

By:

_____.B. No. ____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a substantial and material change of circumstances
3 under the Family Code.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 8.057(c) and (d), Family Code, are
6 amended and subsection (e) is added to read as follows:

7 (c) Pleading a material and substantial change of
8 circumstances with regard to a specific matter shall not constitute
9 an admission of a material and substantial change of circumstances
10 with regard to any other matter.

11 (d [~~e~~]) After a hearing, the court may modify an original or
12 modified order or portion of a decree providing for maintenance on
13 a proper showing of a material and substantial change in
14 circumstances, including circumstances reflected in the factors
15 specified in Section [8.052](#), relating to either party or to a child
16 of the marriage described by Section [8.051](#)(2)(C), if applicable.
17 The court shall apply the modification only to payment accruing
18 after the filing of the motion to modify.

19 (e [~~d~~]) A loss of employment or circumstances that render a
20 former spouse unable to provide for the spouse's minimum reasonable

1 needs by reason of incapacitating physical or mental disability
2 that occur after the divorce or annulment are not grounds for the
3 institution of spousal maintenance for the benefit of the former
4 spouse.

5 SECTION 2. Title 5, Subtitle A, Chapter 104, EVIDENCE, Family
6 Code, is amended by adding Section 104.009 to read as follows:

7 **Sec. 104.009 Certain Pleadings Not Admissions.** Pleading a
8 material and substantial change of circumstances with regard to a
9 specific matter shall not constitute an admission of a material and
10 substantial change of circumstances with regard to any other
11 matter.

12 SECTION 3. Section 156.101, Family Code, is amended by
13 adding subsection (c) to read as follows:

14 (c) Pleading a material and substantial change of
15 circumstances with regard to a specific matter shall not constitute
16 an admission of a material and substantial change of circumstances
17 with regard to any other matter.

18 SECTION 4. Section 156.401, Family Code, is amended by
19 adding subsection (a-3) to read as follows:

20 (a-3) Pleading a material and substantial change of
21 circumstances with regard to a specific matter shall not constitute

1 an admission of a material and substantial change of circumstances
2 with regard to any other matter.

3 SECTION 5. The changes in law made by this Act apply only to
4 a motion to modify that is filed on or after the effective date of
5 this Act. A motion to modify filed before the effective date of
6 this Act is governed by the law in effect on the date the
7 application is filed, and the former law is continued in effect for
8 that purpose.

9 SECTION 6. This Act takes effect September 1, 2021.