

**Amendment of Property Code §24A.002 – Writ Authorizing Entry
for Retrieval of Property**

See Accompanying Bill Analysis for Narrative Explanation.

The proposed legislation was previously introduced as H.B. 560 in the 2019 legislative session. It was amended and voted favorably out of the Juvenile Justice and Family Issues Committee, as substituted. There was no House vote on the bill.

The proposed legislation was previously submitted to all Committees and Sections of the State Bar of Texas in June 2018. The Family Law Section was allowed to carry the proposed legislation as a State Bar sponsored bill.

The proposed legislation has been submitted to all sections and committees of the State bar of Texas as required by §8.01.06(D) of the Legislative Policy of the State Bar of Texas. If comments are received, I will forward them to the State Bar.

Respectfully submitted,

Family Law Section, State Bar of Texas
By: /s/ Jack W. Marr
Its: Co-Chair Legislative Committee

Bill Analysis of Amendment to Sec. 24A.002 Tex. Prop. Code

Problem under current law: Currently the subject Property Code Section could be used by a disgruntled spouse to avoid existing orders of a court of domestic relations jurisdiction with respect to possession of assets of the marital estate which are located in the parties' former marital residence, which is currently occupied by one spouse.

Solution provided by this bill: This bill would amend the subject Property Code Provision to require the party seeking a writ of entry and retrieval to disclose to the court the existence of the domestic relations litigation and would require that the writ application be presented to the court having domestic relations jurisdiction. As amended by this bill, a spouse could not seek entry and retrieval of property under color of an order of a justice court which thwarts the current viable order of the domestic relations court. The list of property types subject to the writ is also expanded.