

5/22/21
Mh

AN ACT

1
2 relating to determination of the validity and enforceability of a
3 contract containing an arbitration agreement in suits for
4 dissolution of marriage and certain suits affecting the
5 parent-child relationship.

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

7 SECTION 1. Subchapter G, Chapter 6, Family Code, is amended
8 by adding Section 6.6015 to read as follows:

9 Sec. 6.6015. DETERMINATION OF VALIDITY AND ENFORCEABILITY
10 OF CONTRACT CONTAINING AGREEMENT TO ARBITRATE. (a) If a party to a
11 suit for dissolution of a marriage opposes an application to compel
12 arbitration or makes an application to stay arbitration and asserts
13 that the contract containing the agreement to arbitrate is not
14 valid or enforceable, notwithstanding any provision of the contract
15 to the contrary, the court shall try the issue promptly and may
16 order arbitration only if the court determines that the contract
17 containing the agreement to arbitrate is valid and enforceable
18 against the party seeking to avoid arbitration.

19 (b) A determination under this section that a contract is
20 valid and enforceable does not affect the court's authority to stay
21 arbitration or refuse to compel arbitration on any other ground
22 provided by law.

23 (c) This section does not apply to:

- 24 (1) a court order;

SM
M

- 1 (2) a mediated settlement agreement described by
- 2 Section 6.602;
- 3 (3) a collaborative law agreement described by Section
- 4 6.603;
- 5 (4) a written settlement agreement reached at an
- 6 informal settlement conference described by Section 6.604; or
- 7 (5) any other agreement between the parties that is
- 8 approved by a court.

9 SECTION 2. Subchapter A, Chapter 153, Family Code, is
10 amended by adding Section 153.00715 to read as follows:

11 Sec. 153.00715. DETERMINATION OF VALIDITY AND
12 ENFORCEABILITY OF CONTRACT CONTAINING AGREEMENT TO ARBITRATE.

13 (a) If a party to a suit affecting the parent-child relationship
14 opposes an application to compel arbitration or makes an
15 application to stay arbitration and asserts that the contract
16 containing the agreement to arbitrate is not valid or enforceable,
17 notwithstanding any provision of the contract to the contrary, the
18 court shall try the issue promptly and may order arbitration only if
19 the court determines that the contract containing the agreement to
20 arbitrate is valid and enforceable against the party seeking to
21 avoid arbitration.

22 (b) A determination under this section that a contract is
23 valid and enforceable does not affect the court's authority to stay
24 arbitration or refuse to compel arbitration on any other ground
25 provided by law.

26 (c) This section does not apply to:

- 27 (1) a court order;

Smeed
Mfaw

- 1 (2) an agreed parenting plan described by Section
2 153.007;
3 (3) a mediated settlement agreement described by
4 Section 153.0071;
5 (4) a collaborative law agreement described by Section
6 153.0072; or
7 (5) any other agreement between the parties that is
8 approved by a court.

9 SECTION 3. The changes in law made by this Act apply only to
10 a contract entered into on or after the effective date of this Act.
11 A contract entered into before the effective date of this Act is
12 governed by the law in effect immediately before that date, and that
13 law is continued in effect for that purpose.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2011.

5/16/11
m/...

S.B. No. 1216

David Dewhurst

President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 1216 passed the Senate on April 20, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Daisy Graw
Secretary of the Senate

I hereby certify that S.B. No. 1216 passed the House, with amendment, on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

17 Jun '11

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4PM O'CLOCK

JUN 17 2011

Daisy Graw
Secretary of State