

AN ACT

relating to the division of community property on dissolution of marriage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 7, Family Code, is amended by adding Section 7.009 to read as follows:

Sec. 7.009. FRAUD ON THE COMMUNITY; DIVISION AND DISPOSITION OF RECONSTITUTED ESTATE. (a) In this section, "reconstituted estate" means the total value of the community estate that would exist if an actual or constructive fraud on the community had not occurred.

(b) If the trier of fact determines that a spouse has committed actual or constructive fraud on the community, the court shall:

(1) calculate the value by which the community estate was depleted as a result of the fraud on the community and calculate the amount of the reconstituted estate; and

(2) divide the value of the reconstituted estate between the parties in a manner the court deems just and right.

(c) In making a just and right division of the reconstituted estate under Section 7.001, the court may grant any legal or equitable relief necessary to accomplish a just and right division, including:

(1) awarding to the wronged spouse an appropriate

1 share of the community estate remaining after the actual or
2 constructive fraud on the community;

3 (2) awarding a money judgment in favor of the wronged
4 spouse against the spouse who committed the actual or constructive
5 fraud on the community; or

6 (3) awarding to the wronged spouse both a money
7 judgment and an appropriate share of the community estate.

8 SECTION 2. The change in law made by this Act applies to a
9 suit for dissolution of a marriage pending before a trial court on
10 or filed on or after the effective date of this Act.

11 SECTION 3. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 908 was passed by the House on April 14, 2011, by the following vote: Yeas 141, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 908 on May 16, 2011, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 908 was passed by the Senate, with amendments, on May 10, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor