individual who has obtained a divorce outside of a court's proper jurisdiction may discover later that the partnership was not valid and was based on fraudulent or incorrect assumptions. H.B. 3431 seeks to authorize a putative spouse to file a suit to declare a decree of divorce or annulment void due to lack of court jurisdiction and imposes a deadline for such a person to file a suit to declare a later marriage void.

H.B. 3431 amends current law relating to certain void marriages.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 6.202(b), Family Code, as follows:

(b) Provides that the later marriage that is void under Section 6.202 (Marriage During Existence of Prior Marriage) becomes valid when the prior marriage is dissolved if, after the date of the dissolution, the parties have lived together as husband and wife and represented themselves to others as being married, unless a putative spouse:

(1) did not know that the later void marriage was entered into when the other party had an existing marriage; and

(2) files a suit to declare the later marriage void not later than the second anniversary of the date the putative spouse knew or should have known that the later marriage was entered into when the other party had an existing marriage.

SECTION 2. Amends Chapter 9, Family Code, by adding Subchapter E, as follows:

SUBCHAPTER E. DECLARING A DECREE VOID

Sec. 9.401. LACK OF JURISDICTION. (a) Provides that a decree of divorce or annulment is void if the court rendering the decree lacked jurisdiction at the time the decree was rendered.

(b) Authorizes a putative spouse to file a suit to declare a decree of divorce or annulment void under Subsection (a).

SECTION 3. Effective date: upon passage or September 1, 2023.