

By: Krause

H.B. No. 65

A BILL TO BE ENTITLED

AN ACT

relating to the waiting period for a divorce on the grounds of insupportability.

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

SECTION 1. Section 6.702, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1) and (d) to read as follows:

(a) Except as provided by Subsection (a-1) or (c), the court may not grant a divorce before the 60th day after the date the suit was filed. ~~[A decree rendered in violation of this subsection is not subject to collateral attack.]~~

(a-1) Except as provided by Subsection (c), the court may not grant a divorce on the grounds of insupportability before the 180th day after the date the suit was filed if the household of one of the spouses is the primary residence for:

(1) a child under the age of 18;

(2) a child 18 years of age who is attending high school; or

(3) an adult disabled child as described by Section 154.302.

(c) A waiting period is not required under Subsection (a) or (a-1) before a court may grant a divorce in a suit in which the court finds that:

(1) the respondent has been finally convicted of or

1 received deferred adjudication for an offense involving family
2 violence as defined by Section 71.004 against the petitioner or a
3 member of the petitioner's household; or

4 (2) the petitioner has an active protective order
5 under Title 4 or an active magistrate's order for emergency
6 protection under Article 17.292, Code of Criminal Procedure, based
7 on a finding of family violence, against the respondent because of
8 family violence committed during the marriage.

9 (d) A decree rendered in violation of Subsection (a) or
10 (a-1) is not subject to collateral attack.

11 SECTION 2. The change in law made by this Act to Section
12 6.702, Family Code, applies only to a suit for dissolution of a
13 marriage filed on or after the effective date of this Act. A suit
14 for dissolution of a marriage filed before the effective date of
15 this Act is governed by the law in effect on the date the suit was
16 filed, and the former law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2017.