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| BILL ANALYSIS |

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| H.B. 851 |
| By: Cook |
| Juvenile Justice & Family Issues |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE**  It has been noted that recent case law affecting a motion to modify an order in certain family law cases has established that a material and substantial change of circumstances regarding a specific matter, such as spousal maintenance or child support, does not constitute an admission of a material and substantial change of circumstances regarding any other matter. H.B. 851 seeks to provide for a similar clarification in statute by establishing that a party filing a motion to modify an order in certain family law cases may not be considered on that basis alone to have admitted a material and substantial change of circumstances regarding any other matter. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **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**  H.B. 851 amends the Family Code to establish that a party who files a motion to modify any of the following orders in a family law case based on a material and substantial change of circumstances may not be considered on that basis alone to have admitted a material and substantial change of circumstances regarding any other matter:   * a spousal maintenance order; * an order that provides for the appointment of a conservator of a child; * an order that provides the terms and conditions of conservatorship; * an order that provides for the possession of or access to a child; or * an order that provides for the support of a child. |
| **EFFECTIVE DATE**  September 1, 2021. |