

Cause No. DF-09-1074

IN THE MATTER OF
THE MARRIAGE OF

J.B.
AND
H.B.

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IN THE DISTRICT COURT
302ND JUDICIAL DISTRICT
DALLAS COUNTY, TEXAS

ORDER ON INTERVENOR'S PLEA TO THE JURISDICTION

On the limited issue of whether this Court has jurisdiction to divorce parties who have legally married in another jurisdiction and who otherwise meet the residency and other prerequisites required to file for a divorce in Dallas County, Texas:


The Court FINDS that Article 1, Section 32(a) of the Texas Constitution violates the right to equal protection and therefore violates the 14th Amendment of the United States Constitution.

The Court FINDS that Texas Family Code Section 6.204 violates the right to equal protection and therefore violates the 14th Amendment of the United States Constitution.

Accordingly, the Court FINDS that it has jurisdiction to hear a suit for divorce filed by persons legally married in another jurisdiction and who meet the residency and other prerequisites required to file for divorce in Dallas County, Texas, and

IT IS THEREFORE ORDERED that Intervenor's Plea to the Jurisdiction is denied and that the Intervention filed by the Office of the Attorney General is hereby stricken.

SIGNED: October 1, 2009


JUDGE PRESIDING