

By: Dutton

H.B. No. 5291

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

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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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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