

BILL ANALYSIS

H.B. 201
By: Goodman
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When the provisions for spousal maintenance were enacted there was a provision addressing the needs of a spouse who had a physical or mental disability but the problems of a spouse who provided care to a son or daughter with a physical or mental disability were not addressed. If a son or daughter of the parties had a physical or mental disability which required a spouse to not work and to provide care there was often an economic shortfall.

House Bill 201 allows for spousal maintenance when a parent cannot be gainfully employed because they are providing care to a son or daughter with a physical or mental disability.

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

- Section 1:** Amends Section 8.051, of the Family Code by clarifying that a spouse who is not able to be employed outside the home because they are the custodian of a son or daughter of the marriage of any age who has an incapacitating physical or mental disability is eligible to receive maintenance regardless of the age of the child.
- Section 2:** Amends Section 8.053, of the Family Code by providing that a spouse who is otherwise not qualified to receive spousal maintenance is qualified to receive spousal maintenance if the spouse is the parent of a son or daughter of the marriage of any age who has an incapacitating physical or mental disability that prevents the spouse from being employed outside the home.
- Section 3:** Amends Section 8.054(b) of the Family Code to which allows the court to order maintenance for as long as an incapacitating disability continues if a spouse has an incapacitating physical or mental disability or is the parent of a son or daughter of the marriage of any age who has an incapacitating physical or mental disability that prevents the spouse from being appropriately employed.
- Section 4:** (a)The changes in law made by this Act apply only to a suit for dissolution of marriage or a proceeding for maintenance that was commenced on or after September 1, 2005. A suit for dissolution of marriage or a proceeding for maintenance that was commenced before that date is governed by the law in effect on the date on which the suit or proceeding was commenced, and the former law is continued in effect for that purpose. (b) The enactment of this Act does not by itself constitute a material and substantial change in circumstances sufficient under Section 8.057, Family Code, to warrant modification of a spousal maintenance order rendered before September 1, 2005.
- Section 5:** This Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

