

BILL ANALYSIS

H.B. 2070
By: Cook
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

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. 2070 amends the Family Code to clarify that, for purposes of the provision subjecting the continuation of spousal maintenance ordered based on the inability of the applicable spouse to earn sufficient income due to their, or a child's, physical or mental disability to a motion to modify a spousal maintenance order, the continuation is subject to the procedural requirements for such a motion. The bill's provisions apply only to a motion to continue spousal maintenance that is made on or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.