

**Rule 504. Spousal Privileges**  
**(As it applies to Civil Cases Only)**

**(a) Confidential Communication Privilege.**

**(1) Definition.** A communication is “confidential” if a person makes it privately to the person’s spouse and does not intend its disclosure to any other person.

**(2) General Rule.** A person has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made to the person’s spouse while they were married. This privilege survives termination of the marriage.

**(3) Who May Claim.** The privilege may be claimed by:

(A) the communicating spouse;

(B) the guardian of a communicating spouse who is incompetent; or

(C) the personal representative of a communicating spouse who is deceased.

The other spouse may claim the privilege on the communicating spouse’s behalf—and is presumed to have authority to do so.

**(4) Exceptions.** This privilege does not apply:

(A) **Furtherance of Crime or Fraud.** If the communication is made—wholly or partially—to enable or aid anyone to commit or plan to commit a crime or fraud.

(B) **Proceeding Between Spouse and Other Spouse or Claimant Through Deceased Spouse.** In a civil proceeding:

(i) brought by or on behalf of one spouse against the other; or

(ii) between a surviving spouse and a person claiming through the deceased spouse.

(C) **Crime Against Family, Spouse, Household Member, or Minor Child.** In a:

(i) proceeding in which a party is accused of conduct that, if proved, is a crime against the person of the other spouse, any member of the household of either spouse, or any minor child; or

(ii) criminal proceeding involving a charge of bigamy under Section 25.01 of the Penal Code.

(D) **Commitment or Similar Proceeding.** In a proceeding to commit either spouse or otherwise to place the spouse or the spouse’s property under another’s control because of a mental or physical condition.

(E) **Proceeding to Establish Competence.** In a proceeding brought by or on behalf of either spouse to establish competence.