

**Spousal Maintenance Bill – Amendment of Family Code §§ 8.052
and 8.057**

See Accompanying Bill Analysis for Narrative Explanation.

The proposed legislation has not previously been submitted to the legislature.

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

Analysis
-Modification of Spousal Support to Increase
(not beyond original time frame and amount)-
[Revision to TFC 8.052 & 8.057]

Purpose: The current statutory framework regarding modification of spousal maintenance only allows for a reduction in spousal maintenance. The proposed changes would allow a party to seek modification to increase spousal maintenance, which modification could not exceed the original amount and time frame ordered. It is presumed this type of modification would be filed (by Obligee) after a prior reduction (by Obligor), and could never exceed the amount and time frame in the original spousal maintenance order (thus alleviating concerns that the Obligee would have the ability to seek an increase in the overall amount and time frame of the original order). Furthermore, in conformity with the current statute allowing for reduction, the increase could only be retroactive to date of filing (so there is not a complete “payback”, but rather only a possible increase for the time period after filing).

Example: By divorce decree, Husband is ordered to pay spousal maintenance of \$1500 per month for 36 months. Twelve months later, now Ex-Husband is laid off and unable to find comparable employment. Ex-Husband files for and receives a reduction in spousal maintenance to \$500 per month. Six months later, Ex-Husband is reinstated to his prior employment. Under the new statutory language, Ex-Wife could seek an increase back to \$1500 per month for the remainder of the 36-month period.