

BILL ANALYSIS

H.B. 4093
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Since 1970, state law has recognized insupportability as legitimate grounds for divorce, which many believe has led to a sharp increase in divorce rates throughout Texas. Critics of no-fault divorce claim that allowing divorces on such grounds has had a significant, detrimental effect on Texas marriages, claiming it too easily allows individuals who have made a lifelong commitment to one another to get a divorce by merely citing irreconcilable differences. Marriages often experience hardships and difficulties, and these critics believe that the state, by providing a faultless route to divorce, is undermining the institution of marriage and its value. Critics also claim that these divorces can be unilateral, with one party of the marriage successfully petitioning for the divorce over the objections of their spouse without alleging a valid ground and thereby circumventing due process. H.B. 4093 seeks to eliminate divorce on the grounds of insupportability and, in doing so, to encourage couples to attempt to reconcile their differences before entering the justice system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4093 repeals Section 6.001, Family Code, authorizing a court, on the petition of either 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.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.