

Family Law Case Update

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FAMILY LAW

Procedure and Evidence



Baker v. Bizzle,
687 S.W.3d 285
(Tex. 2024)

Trial court lacked jurisdiction to enter decree when wife died after email regarding ruling that did not qualify as a rendering.



In the Interest of B.A.R.U.,
2025 Tex. App. LEXIS 775
(Tex. App. – Houston [14th
Dist.] February 11, 2025)
(mem. op.) (Cause No. 14-23-
00328-CV)

Temporary Orders
should have been
admitted in jury trial.

In re Raizada, 14-23-00941-CV, 2024 WL 178140 (Tex. App.—Houston [14th Dist.], orig. proceeding) (mem. op.) (01-17-24).

Trial Court abused discretion in compelling wife to turn over cell phone for inspection without providing any mechanism for protection of confidential information.



T.B. v. B.B., No. 02-23-00411-CV, 2024 WL 3896924 (Tex. App.— Fort Worth 2024, no pet. h.) (mem. op.) (08-22-2024).

Without evidence that Husband's conduct endangered Wife's life or health, outraged her feelings, or inflicted mental pain upon Wife personally, divorce could not be granted on ground of cruelty.



In re Marriage of Baron and Terrazas, No. 10-24-00048-CV, 2024 WL 4297541 (Tex. App.—Waco 2024, no pet. h.) (mem. op.) (09-26-2024).

Citation of Service did not strictly comply with the Rules of Evidence, so Husband was entitled to restricted appeal and reversal of default divorce.



The image shows a screenshot of a 'Return of Service' form. At the top left is a gold seal. The title 'Return of Service' is centered. Below it is a disclaimer: 'The information printed below was published on the Texas Office of Court Administration's Public Information Internet Website from 5/1/2020 to 6/1/2020.' The form contains the following text: 'Cause Number: 11111111', 'Name(s) of party to be served: Avana builders', 'Court: Archer County 97th District Court', and 'Citation Type:'. Below this is a grey box labeled 'Citation Notes'. At the bottom left, there is a small note: 'Inappropriate use of the land in the green belt'.

In re Marriage of Guggenheim, No. 06-24-00033-CV, 2024 WL 4486180 (Tex. App.—Texarkana 2024, no pet. h.) (mem. op.) (10-15-2024).

Failure to give Husband 45 days' notice of final hearing to enter decree based on MSA denied him due process because he contested the enforceability of MSA.





***In re Battenfield*, 2025 Tex. App. LEXIS
909 (Tex. App. – Texarkana February
14, 2025, orig. proceeding) (mem. op.)
(Cause No. 06-24-00090-CV)**



Definition of “parent” does
not include alleged biological
father pursuant to TFC
101.024(a).

Marital Property Agreements





Deligans v. Deligans

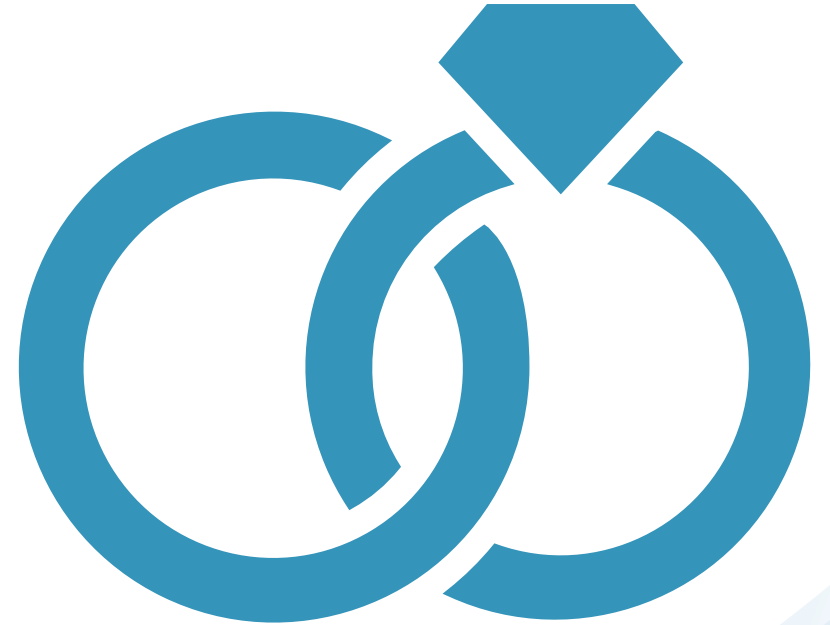
2024 Tex. App. LEXIS 2688 (Tex. App. – Corpus Christi April 18, 2024, no pet. h.) (mem. op.)

