

By: Cook

H.B. No. 851

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the admission by a party of a material and substantial
3 change of circumstances in a motion to modify an order in certain
4 family law cases.

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

6 SECTION 1. Section 8.057, Family Code, is amended by adding
7 Subsection (c-1) to read as follows:

8 (c-1) A party who files a motion to modify maintenance based
9 on a material and substantial change of circumstances may not be
10 considered on that basis alone to have admitted a material and
11 substantial change of circumstances regarding any other matter.

12 SECTION 2. Subchapter A, Chapter 156, Family Code, is
13 amended by adding Section 156.007 to read as follows:

14 Sec. 156.007. CERTAIN FILINGS NOT ADMISSIONS. A party who
15 files a motion to modify an order that provides for the appointment
16 of a conservator of a child, provides the terms and conditions of
17 conservatorship, provides for the possession of or access to a
18 child, or provides for the support of a child based on a material
19 and substantial change of circumstances may not be considered on
20 that basis alone to have admitted a material and substantial change
21 of circumstances regarding any other matter.

22 SECTION 3. The changes in law made by this Act apply only to
23 a motion to modify that is filed on or after the effective date of
24 this Act. A motion to modify filed before that date is governed by

1 the law in effect on the date the motion was filed, and that law is
2 continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2021.