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Texas Family Law Practice and Procedure

Publication 705

Release 55

March 2007

HIGHLIGHTS

Pub Update

- This release incorporates recent case law developments.

Partnership property

- Distributions from a partnership during marriage are considered community property, and the manner in which a transaction is documented for federal tax purposes is evidence to be considered in determining whether a distribution has occurred. *See Task B5, Characterizing Property of Parties*

Economic contribution and reimbursement.

- An economic contribution claim cannot arise for premarital expenditures but, under appropriate circumstances, a spouse may be entitled to reimbursement for separate funds he or she expended before marriage. *See Task B7, Diving Community Property*

Mediated settlement agreement in divorce suit.

- When the parties have entered into a mediated settlement agreement concerning their marital property and the agreement meets the statutory requirements as to form, the trial court is not required to examine the agreement to determine if the property division is just and right before approving the agreement. *See Task E3, Using Alternate Dispute Resolution Methods.*

Mediated settlement agreement in SAPCR

- When the parties have entered into a mediated settlement agreement concerning conservatorship or possession of a child and the agreement meets the statutory requirements as to form, the trial court may, but is not required to, examine the agreement to determine if the conservatorship and possession provisions are in the child's best interest before approving the agreement. *See Task E3, Using Alternate Dispute Resolution Methods.*

Bill of review for paternity decree.

- A man is not entitled to a bill of review to overturn a finding in a parentage decree that he is the child's biological father, even if the mother lied to the man about the child's true parentage. Such a misrepresentation constitutes intrinsic, rather than extrinsic, fraud, because the issue could have been litigated in the parentage proceeding. *See Task G7, Seeking Equitable Bill of Review.*

Child support.

- An increase in the obligor's travel costs in order to exercise visitation may justify a reduction in support. *See Task H5, Establishing Grounds for Modification of*

Child Support.

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Texas Family Law Practice and Procedure

Publication 705 Release 55

March 2007

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