Louisiana law controlled PMA because TFC 1.103 is not a general conflict of laws directive. Chapter 4 allows spouses to make their own choice of law terms in a PMA.

Tex. Fam. Code Sec.
1.103

Persons Married Elsewhere.

The law of this state applies to persons married elsewhere who are domiciled in this state.





Morin v. Morin, No. 02-23-00349-CV, 2024 WL 2854875 (Tex. App.—Fort Worth 2024, no pet. h.) (mem. op.) (06-06-2024).

Parties’ premarital agreement provision that all property acquired during marriage would be “their property” interpreted to create community property.



Characterization and Reimbursement

In re Pinkert,

2025 Tex. App. LEXIS 159 (Tex. App. – Amarillo January 15, 2025) (mem. op.) (Cause No. 07-23-00309-CV)



- *Stock shares issued during marriage with no tie to compensation invalid.*
- *Failure to pay franchise taxes cannot involuntarily terminate a corporation under TBOC.*



Vazquez v. Bailey, 03-22-00290-CV, 2024 WL 1774857 (Tex. App.—Austin 2024, no pet. h.) (mem. op.) (04-25-24).

No reimbursement because Husband failed to show increase in value due to his renovations.



Property

Ramos v. Marroquin,
2025 Tex. App. LEXIS 217 (Tex. App. – El Paso January 16, 2025) (mem. op.)
(Cause No. 08-23-00289-CV)



Spouse not allowed to transfer only their $\frac{1}{2}$ interest in a community homestead because it effectuates a partition by creating a tenancy in common between the remaining spouse and a third party which violates the TX Constitution.

***In re M.R.*, 2025 Tex. App. LEXIS 271 (Tex. App. – Fort Worth January 22, 2025, orig. proceeding) (mem. op.) (Cause No. 02-24-00491-CV).**

Court can sever division of certain property from divorce and SAPCR issues if no jurisdiction over property.



Shalit v. Shalit, NO. 04-23-00749-CV, 2024 WL 2836638 (Tex. App.—San Antonio 2024, no pet. h.) (mem. op.) (06-05-2024).

On remand for a new just and right division, Husband is not entitled to present new evidence regarding changed values of property since divorce.





C.S.S. v. A.S., No. 03-23-00523-CV, 2024 WL 4163557 (Tex. App.—Austin 2024, no pet. h.) (mem. op.) (09-12-2024).

Cash award to equalize the trial court's division of the community estate was distinct from a money judgment and could not accrue post-judgment interest under the Finance Code.

Spousal Maintenance/Alimony

*Kazmi
v. Kazmi*

2023 Tex. App. LEXIS 8682 (Tex. App. – Austin
November 17, 2023, no pet.)

*H's I-864 affidavit sponsoring W for
permanent residence status
enforced as a contract for spousal
maintenance upon divorce.*



Turner v. Turner, No.
04-23-00142-CV, 2024
WL 2034723 (Tex.
App.—San Antonio
2024, no pet. h.)
(mem. op.) (05-08-
2024).

Wife not required to liquidate
assets to meet minimum needs.



Division of Property

Gonzalez v. Gonzalez

2024 Tex. App. LEXIS 4556 (Tex. App.
– Austin June 28, 2024) (mem. op.)

***Trial court award of tort
damages AND
disproportionate division
affirmed based on
evidence before it and no
finding of double recovery.***

In re J.Y.O., 2024 Tex. LEXIS 1167 (Tex. Sup. Ct. December 31, 2024) (Case No. 22-0787)

Bonus earned during marriage but paid after divorce is community property subject to division.

