

PUBLICATION UPDATE

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Texas Family Law Practice and Procedure

Publication 705 Release 75

April 2017

HIGHLIGHTS

Pub Update

- This release updates the set to incorporate recent case law developments and revisions to Texas Rule of Civil Procedure 145 and Texas Rule of Appellate Procedure 20.

Validity of Foreign Marriage and Divorce. Texas courts may have to determine the validity of a marriage or a divorce that took place in a foreign country. The Attorney General of Texas has issued an opinion that a Texas court need not enforce a foreign law if enforcement would be contrary to Texas public policy. See Task B1, Establishing the Marriage Relationship, § B1.03[1].

Indigent Litigants. The Texas Supreme Court has rewritten Texas Rule of Civil Procedure 145, which governs a party's indigence claim. Under the rewritten rule, the filing of a Statement of Inability to Afford Payment of Court Costs is all that is needed to require the clerk to provide

ordinary services without payment of fees and costs. See Task C4, Filing and Serving the Petition, § C4.107.

Associate Judges. Recent case law addresses the question of when an associate judge's order becomes a final, appealable order. See Task E5, Pretrial Motions and Preliminary Matters, § E5.09[4].

Appeals by Indigent Litigants. The Texas Supreme Court has rewritten Texas Rule of Appellate Procedure 20.1 in coordination with the revision of Texas Rule of Civil Procedure 145. See Task G3, Bringing Appeals in Court of Appeals, §§ G3.02[1][b], G3.102.

Affidavit of Relinquishment. The Texas courts of appeals are divided on the question of whether an affidavit of voluntary relinquishment of parental rights that states that termination is in the child's best interest is sufficient, standing alone, to support a best interest finding. See Task S3, Establishing Grounds for Termination, § S3.03[3].

Withdrawal by Counsel Filing *Anders*

Brief. After a court of appeals has affirmed a termination order, counsel may not withdraw on the sole ground that there are no arguable issues for further appeal. See Task S5, Obtaining Final Order in Termination Suit, § S5.05[2].

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