

BILL ANALYSIS

H.B. 2971
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that the process of dissolving a marriage can be time-consuming, emotionally taxing, and financially burdensome even when both parties are in agreement on the terms of their divorce. The bill author has further informed the committee that even uncontested divorces often require in-person court appearances and additional procedural hurdles, which can delay resolution and increase costs for both spouses, and that simplifying the process for agreed divorces would allow for a more efficient legal system while reducing stress and expenses for families undergoing dissolution. H.B. 2971 seeks to establish a streamlined process for agreed divorce orders by allowing courts to adopt a written divorce agreement as the final decree without requiring either party to appear in person, subject to certain conditions.

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

H.B. 2971 amends the Family Code to authorize a court with jurisdiction over a suit for dissolution of a marriage to adopt a written divorce agreement submitted by a party as the court's final decree, without requiring that the parties testify or appear in person before the court, under the following conditions:

- neither party has filed a written objection opposing the adoption of the agreement as the final decree;
- the agreement includes the following components:
 - the signature of each party approving the form and substance of the agreement;
 - the date of marriage and the date of separation, if applicable;
 - the grounds for dissolution of the marriage;
 - a characterization of the parties' assets as separate or community property;
 - a proposed just and right division of the community property of the marriage;
 - if there is any child born or adopted, a written agreed parenting plan and an agreement concerning child support in accordance with applicable state law; and
 - provisions for maintenance, if applicable, or a statement that the parties agree that maintenance should not be awarded; and
- the agreement 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:

- a statement that the proposed division of the community property is a just and right division of the community property of the marriage;
- if the agreement contains provisions affecting the parent-child relationship, the identity of any child, including the child's name and age, and a statement that the terms of the agreement are in the best interest of each child; and
- if the agreement does not contain provisions affecting the parent-child relationship, a statement that there are no children born or adopted of the marriage and none are expected.

H.B. 2971 requires the court to approve the agreement if it finds that the terms of the agreement are just and right and in the best interest of each child, if applicable. If the court approves the agreement, the court is authorized to set forth the agreement in full or incorporate the agreement by reference in the final decree. An agreement adopted by a court under the bill's provisions is binding on the parties. If the court finds the terms of the agreement are not just and in the best interest of each child, if applicable, the court is required to continue the case for appropriate proceedings.

H.B. 2971 applies to a suit for dissolution of a marriage that is pending in a trial court on the bill's effective date or that is filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.