

PUBLICATION UPDATE

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Texas Family Law Practice and Procedure

Publication 705 Release 67

May 2013

HIGHLIGHTS

Pub Update

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

Child support. For purposes of calculating child support, an advance on an inheritance is included in the obligor's net resources. Task B3, Calculating Child Support, *see* B3.02[2][a].

Continuance. When the ground for a continuance is the withdrawal of counsel, the movant must show that the failure to be represented at trial was not due to the movant's own fault or negligence. Task E5, Making Pretrial Motions and Preliminary Matters, *see* E5.03[2][b][vii].

Settlement agreement without mediation. An agreement reached at an informal settlement conference concerning child support, conservatorship, and possession is revocable until the trial court renders its orders. Task F1, Preparing the Final Decree, *see* F1.01[2][c].

Acceptance of benefits. Under the acceptance of benefits doctrine, a party who accepts the benefits of a judgment is estopped from appealing that judgment. However, there is no acceptance of benefits when the appealing party posts a supersedeas bond to suspend judgment. Task G3, Bringing Appeal in Court of Appeals, *see* G3.03[1].

Bankruptcy. A trial court may not divide property that is part of a bankruptcy estate. Task N3, Defending Against Enforcement of Property Division, *see* N3.03[6].

Annulment. Annulments have been granted on the ground that one spouse fraudulently induced the other to marry for the sole purpose of obtaining legal immigration status in the U.S. Task Q1, Determining Grounds for Annulment, *see* Q1.03[4].

Incarcerated parent's right to appear in court. Coverage of the right of an incarcerated parent to appear in termination proceedings has been added. Task S4, Re-

sponding to Termination Suit, *see* S4.03.

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May 2013

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