

## **BILL ANALYSIS**

Senate Research Center  
79R127 MCK-F

H.B. 201  
By: Goodman (Van de Putte)  
Jurisprudence  
5/13/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current law addresses the maintenance needs of a spouse who has a physical or mental disability, but it does not clearly or uniformly address the needs of a spouse who provides care to a son or daughter with a physical or mental disability. Oftentimes, a child of the two parties who has a physical or mental disability may require full-time care by one of the spouses, eliminating that spouse's ability to work and adequately provide financial support for him or herself and the child. In addition, this child may need parental care even after reaching the age of maturity.

H.B. 201 clarifies the law that allows for spousal maintenance when a parent cannot be gainfully employed because of the care needs of a child of the marriage of any age who has a physical or mental disability.

### **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 8.051, Family Code, to authorize the court to order maintenance for either spouse only if the spouse seeking maintenance is the custodian of a child of the marriage of any age who requires substantial care and personal supervision because a physical or mental disability makes it necessary, taking into consideration the needs of the child, that the spouse not be employed outside the home. Makes a conforming change.

SECTION 2. Amends Section 8.043, Family Code, to make conforming changes.

SECTION 3. Amends Section 8.054(b), Family Code, to authorize the court to order periodic review of its order, on the request of either party or on its own motion, to determine whether the disability continues to render the spouse unable to support himself or herself through appropriate employment. Makes conforming changes.

SECTION 4. (a) Makes application of this Act prospective.

(b) Provides that 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. Effective date: September 1, 2005.