

## PUBLICATION UPDATE

Route to:  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  
 \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_

---

# Texas Family Law Practice and Procedure

Publication 705

Release 82

November 2020

---

### HIGHLIGHTS

- This release updates the set to incorporate recent changes to procedural rules and case law developments.

**Citation by publication.** Changes to the rules governing service of citation by publication, effective July 1, 2020, have been incorporated. See Task C4, Filing and Serving the Petition, § C4.06[3].

**Attorney's fees.** The lodestar method of determining the reasonableness and necessity of attorney's fees in dissolution suits and SAPCRs is discussed in Task E7.02[4][a].

**Parental presumption.** The Texas Supreme Court has held that the common-law presumption that fit parents act according to their children's best interest applies when modifying an existing order that

names a parent as the child's managing conservator [In re C.J.C., 2020 Tex. LEXIS 610, \*19-\*25 (June 26, 2020)]. See Task H4, Establishing Grounds for Modification of Conservatorship, § H4.01[4][b].

**Affidavits of relinquishment.** The Texas Supreme Court has held that challenges to the validity of a termination order based on an affidavit of relinquishment are limited to whether a parent executed the affidavit voluntarily. A challenge may not be based on an erroneous home-state determination under the UCCJEA [In Interest of D.S., 2020 Tex. LEXIS 396, \*1-\*3, \*18 (Tex. May 8, 2020)]. See Task S1, Initiating Termination Suit, § S1.06[3][d].

**Jury charge in termination cases.** When a termination case is tried to a jury, the court must submit separate questions for each parent and each

child on (1) each individual statutory ground for termination of the parent child relationship; and (2) whether termination of the parent child relationship is in the child's best interest. The court must predicate the best interest question on an affirmative finding of at least one termination ground [Tex. R. Civ. P. 277 (as amended effective May 1, 2020)]. This rule change supersedes the Texas Supreme Court's holding in *Texas Department of Human Services v. E.B.* [802 S.W.2d 647 (Tex. 1990)]. See Task S2, Conducting Termination Suit, § S2.06[5][b].

**Termination based on indecency with child.** The Texas Supreme Court has held that when termination of parental rights is sought under Family Code Section 161.001(b)(1)(L) based on indecency with a child, the conviction itself may constitute legally sufficient evidence that the parent was criminally responsible for the serious injury of a child [In Interest of Z.N., 2020 Tex. LEXIS 423, \*11–\*15 (May 15, 2020)]. See Task S3, Establishing Grounds for Termination, § S3.02[10].

---

Matthew Bender provides continuing customer support for all its products:

- Editorial assistance—please consult the “Questions About This Publication” directory printed on the copyright page;
- Customer Service—missing pages, shipments, billing or other customer

service matters, +1.800.833.9844.

- Outside the United States and Canada, +1.937.247.0293, or fax (+1.800.828.8341) or email ([international@bender.com](mailto:international@bender.com));
- Toll-free ordering (+1.800.223.1940) or visit [www.lexisnexis.com/BrowseUs](http://www.lexisnexis.com/BrowseUs).



[www.lexis.com](http://www.lexis.com)

---

---

Copyright © 2020 Matthew Bender & Company, Inc., a member of the LexisNexis Group.  
Publication 705, Release 82, November 2020

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

## FILING INSTRUCTIONS

# Texas Family Law Practice and Procedure

---

Publication 705 Release 82

November 2020

---

### Check As Done

- 1. Check the Title page in the front of your present Volume 1. It should indicate that your set is filed through Release Number 81. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 81, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.
- 2. This Release Number 82 contains only White Revision pages.
- 3. Circulate the "Publication Update" among those individuals interested in the contents of this release.

Check As Done Remove Old Pages Numbered

Insert New Pages Numbered

*For faster and easier filing, all references are to right-hand pages only.*

### VOLUME 1

**Revision**

<input type="checkbox"/>	Title page. . . . .	Title page
<input type="checkbox"/>	B2-18.1 thru B2-19 . . . . .	B2-19 thru B2-20.1
<input type="checkbox"/>	B2-30.1 thru B2-37 . . . . .	B2-31 thru B2-38.3
<input type="checkbox"/>	B2-47 thru B2-51 . . . . .	B2-47 thru B2-51
<input type="checkbox"/>	B2-75 . . . . .	B2-75 thru B2-76.1
<input type="checkbox"/>	B2-85 . . . . .	B2-85 thru B2-86.1
<input type="checkbox"/>	C1-17 thru C1-26.5 . . . . .	C1-17 thru C1-26.6(1)
<input type="checkbox"/>	C3-19 . . . . .	C3-19 thru C3-20.1
<input type="checkbox"/>	C3-49 thru C3-51 . . . . .	C3-49 thru C3-52.1
<input type="checkbox"/>	C3-63 thru C3-65 . . . . .	C3-63 thru C3-65
<input type="checkbox"/>	C3-77 . . . . .	C3-77 thru C3-78.1
<input type="checkbox"/>	C4-3 thru C4-5 . . . . .	C4-3 thru C4-5
<input type="checkbox"/>	C4-13 thru C4-20.1 . . . . .	C4-13 thru C4-19
<input type="checkbox"/>	C4-27 thru C4-37 . . . . .	C4-27 thru C4-35