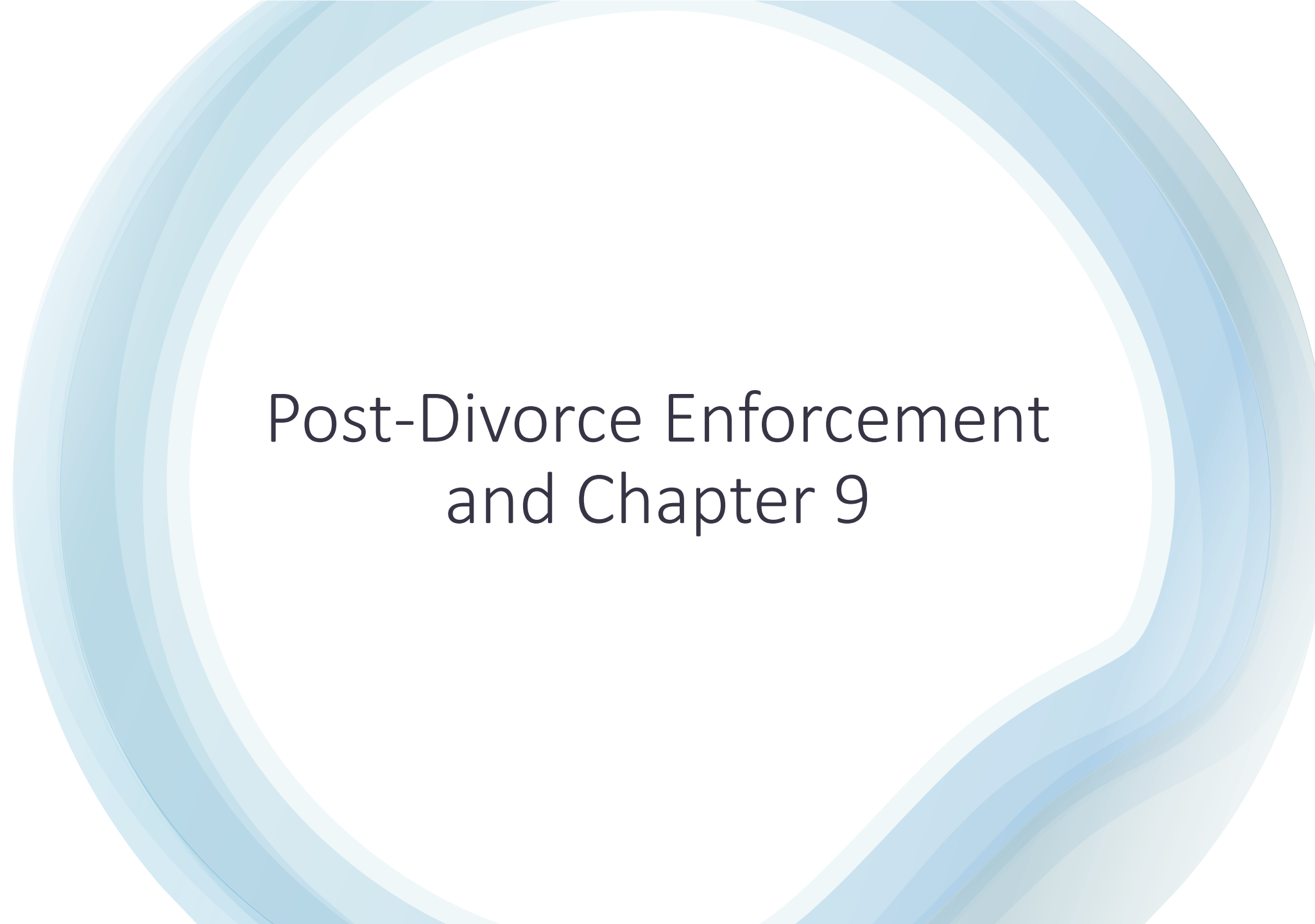
Need evidence of intent of “no gift” when spouse added to deed if claiming separate property.



Key v. Key, 2025 Tex. App. LEXIS 687 (Tex. App. – Houston [14th Dist.] February 6, 2025) (Cause No. 14-23-00726-CV)



No evidence money Husband gave to his mother at the beginning of the divorce was used for living expenses.

A decorative graphic consisting of several concentric, overlapping circles in various shades of light blue, creating a sense of depth and movement. The circles are centered on the page and frame the text.

