

SUBJECT: Granting exclusive occupancy rights to certain parties in divorce suits

COMMITTEE: Juvenile Justice & Family Issues — committee substitute recommended

VOTE: 7 ayes — Dutton, Lujan, Leo-Wilson, J. Lopez, Martinez Fischer, Smithee, Talarico

1 nays — Cook

1 absent — Wu

WITNESSES: For — (*Registered, but did not testify:* Molly Voyles, Texas Council on Family Violence; Delia Jasso, The Family Place; Aaliyah Miranda, The Family Place Board Member)

Against — None

BACKGROUND: Some have suggested that granting a victim of family violence exclusive rights to the homestead during divorce proceedings could provide the victim with sufficient separation from the offender and more stability.

DIGEST: CSHB 2094 would add provisions relating to the temporary orders or injunctions available while a suit for dissolution of a marriage was pending.

The bill would specify that an order awarding one spouse exclusive occupancy while the case was pending would apply to the primary residence or other residential property.

CSHB 2094 also would require a court to render such an order, on the motion of a party, if the adverse party had been convicted of or placed on deferred adjudication community supervision for certain felony offenses involving family violence against the filing party or the party's family or household while the suit was pending or in the three-year period before the suit was filed.

A party that had been awarded exclusive occupancy of the primary residence could file a motion to vacate that order at any time while the suit was pending.

The bill would take effect September 1, 2023, and would apply to a suit for dissolution of a marriage that was pending on that date or filed on or after that date.