

PUBLICATION UPDATE

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Texas Family Law Practice and Procedure

Publication 705 Release 83 May 2021

HIGHLIGHTS

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

Child support. For purposes of calculating child support, military allowances for housing and subsistence are included in an obligor’s monthly net resources [In Interest of K.M.B., 606 S.W.3d 889, 896–898 (Tex. App.—Dallas 2020, no pet. h.)]. *See* Task B3, Calculating Child Support, § B3.02[3][b][ii].

Expert witnesses. Amendments to Texas Rule of Civil Procedure 195, which covers discovery of testifying expert witnesses, have been incorporated into Task E1, Conducting Discovery, § E1.10.

Required disclosures. As

amended, Texas Rule of Civil Procedure 194 now provides for required disclosures instead of requests for disclosure. Rule 194.2(c) sets out a list of matters that must be disclosed in family law cases. Required disclosures must be made within 30 days of the filing of an answer, without awaiting a discovery request. The subject of required disclosures is covered in Task E1, Conducting Discovery, § E1.11.

Foreign law. A party to a divorce suit or a SAPCR who seeks recognition or enforcement of a judgment based on foreign law must follow the procedures set out in Texas Rule of Civil Procedure 308b rather than the procedures set out in Texas Rule of Evidence 203 [Derbez v. Derbez, 602 S.W.3d 706, 711 (Tex. App.—Amarillo 2020, pet. denied)]. *See* Task E5, Pretrial Motions and Pre-

liminary Matters, § E5.04[2A].

Protective orders. The concept of continuing, exclusive jurisdiction does not affect jurisdiction in protective order proceedings [In re Saldana, 607 S.W.3d 448, 449 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding)]. See Task P2, Following Procedures to Obtain Protective Order, § P2.02[3].

A motion to vacate a temporary ex parte protective order may not be by submission of the matter for a court ruling; there must be a live hearing

[In re V.K., 607 S.W.3d 471, 478–480 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding)]. See Task P2, Following Procedures to Obtain Protective Order, § P2.03[1].

Annulment. The trial court is not required to hold an evidentiary hearing before it grants an annulment on the ground of mental incapacity [Matter of Marriage of Thrash, 605 S.W.3d 224, 229–231 (Tex. App.—San Antonio 2020, pet. denied)]. See Task Q1, Determining Grounds for Annulment, § Q1.03[5].

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Publication 705 Release 83

May 2021

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