

BILL ANALYSIS

Senate Research Center
77R10195 E

H.B. 1363
By: Goodman (Harris)
Jurisprudence
5/9/2001
Engrossed

DIGEST AND PURPOSE

Currently, certain types of dispute resolution procedures are encouraged to bring about a peaceable solution as alternatives to litigation. One such method, collaborative law, is a new dispute resolution method that is being used primarily in family law cases relating to the dissolution of a marriage and the parent-child relationship in which the costs of a court battle can be both personally and financially overwhelming to the involved parties. H.B. 1363 includes the collaborative law process among other dispute resolution methods encouraged in actions relating to the dissolution of a marriage or suits affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 6G, Family Code, by adding Section 6.603, as follows:

Sec. 6.603. COLLABORATIVE LAW. (a) Authorizes a dissolution of marriage proceeding, on a written agreement of the parties and their attorneys, to be conducted under collaborative law procedures.

(b) Provides that collaborative law is a procedure in which the parties and their counsel agree in writing to use their best efforts and make a good faith attempt to resolve their dissolution of marriage dispute on an agreed basis without resorting to judicial intervention except to have the court approve the settlement agreement, make the legal pronouncements, and sign the orders required by law to effectuate the agreement of the parties as the court determines appropriate. Prohibits the parties' counsel from serving as litigation counsel except to ask the court to approve the settlement agreement.

(c) Requires a collaborative law agreement to include certain provisions.

(d) Provides that notwithstanding Rule 11, Texas Rules of Civil Procedure, or another rule or law, a party is entitled to judgment on a collaborative law settlement agreement if the agreement meets certain criteria.

(e) Prohibits a court that is notified 30 days before trial that the parties are using collaborative law procedures to attempt to settle a dispute, subject to Subsection (g), from taking certain enumerated actions, until a party notifies the court that the collaborative law procedures did not result in a settlement.

(f) Requires the parties to notify the court if the collaborative law procedures result in a settlement. Requires the parties to file certain information if they do not.

(g) Authorizes the court, if the collaborative law procedures do not result in a settlement on or before the second anniversary of the date that the suit was filed, to set the suit for trial on the regular docket or dismiss the suit without prejudice.

SECTION 2. Amends Chapter 153A, Family Code, by adding Section 153.0072, as follows:

Sec. 153.0072. COLLABORATIVE LAW. Makes conforming changes to provisions regarding a suit affecting a parent-child relationship.

SECTION 3. (a) Effective date: September 1, 2001.

(b) Provides that this Act applies only to an action commenced on or after the effective date of this Act or before the effective date of this Act if the trial in the action has not begun before the effective date of this Act.