

PUBLICATION UPDATE

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Texas Family Law Practice and Procedure

Publication 705 Release 61

March 2010

HIGHLIGHTS

Pub Update

- This release updates the set in light of recent case law developments.

Standings. The courts of appeals disagree as to the meaning of “actual care, control, and possession” as used in Section 102.033(a)(9), which gives standing to a person who has had six months ending not more than 90 days preceding the date of the filing of the petition. See Task B2, Determining Custody of Children, § B2.07[2][b].

Temporary military disability retirement benefits. Temporary military disability retirement benefits are not divisible on divorce. See Task B5, Characterizing Property of Parties, § B5.05[1][a][iii].

Child support lien. An award of retroactive child support gives rise to a child support lien even if the obligor is not in

arrears on the payout schedule. See Task J5, Enforcing Child Support Through Child Support Lien, § J5.01[1], [2][a].

Hague convention. A determination of a child’s “habitual residence” in the context of the Hague Convention focuses on the child’s circumstances in a particular place and also considers the parents’ present, shared intentions regarding their child’s presence in a particular place. See Task K5, Obtaining Remedies Under Hague Convention, § K5.02[2].

Termination of parental rights. The Texas Supreme Court has stated that, for purposes of termination on endangerment grounds, evidence of a parent’s improved conduct, especially of short duration, does not negate a long history of drug abuse and irresponsible choices. See Task S3, Establishing Grounds for Termination, § S3.02[2][a][iv].

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