### VOLUME 2

**Revision**

<input type="checkbox"/>	Title page. . . . .	Title page
<input type="checkbox"/>	E5-19 . . . . .	E5-19 thru E5-20.1
<input type="checkbox"/>	E5-38.1 thru E5-56.1 . . . . .	E5-39 thru E5-56.1
<input type="checkbox"/>	E5-60.5 . . . . .	E5-60.5 thru E5-60.6(1)
<input type="checkbox"/>	E5-97 thru E5-101 . . . . .	E5-97 thru E5-101
<input type="checkbox"/>	E6-7 thru E6-11 . . . . .	E6-7 thru E6-12.1
<input type="checkbox"/>	E7-1 thru E7-3 . . . . .	E7-1 thru E7-4.1
<input type="checkbox"/>	E7-17 thru E7-21 . . . . .	E7-17 thru E7-22.1
<input type="checkbox"/>	F1-49 . . . . .	F1-49 thru F1-50.1
<input type="checkbox"/>	F1-89 . . . . .	F1-89 thru F1-90.1
<input type="checkbox"/>	F1-129 thru F1-134.1 . . . . .	F1-129 thru F1-133
<input type="checkbox"/>	F1-192.1 thru F1-192.7 . . . . .	F1-192.1 thru F1-192.7
<input type="checkbox"/>	F1-207 . . . . .	F1-207

### VOLUME 3

**Revision**

<input type="checkbox"/>	Title page. . . . .	Title page
--------------------------	---------------------	------------

<b>Check As Done</b>	<i>Remove Old <u>Pages Numbered</u></i>	<i>Insert New <u>Pages Numbered</u></i>
<input type="checkbox"/>	G7-3 . . . . .	G7-3
<input type="checkbox"/>	H1-1 thru H1-5 . . . . .	H1-1 thru H1-6.1
<input type="checkbox"/>	H2-1 thru H2-27 . . . . .	H2-1 thru H2-31
<input type="checkbox"/>	H3-4.1 thru H3-7 . . . . .	H3-5 thru H3-8.1
<input type="checkbox"/>	H3-26.4(1) thru H3-26.7 . . . . .	H3-26.5 thru H3-26.8(1)
<input type="checkbox"/>	H3-39 thru H3-41 . . . . .	H3-39 thru H3-41
<input type="checkbox"/>	H4-1 thru H4-25 . . . . .	H4-1 thru H4-26.1
<input type="checkbox"/>	H8-3 thru H8-4.1 . . . . .	H8-3 thru H8-4.1
<input type="checkbox"/>	J2-5 thru J2-12.1 . . . . .	J2-5 thru J2-12.1
<input type="checkbox"/>	J2-41 . . . . .	J2-41
<input type="checkbox"/>	K1-1 thru K1-29 . . . . .	K1-1 thru K1-29
<input type="checkbox"/>	K2-9 thru K2-11 . . . . .	K2-9 thru K2-11
<input type="checkbox"/>	K2-27 thru K2-34.1 . . . . .	K2-27 thru K2-34.1
<input type="checkbox"/>	K4-4.1 thru K4-11. . . . .	K4-5 thru K4-11
<input type="checkbox"/>	L1-5 . . . . .	L1-5 thru L1-6.1
<input type="checkbox"/>	L1-23 . . . . .	L1-23 thru L1-24.1
<input type="checkbox"/>	M1-1 thru M1-11 . . . . .	M1-1 thru M1-13

**VOLUME 4**

**Revision**

<input type="checkbox"/>	Title page thru xv . . . . .	Title page thru xv
<input type="checkbox"/>	P2-17 thru P2-40.1 . . . . .	P2-17 thru P2-40.1
<input type="checkbox"/>	Q2-7 . . . . .	Q2-7
<input type="checkbox"/>	R1-5 . . . . .	R1-5
<input type="checkbox"/>	R1-25 thru R1-47 . . . . .	R1-25 thru R1-45
<input type="checkbox"/>	R3-17 thru R3-31 . . . . .	R3-17 thru R3-31
<input type="checkbox"/>	S1-3 thru S1-8.1 . . . . .	S1-3 thru S1-8.1
<input type="checkbox"/>	S1-18.1 thru S1-33 . . . . .	S1-19 thru S1-34.7
<input type="checkbox"/>	S1-73 . . . . .	S1-73
<input type="checkbox"/>	S2-1 thru S2-4.1 . . . . .	S2-1 thru S2-4.1
<input type="checkbox"/>	S2-23 thru S2-47 . . . . .	S2-23 thru S2-57
<input type="checkbox"/>	S3-1 thru S3-71. . . . .	S3-1 thru S3-73
<input type="checkbox"/>	T3-9 thru T3-11. . . . .	T3-9 thru T3-11
<input type="checkbox"/>	T3-21 thru T3-30.1 . . . . .	T3-21 thru T3-30.1

**VOLUME 5**

**Revision**

<input type="checkbox"/>	Title page. . . . .	Title page
<input type="checkbox"/>	TC-1 thru TC-97 . . . . .	TC-1 thru TC-95
<input type="checkbox"/>	TS-1 thru TS-77 . . . . .	TS-1 thru TS-97

**Check  
As  
Done**

*Remove Old  
Pages Numbered*

*Insert New  
Pages Numbered*

I-1 thru I-183 . . . . . I-1 thru I-183

FILE IN THE FRONT OF THE FIRST VOLUME  
OF YOUR SET

To order missing pages log on to our self service center, [www.lexisnexis.com/printcdsc](http://www.lexisnexis.com/printcdsc) or call Customer Services at 1 (800) 833-9844 and have the following information ready:

- (1) the publication title;
- (2) specific volume, chapter and page numbers; and
- (3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS?  
FIND THEM AT [www.lexisnexis.com/printcdsc](http://www.lexisnexis.com/printcdsc)

Use the search tool provided to find and download missing filing instructions, or sign on to the Print & CD Service Center to order missing pages or replacement materials. Visit us soon to see what else the Print & CD Service Center can do for you!



[www.lexis.com](http://www.lexis.com)

---

---

**Copyright © 2020 Matthew Bender & Company, Inc., a member of the LexisNexis Group.  
Publication 705, Release 82, November 2020**

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

