

**PUBLICATION UPDATE**

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# Texas Family Law Practice and Procedure

Publication 705

Release 70

December 2014

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## HIGHLIGHTS

### Pub Update

- This release updates the set to incorporate recent case law developments, amendments to the Rules of Civil Procedure, and the new Texas Estates Code.

**E-filing.** The new statewide program for e-filing of litigation documents through the TexFile system is discussed in this release. The Texas Supreme Court has ordered electronic filing in most of the state's trial-level courts to start on a graduated schedule by county population from January 2014 through July 2016. Forms throughout the set have been updated to reflect this change. The mechanics of e-filing are discussed in Task C4, Filing and Serving the Petition, § C4.01[2].

**Parental presumption and standing.** The Texas Supreme Court has held that if a grandparent establishes general standing to file a SAPCR under Section 102.003(9), the grandparent's inability to overcome the parental presumption does not deprive him

or her of standing to be considered for possessory conservatorship or access. See Task B2, Determining Custody of Children, § B2.07[2][a].

**Grandparent standing.** A split of authority as to the correct standard to apply in determining whether a grandparent or other close relative has standing to file an original petition seeking managing conservatorship is discussed in Task B2, Determining Custody of Children, § B2.07[2][c][i].

**Spousal maintenance for disabled spouse.** Whether a disabled spouse may file a motion seeking continued spousal maintenance depends on the precise language of the decree. See Task B4, Determining Spousal Support and Maintenance, § B4.02[5][c].

**Time limits for enforcing spousal maintenance.** The 10-year dormancy period governing the enforcement and revival of judgments applies to a motion to enforce spousal maintenance. See Task B4, Determining Spousal Support and Maintenance, § B4.02[8][d].

**Attorney's fees.** The topic of a withdrawn attorney's right to intervene in a divorce suit to recover unpaid fees is discussed. Also covered is an intriguing footnote on the subject in the Texas Supreme Court's slip opinion (but deleted from the official version) in *Tedder v. Gardner Aldrich, LLP*. See Task E7, Obtaining Court-Ordered Attorney's Fees and Costs, § E7.03[2].

**Mistaken paternity.** A man may *become aware* of facts indicating that he is not the child's genetic father, and thus start the limitation clock ticking on his ability to petition for termination of the parent-child relationship, by getting a voluntary, unofficial, mail-order DNA test. See Task S1, Initiating Termination Suit, § S1.01[7][b].

**Attorney ad litem in termination case.** The appointment of an attorney ad litem to represent a parent in a DFPS termination suit continues until the termination proceedings are dismissed or concluded, un-

less the trial court finds good cause to relieve or replace the attorney ad litem. See Task S2, Conducting Termination Suit, § S2.03[2][b].

**New Texas Estates Code.** Throughout the set, citations to the now-repealed Texas Probate Code have been replaced with citations to the new Texas Estates Code. As a result, Objective Y, Appointing Guardian for Minor, has been thoroughly updated.

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# **Texas Family Law Practice and Procedure**

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Publication 705    Release 70

December 2014

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- 2. This Release Number 70 contains only White Revision pages.
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### Revision

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**Revision**

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