

BILL ANALYSIS

Senate Research Center
88R9549 AMF-F

H.B. 2070
By: Cook et al. (Hughes)
Jurisprudence
5/8/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Procedural requirements under the Family Code for the continuation of a spousal maintenance order need to be clarified with regard to the following circumstances: when the spouse seeking maintenance is either unable to earn sufficient income to provide for the spouse's minimum reasonable needs because of an incapacitating physical or mental disability or is the custodian of a child of the marriage of any age who requires substantial care and personal supervision because of a physical or mental disability that prevents the spouse from earning sufficient income to provide for the spouse's minimum reasonable needs. H.B. 2070 clarifies that the continuation of a spousal maintenance order in these circumstances is subject to the same procedural requirements as a motion to modify a spousal maintenance order.

H.B. 2070 amends current law relating to the continuation of spousal maintenance ordered under certain circumstances.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 8.054(d), Family Code, as follows:

(d) Provides that the continuation of maintenance ordered under Subsection (b) (relating to the court ordering maintenance for a spouse who is unable to earn sufficient income due to an incapacitating disability or who is the primary caregiver of a child with incapacitating disabilities) is subject to the procedural requirements for a motion to modify as provided by Section 8.057 (Modification of Maintenance Order).

SECTION 2. Makes application of the Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2023.