

By: Dutton

H.B. No. 5291

A BILL TO BE ENTITLED

AN ACT

relating to the procedure applicable to entry of an agreed order in divorce proceedings both with or without children.

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

SECTION 1. Subtitle E, Chapter 47, Family Code, is amended by adding section 47.004 to read as follows:

Sec. 47.004 1.010. AGREED DIVORCE ORDER. (a) A court with jurisdiction over a case and all parties shall accept for entry any proposed order, without requiring live testimony or actual appearance before the court, so long as the following conditions are satisfied:

(b) the proposed order is agreed upon by the parties;

(c) the proposed order includes signatures of counsel for the respective parties approving the form of the order, if applicable;

(d) the proposed order includes signatures of the respective parties approving the form and substance of the order;

(e) the proposed order is accompanied by an affidavit or unsworn declaration of at least one party setting for the necessary facts and evidence supporting the terms of the proposed order; and

(f) no party has filed written objection stating they do not consent to the entry of the proposed order by submission in the manner described by this section.

SECTION 2. (a) This Act takes effect immediately if it

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1 receives a vote of two-thirds of all the members elected to each
2 house, as provided by Section 39, Article III, Texas Constitution.
3 If this Act does not receive the vote necessary for immediate
4 effect, this Act takes effect September 1, 2023.