

BILL ANALYSIS

C.S.H.B. 3431
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, 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. C.S.H.B. 3431 seeks to provide for the authorization of 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.

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. 3431 amends the Family Code to establish that a decree of divorce or annulment is void if the court rendering the decree lacked jurisdiction at the time the decree was rendered. The bill authorizes a putative spouse to file a suit to declare a decree of divorce or annulment void for such a lack of jurisdiction.

C.S.H.B. 3431 provides as an exception to the provision validating a later marriage on the dissolution of an existing marriage, if the parties have lived together as husband and wife and represented themselves to others as being married, that a putative spouse, as follows:

- did not know that the later void marriage was entered into when the other party had an existing marriage; and
- 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 person had an existing marriage.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3431 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute clarifies that the provisions it shares with the introduced relating to a suit to declare void a later marriage or a decree of divorce or annulment apply to a putative spouse.

The substitute provides for a deadline for a putative spouse to file a suit to declare a later marriage void as a condition for the exception to the validity of the marriage, whereas the introduced did not provide for such a condition to the exception.

The substitute does not include a provision present in the introduced that conditioned a person's authority to bring a suit to declare a decree of divorce or annulment void on the person's sustainment of direct injury if the decree is not voided.