88R22081 PRL-F

By:  Dutton H.B. No. 5291

Substitute the following for H.B. No. 5291:

By:  Dutton C.S.H.B. No. 5291

A BILL TO BE ENTITLED

AN ACT

relating to an agreed divorce order in a suit for dissolution of marriage.

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

SECTION 1.  Chapter 6, Family Code, is amended by adding Subchapter G-1 to read as follows:

SUBCHAPTER G-1. AGREED DIVORCE ORDER

Sec. 6.631.  AGREED DIVORCE ORDER. (a) Notwithstanding any other law, a court with jurisdiction over a suit for dissolution of a marriage may adopt as the court's final decree, without requiring that the parties to the suit testify or appear in person before the court, a written divorce agreement created by the parties if:

(1)  the agreement:

(A)  includes:

(i)  the signature of each party approving the form and substance of the agreement;

(ii)  the date of marriage and the date of separation, if applicable;

(iii)  the grounds for dissolution of the marriage;

(iv)  characterization of the parties' assets as separate or community property;

(v)  a proposed just and right division of the community property of the marriage;

(vi)  if there are minor children of the marriage:

(a)  a written agreed parenting plan in accordance with Section 153.007; and

(b)  an agreement concerning child support in accordance with Section 154.124; and

(vii)  provisions for maintenance, if applicable, or a statement that the parties agree that maintenance should not be awarded; and

(B)  is accompanied by an affidavit or unsworn declaration of one or both parties containing the necessary facts or evidence to support the terms of the agreement, including:

(i)  a statement that the proposed division of the community property is a just and right division of the community property of the marriage;

(ii)  if the agreement contains provisions affecting the parent-child relationship:

(a)  the identity of any minor child, including the child's name and age; and

(b)  a statement that the terms of the agreement are in the best interest of each child; and

(iii)  if the agreement does not contain provisions affecting the parent-child relationship, a statement that there are no minor children of the marriage and none are expected; and

(2)  neither party has filed a written objection opposing the adoption of the agreement as the final decree.

(b)  If the court finds that the terms of the agreement are just and right and in the best interest of each child, if applicable, the court shall approve the agreement. If the court approves the agreement, the court may set forth the agreement in full or incorporate the agreement by reference in the final decree.

(c)  If the court finds that the terms of the agreement are not just and right or in the best interest of each child, if applicable, the court shall continue the case for appropriate proceedings.

(d)  An agreement adopted by a court under this section is binding on the parties.

SECTION 2.  Subchapter G-1, Chapter 6, Family Code, as added by this Act, applies to a suit for dissolution of a marriage that is pending in a trial court on the effective date of this Act or filed on or after that date.

SECTION 3.  This Act takes effect September 1, 2023.