

Family Law Case Update

Cindy V. Tisdale

Goranson Bain Ausley

Fort Worth/Granbury

Landry v. Landry
24-0910 (Tex. Mar
20, 2026)

Does expert testimony tracing separate property need to include ALL account statements?

NO

No. if the isolated account statements would not have materially impacted the testimony, they do not need to be included.

In re J.Y.O.

Does characterization of compensation rely on

1. when it is earned,
- or
2. when the contingencies for payment have been met?

1. When it is earned

Even if not paid until after divorce, if the money was earned **DURING** the marriage, it is community property subject to division.

In re Benavides

Can a guardian file for a divorce for the ward?

No

Well, maybe. Guardianship must expressly authorize a guardian to file for divorce, and that authority cannot be given unless the Court makes findings by clear and convincing evidence that filing is in the ward's best interest and will promote and protect his or her well-being.

Sary v. Ethridge

Is the burden of proof for a “no contact” protective order of a parent for the children lasting more than two years

1. Preponderance of the evidence, or
2. Clear and Convincing

2. Clear and Convincing

A “no contact” protective order impacts the parent’s fundamental right to make decisions concerning the care, custody, and control of the child and therefore requires the heightened burden of proof.

Mehta v. Mehta

Are child support and the child's expenses factored into the calculation for spousal maintenance?

Yes

The receipt of child support can be considered on the income side in calculating spousal maintenance, but the Court must deduct the expenses of the children and the obligee's duty to support the children.

Tabakman v. Tabakman

Does alternative service
withstand a default
judgment and resulting
Craddock claim?

Not in this case

Alternative service provides proof of how and when service was executed but is no evidence of when the defendant received actual notice.

In re Estate of Lopez

Can a former judge
testify as an expert in a
jury trial?

NO

It is harmful error because it conveyed “an official endorsement” that likely impacted the jury’s determination.

Morrison v. Morrison

Can trial court re-allocate proceeds from sale of home to pay for damages party made to personal property?

Yes...but

Decree must specifically state that damages to personal property may be accounted for out of the proceeds from the sale of the marital residence.

Caldwell v. Quaid

Is burden on the proponent or opponent to prove good cause and no unfair surprise of discovery was late?

Proponent

If evidence excluded under TRCP 193.6 because it was late, the burden shifts to the proponent to show good cause or no unfair surprise or unfair prejudice.

In re Marriage of Morgan

Can a divorce decree prohibit someone from electing VA disability retirement even if that election deprives the spouse of any agreed-to retirement benefits pursuant to an MSA?

No

A court may not expressly or impliedly prohibit a retired military member from making the election for disability pay instead of retirement pay.

In re S.N.

Can the Court review standing in the middle of the case even though it already ruled on it?

Yes

As long as the court has plenary power, it can review standing, and a party may lose standing while the case is pending. This means all nonparents in pending SAPCRs, even those who have previously established standing under TFC 102.003(a) must “re-establish” their standing in light of the recently enacted TFC 102.0031.

In re K.C.

Can Court use
unemployed parent's
"income" in apps such
as CashApp for
purposes of calculating
child support?

Yes

Husband testified he was unemployed for years. Wife testified that although he was “unemployed,” he had a furniture business. Through discovery, she found three CashApp accounts with nearly \$160,000 in deposits in a 14-month period. Husband testified that was for day-trading, and he made no money on it. Court can use this to calculate child support and not believe Husband.

Sargent v. Sargent

Is judgment final if at the end of reading the agreement into the record, the judge accepted the agreement, granted the divorce, and said it “will” sign the order when presented?

Yes

Judge RENDERED order. Signing the order was ministerial.

Cruz v. Bazan

Can you use a
presumption in a
summary judgment
motion?

NO

Presuming a piece of property was community property is not allowed in a summary judgment. NO presumptions allowed. Must show the evidence and establish relief as a matter of law.

In re Le

Can the Court clarify an order and hold someone in contempt of that same provision?

No

Either an order is enforceable by contempt
OR it needs clarifying. It cannot be both.

In re A.K.M.

Should you always ask
for the court's interview
with the child be
recorded?

Yes

Court of Appeals will presume the evidence received during the interview supported the judgment, whatever it is.

In re B.R.

If trial court receives evidence of income at temporary orders and sets child support, can the judge at a final just order that the temporary orders child support amount continue?

No

In this case, neither the temporary orders transcript nor the actual evidence of income was given at the final trial

In re R.J.J.

Is an appeal of a judgment that includes both a modification and a contempt appropriate?

No

Contempt can only be challenged by mandamus (or habeas corpus as applicable).

Bennett v. Bennett

For venue purposes, does a divorce need to be filed in the county of the “primary” residence?

No

Nothing in the statutes on venue requires a “primary” residence.

Blackwell v. Holzer

Can a spouse present
parol evidence as to
donative intent regarding
Husband being added to
the deed during
refinancing?

Yes

Inclusion of Husband's name on deed creates presumption of a gift. Wife has the right to rebut that presumption.

Brenner v. Brenner

Can Court award a percentage of future distributions made after divorce to a spouse because business is a community property asset?

Yes

Community property stock owned at time of divorce can translate to future distributions on that stock being paid to other spouse.

In re Marriage of Thatcher

Can separate property retain that characteristic if deeded to an LLC?

No

Entity property is NOT marital property. Once any property is transferred to an entity, it is no longer marital property and thus, has no character.

Begala v. Begala

Does staying with her boyfriend for 116 days while her home was being remodeled constitute “cohabitation” for purposes of ceasing spousal maintenance?

Yes

Cohabitation is distinguished by a permanent place of abode v. a temporary one (i.e. hotel room).

In re K.A.N.

Can evidence of parent not exercising possession result in an increased child support obligation?

Yes

Testimony about Father not exercising his periods of possession which increased Mother's expenses, can be evidence to increase child support.

In re M.O.S.

If judge renders, says he wants a status conference in 90 days, then without a status conference, signs an order 10 months later— is mom's due process rights violated?

Not in this case

When the Court took the case under advisement for 10 months, that is a significant period of time, but in this case the result would have been the same.

In re B.P.

Can a trial court set time limits on a final trial over an objection?

No

The issue is not preserved if no objection on the record to the time limit at final trial.

Graham v. Graham

Can a party testify as to tracing of a bank account to prove separate property with the community out first rule?

Yes

The party's testimony alone is sufficient to overcome the community property presumption.

In re T.M.B.

Can spousal
maintenance be
terminated
retroactively?

No

Spousal maintenance cannot be terminated retroactively back to the date the party allegedly began cohabitating with another. Termination date has to be after the hearing.

Puligundla v. Madipuri

If a judge orders a week-on week-off possession schedule, does that contravene a jury verdict giving one parent the exclusive right to designate the child's residence?

No

Family Code does not require one JMC to be given more possession time than the other because of a particular jury finding.

Stone v. Stone

Is it proper for court to order visitation only if the teenager agrees or wants to go?

No

A court must specify or expressly state in an order the times and conditions of possession unless there is good cause it is not in best interest of child.

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