

AN ACT

relating to certain void marriages.

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

SECTION 1. Section 6.202, Family Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The later marriage that is void under this section becomes valid when the prior marriage is dissolved if, after the date of the dissolution, the parties have lived together as husband and wife and represented themselves to others as being married, unless a putative spouse:

(1) did not know that the later marriage was entered into when the other party had an existing marriage;

(2) has not lived together with the other party as spouses or represented himself or herself as married since the date the putative spouse knew the later marriage was entered into when the other party had an existing marriage; and

(3) files a suit to declare the later marriage void not later than:

(A) the 30th day after the date the putative spouse knew that the later marriage was entered into when the other party had an existing marriage, unless the putative spouse is a person described by Paragraph (B); or

(B) the 90th day after the date the putative

spouse knew that the later marriage was entered into when the other party had an existing marriage, if the putative spouse:

(i) is serving on active duty as a member of the United States armed forces;

(ii) is a member of the Texas military forces, as defined by Section 437.001, Government Code, and:

(a) is actively deployed on federal orders outside the United States; or

(b) is on state active duty performing emergency response activities for this state; or

(iii) is in active service outside the United States as a foreign officer employed by the United States Department of State.

(c) Notwithstanding any other law or rule, if a putative spouse files a suit to declare the marriage void under Subsection (b)(3), a respondent spouse may file an answer on or before the 90th day after the date the respondent spouse is served if the respondent spouse:

(1) is serving on active duty as a member of the United States armed forces;

(2) is a member of the Texas military forces, as defined by Section 437.001, Government Code, and:

(A) is actively deployed on federal orders outside the United States; or

(B) is on state active duty performing emergency response activities for this state; or

(3) is in active service outside the United States as a

1 foreign officer employed by the United States Department of State.

2 SECTION 2. Chapter 9, Family Code, is amended by adding
3 Subchapter E to read as follows:

4 SUBCHAPTER E. DECLARING A DECREE VOID

5 Sec. 9.401. LACK OF JURISDICTION. (a) A decree of divorce
6 or annulment is void if the court rendering the decree lacked
7 jurisdiction at the time the decree was rendered.

8 (b) A putative spouse may file a suit to declare a decree of
9 divorce or annulment void under Subsection (a).

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2025.

H.B. No. 2240

President of the Senate

Speaker of the House

I certify that H.B. No. 2240 was passed by the House on May 6, 2025, by the following vote: Yeas 138, Nays 8, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2240 on May 29, 2025, by the following vote: Yeas 128, Nays 10, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2240 was passed by the Senate, with amendments, on May 27, 2025, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor