

AN ACT

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

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

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

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

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

(c) This section does not apply to:

(1) a court order;

- 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;

- 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.

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President of the Senate

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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.

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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.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor