

BILL ANALYSIS

Senate Research Center

H.B. 1965
By: Hartnett (Van de Putte)
Jurisprudence
5/13/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there is no statutory instruction that the divorce court consider fault in the division of marital property. Although, infrequently requested, fault-based divorces remain available to spouses seeking a divorce.

H.B. 1965 requires the court to consider any fault of the spouses when dividing the estate of the spouses. This legislation seeks to clear up confusion regarding the standard for division of the spouses' property by providing a statutory instruction.

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 Section 6.001, Family Code, as follows:

Sec. 6.001. INSUPPORTABILITY. Authorizes the court, on the petition of either spouse of, rather than party to, a marriage, to grant a divorce without regard to fault if the marriage has become insupportable because of discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation.

SECTION 2. Amends Section 7.001, Family Code, to require the court to consider any fault of the spouses in dividing the estate of the spouses. Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.