

## **BILL ANALYSIS**

Senate Research Center

H.B. 851  
By: Cook; Neave (Hughes)  
State Affairs  
5/11/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

This bill codifies case law clarifying that a party filing a motion to modify a maintenance order, under Chapter 8 of the Family Code, based on a material and substantial change does not constitute an admission of a material and substantial change of circumstances regarding any other matter.

Additionally, the bill amends Chapter 156 of the Family Code. This addition clarifies that a party filing a motion to modify an order regarding conservatorship, possession, or support of a child based on a material and substantial change does not constitute an admission of a material and substantial change of circumstances regarding any other matter.

H.B. 851 amends current law relating to the admission by a party of a material and substantial change of circumstances in a motion to modify an order in certain family law cases.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 8.057, Family Code, by adding Subsection (c-1), to prohibit a party who files a motion to modify maintenance based on a material and substantial change of circumstances from being considered on that basis alone to have admitted a material and substantial change of circumstances regarding any other matter.

SECTION 2. Amends Subchapter A, Chapter 156, Family Code, by adding Section 156.007, as follows:

Sec. 156.007. CERTAIN FILINGS NOT ADMISSIONS. Prohibits a party who files a motion to modify an order that provides for the appointment of a conservator of a child, provides the terms and conditions of conservatorship, provides for the possession of or access to a child, or provides for the support of a child based on a material and substantial change of circumstances from being considered on that basis alone to have admitted a material and substantial change of circumstances regarding any other matter.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.