Post-Divorce Enforcement and Chapter 9

Sauls v. Sauls, No. 02-23-00159-CV, 2024 WL 273573 (Tex. App.—Fort Worth 2024, no pet. h.) (mem. op.) (01-25-24).

Court lost jurisdiction to “clarify” decree by removing dollar amounts from property division in unappealed decree.

SAPCR Issues



***Gopalan v. Marsh*, 2025 Tex. App. LEXIS 258 (Tex. App. – Austin January 23, 2025) (Cause No. 04-22-00649-CV)**



Court can order JMC parent who has the right to designate the child's residence to pay child support and a Standard Possession Order.



In re Marriage of Maldonado and Miranda, No. 07-23-00307-CV, 2024 WL 2451388 (Tex. App.—Amarillo 2024, no pet. h.) (05-23-2024).

SMC could not be ordered to pay child support to PC.

History of violence precluded appointment of JMC.

In re D.L.C., No. 01-22-00605-CV, 2024 WL 791625 (Tex. App.—Houston [1st Dist.] 2024, no pet. h.) (mem. op.) (02-27-24).

Parties' temporary agreement to not pay child support did not bar Court from ordering retroactive child support in final orders.



In re S.C., No. 05-22-00333-CV, 2024 WL 396613 (Tex. App.—Dallas 2024, no pet. h.) (mem. op.) (02-02-24).

Uncontroverted testimony
(because of time limits)
supported \$12,000 per month
child support obligation.



In re E.G.M., No. 04-22-00319-CV, 2024 WL 1643343 (Tex. App.—San Antonio, no pet. h.) (mem. op.) (04-17-2024).



Court's change of ruling in Motion to Reopen Evidence was warranted based on facts.



In re A.A., No. 05-22-01226-CV, 2024 WL 1693285 (Tex. App.—Dallas 2024, no pet. h.) (mem. op.) (04-19-24).

Vague conclusory testimony insufficient to support default judgment including child-related orders.

In re C.J., No. 05-23-00392-⁺ •
CV, 2024 WL 1793499 (Tex. ○
App.—Dallas 2024, no pet.
h.) (04-25-24).



Missing-record
presumption applied
to child interview
and appellate court
presumed missing
record supported
judgment.



In re G.L.W., No. 05-23-00327-CV, 2024 WL 3755278 (Tex. App.—Dallas 2024, no pet. h.) (mem. op.) (08-12-2024).

Parties could not agree to post-judgment continuation of amicus attorney because such appointment is not authorized by the Family Code.

In re Christon, No. 10-24-00158-CV, 2024 WL 3976401
(Tex. App.—Waco 2024, orig. proceeding) (08-29-2024).

Mother waived right to transfer venue of modification suit because she moved child to county outside of geographic restriction in violation of agreed decree.





In re Kozinn, No. 03-23-00748-CV, 2024 WL 2855077 (Tex. App.—Austin 2024, orig. proceeding.) (mem. op.) (06-06-2024).

Children’s Bill of Rights provisions sufficiently specific to be enforceable by contempt.

The background features a light blue gradient with several overlapping, semi-transparent circles of varying shades. On the right side, there are wavy, white-to-light-blue lines that create a sense of motion or depth.

Post-Trial Motions



TOO LATE

Czarkowski-Golejewski v. Wilson, 2025 Tex. App. LEXIS 16 (Tex. App. LEXIS – Amarillo January 2, 2025) (mem. op.) (Cause No. 07-24-00127-CV)

Temporary orders pending appeal (TOPA) void because Wife filed notice of appeal late.



Bowles v. Bowles

2024 Tex. App. LEXIS 2930 (Tex. App. – El Paso April 26, 2024, no pet. h.) (mem. op.).

Husband did not follow correct procedure for suit to obtain QDRO after plenary power expired.



Termination

In re C.E., 687
S.W.3d 304 (Tex.
2023) (per curiam)
(03-01-24)

Texas Supreme Court case

Evidence is not legally insufficient merely because there exist inconsistencies or disputes in the evidence.

In re J.O.L., No. 23-0281, 2024 WL 4863176
(Tex. 2024) (11-22-2024).

Texas Supreme Court case

In deciding “fit parent,” significant impairment may be “inferred from uprooting a child from a nonparental caretaker when the removal would be devastating...or cause serious psychological damage” as long as there is evidence explain how it would be significant.



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