

**Certain Pleadings Not Admission – Amendment of Family Code §§
8.057, 156.101 & creates new §104.009**

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
-Certain Pleadings Not Admissions (of Material & Substantial Change)-
[additions to TFC 8.057 & 156.101 and new 104.009]

Purpose: To allow a party to seek modification of one issue (which requires the allegation of a material and substantial change) without such allegation resulting in an admission of a material and substantial change with regard to another issue.

Example: Father files a motion to modify child support, alleging a material and substantial change with regard to child support. Mother then counter-files to modify possession, alleging a material and substantial change with regard to possession. Under the proposed language/statute, Father would not be admitting a material and substantial change regarding possession by his specific allegation of a material and substantial change regarding child support. Likewise, Mother would not be admitting a material and substantial change regarding child support by her specific allegation of a material and substantial change regarding possession. Thus, each would be required to prove that party's evidentiary burden with regard to the specific issue they seek to modify.