

## **BILL ANALYSIS**

H.B. 851  
By: Cook  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that recent case law affecting a motion to modify an order in certain family law cases has established that a material and substantial change of circumstances regarding a specific matter, such as spousal maintenance or child support, does not constitute an admission of a material and substantial change of circumstances regarding any other matter. H.B. 851 seeks to provide for a similar clarification in statute by establishing that a party filing a motion to modify an order in certain family law cases may not be considered on that basis alone to have admitted a material and substantial change of circumstances regarding any other matter.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 851 amends the Family Code to establish that a party who files a motion to modify any of the following orders in a family law case based on a material and substantial change of circumstances may not be considered on that basis alone to have admitted a material and substantial change of circumstances regarding any other matter:

- a spousal maintenance order;
- an order that provides for the appointment of a conservator of a child;
- an order that provides the terms and conditions of conservatorship;
- an order that provides for the possession of or access to a child; or
- an order that provides for the support of a child.

### **EFFECTIVE DATE**

September 1, 2021.