

BILL ANALYSIS

Senate Research Center
80R5983 KSD-D

S.B. 583
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, no-fault divorces require a two-month waiting period before the divorce is finalized. Additionally, counseling is not required for no-fault divorces. Some believe that divorces under current law do not allow for proper deliberation between the involved parties before dividing families, children, and property, and that the relative speed of no-fault divorces has contributed to an amount of divorces in 2004 that equal close to half of the recorded marriages in that same year.

As proposed, S.B. 583 lengthens the waiting period for no-fault divorce to six months, or to three months if the couple in question receives ten hours of marital counseling.

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 6.702, Family Code, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Prohibits the court from granting a divorce before the 60th day after the date the suit was filed (filing date) except as provided by Subsection (c). Deletes existing text specifying that a decree rendered in violation of Subsection 6.702 (Waiting Period), Family Code, is not subject to collateral attack.

(c) Prohibits a court from granting a divorce on the grounds of insupportability before the 180th day after the filing date; or before the 90th day after the filing date if the parties submit satisfactory proof to the court of the parties' completion of at least 10 hours of marital counseling with a person authorized by law to provide counseling.

(d) Provides that a decree rendered in violation of this Subsections (a) or (c) is not subject to collateral attack.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.