

SUBJECT: Waiting period in divorces involving domestic violence

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — Swinford, Paxton, Van Arsdale, Christian, Farrar, Flynn, Parker, Veasey

0 nays

1 absent — B. Cook

WITNESSES: For —Erin Hendricks (*Registered, but did not testify*: Tom Aldred, Texas Conservative Coalition)

Against — None

BACKGROUND: Family Code, sec. 6.702, prohibits a court from granting a final decree in a divorce before the 60th day after the date the suit was filed.

The 60-day waiting period allows couples seeking to divorce an opportunity for reconciliation. However, couples with a history of domestic violence may not be well-served by the waiting period because violence often escalates when the abused spouse seeks to leave the relationship.

DIGEST: HB 3632 would amend Family Code, sec. 6.702, to specify that a waiting period would not be required before a court could grant a divorce in cases in which a spouse has been convicted of an offense that includes assaulting or threatening the petitioner.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007, and would apply only to suits for dissolution of marriages filed on or after the effective date.

NOTES: The companion bill, SB 1783 by Janek, passed the Senate on the Local and Uncontested Calendar on May 1 and has been referred to the House State Affairs Committee.