

LEXISNEXIS TEXAS DESKTOP CODE SERIES

TEXAS ANNOTATED FAMILY CODE

TEXAS ANNOTATED FAMILY CODE

**With Texas Family Code,
Related Texas Codes and
Related Federal Statutes**

2004 EDITION

**With statutory amendments through
the 78th Legislative Regular
Session, 2003.**



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Preface

The TEXAS FAMILY LAW LITIGATION HANDBOOK supplements TEXAS FAMILY LAW PRACTICE AND PROCEDURE (Matthew Bender 2d ed. 1997). The book is designed as a portable ready-reference that can be used by the family law practitioner in the office, in the courtroom, or at home.

The *Dissolution Procedure Guide* provides a detailed outline of the basic procedures involved in a Texas divorce action, as well as forms that may be used to obtain and organize information about the client. The procedures outlined are cross-referenced to the relevant discussions in both TEXAS FAMILY LAW PRACTICE AND PROCEDURE and *Dorsaneo* TEXAS LITIGATION GUIDE. The cross-reference abbreviations are as follows:

TFL: TEXAS FAMILY LAW PRACTICE AND PROCEDURE.

TLG: *Dorsaneo* TEXAS LITIGATION GUIDE.

Following the *Dissolution Procedure Guide* is the complete text of the Texas Family Code, as revised by the legislative amendments and enactments of the 78th Legislature. A Table of 2002–2003 Amendments follows the Table of Contents. Correlation tables at the end of the book serve as a guide to the Texas Legislature's 1995 and 1997 revisions and recodification of Titles One, Two, Four, and Five of the Family Code. The tables also track the disposition of former Government and Human Resources Code sections to the new Family Code sections. While TEXAS FAMILY LAW PRACTICE AND PROCEDURE has been completely updated with the new legislation, these tables will be useful to translate and understand the current meaning of outdated Family Code citations appearing in older cases. Additionally, readers may use these tables to identify and search for older cases interpreting Family Code statutes under their former numbers.

Following the Family Code are related Texas and federal statutes that impact family law, including provisions of the Texas Constitution relating to community property and homesteads; Civil Practice and Remedies Code provisions governing judgments and alternative dispute resolution; Government Code provisions on Qualified Domestic Relations Orders and spousal consent; Penal Code provisions on offenses against the family; and Property Code provisions setting forth the exemptions from creditor's claims. The statutory text is further augmented with limited historical citations to assist the user in tracking recent developments in the law. Selected titles from the United States Code include: Internal Revenue Code provisions governing the computation of taxable income; labor related provisions for the protection of employee benefit rights; social security provisions for child support and establishing paternity; and provisions establishing international child abduction remedies. These United States Code provisions include all legislative amendments and enactments through Public Law 107-249, October 23, 2002.

The annotations in this volume have been specially selected. They are from recent cases that have been evaluated by Shepard's Citations Service and

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assigned a letter to indicate that case's treatment of the statute addressed by the court. The list of Shepard's letters used to gather the case notes in this volume appears below.

ff	.....	statute cited as controlling
ii	.....	statute interpreted in a significant way
na	.....	statute is inapplicable
rt	.....	current version of statute applied retroactively
C	.....	statute is constitutional
U	.....	statute is unconstitutional
Up	.....	statute is unconstitutional in part
V	.....	statute is void or invalid
Va	.....	statute is valid
Vp	.....	statute is void or invalid in part

It is important to note that because this volume contains only selected case annotations, it should be used only as part of a total research regimen. Additional research should include the study of other related statutes, which are fully annotated on lexis.com. A user's guide, designed to help you find the pertinent statutes, cases and additional annotations online, can be found on page VII.

To provide further ease of use, a detailed substantive index appears at the end of the book.

Texas Online Annotated Statutes at Lexis.com

USER'S GUIDE

Lexis.com features complete online coverage of Texas statutes, with all the codes plus the Texas Revised Civil Statutes. The Texas Online Annotated Statutes also feature complete case annotations, which have been reviewed by the editorial staff. Shepard's tabs are available throughout to enable you to track the subsequent history of both cases and statutes.

All these resources can be searched using natural language queries or queries in the terms and connectors format. In addition, it's possible to pull up a single statute or opinion using its citation. Code sections would appear with all their case annotations. This guide describes quick and useful online search methods in more detail.

- First, log in at *www.lexis.com*.

To locate a code section using its citation

- Select **Get a Document** from the navigation bar at the top of the screen.
- To find a case, enter its citation. For code sections, refer to the list of search arguments on page ix and enter the appropriate code section number. For example, "tex civ prac 16.003" for Tex. Civ. Prac. & Rem. Code Ann. § 16.003.
- Press **Get**.

To search Texas statutes and rules by subject matter

- Click the **Find a Source** tab.
- Type "texas rules" and press **Find**.
- Select **TX Texas Code, Constitution, Court Rules and ALS, Combined** for access to the current Texas codes and rules, along with new legislation.
- Enter your search query using either **natural language** or **terms and connectors**.

Natural Language

Lexis.com's natural language feature lets you enter a search in plain English, without having to use any special terms and connectors. To develop a natural language search, use words that you might use when describing your research topic to another person. Then use the natural language options to enhance the search.

For example, to find material about efforts in the fast food industry to use recyclable packaging, you may use this search:

What efforts has the fast food industry made to use recyclable packages?

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Or you may use just the most important words and phrases, in any order:

recycle package fast food

Terms and Connectors

The *lexis.com* research system searches for documents containing the specific words and combinations of words in your search request. Every word (or form of the word) in your search request must appear in the document for that document to be included in your search results.

To develop a search request, follow these four steps:

1. Identify the topic:

Information about efforts in the fast food industry to use recyclable packaging.

- 2. Choose your search words.** The words should reflect ideas essential to your research topic. Include alternative words and avoid words that are too general. For example, to find articles about efforts in the fast food industry to use recyclable packaging, you might use these words:

recycle package container fast food

3. Truncate and Wildcard search words.

- **Truncate “!”** Finds a root word and all the words based on it. *E.g., recycl! finds recycling, recycle, recyclable.*
- **Wildcard “*”** Holds a space for any character within a word. *E.g., bernst*n finds both the ei and ie spellings of the name.*

- 4. Link the search words** in a search request using connectors. Connectors such as OR, AND, W/# (where # is the number of words between terms linked by this connector), and so on define relationships between your search words.

- 5. Specify date restriction, if necessary.**

Once you’ve decided on your search request, you can run the search.

Recycl! W/25 fast food W/10 container OR package

finds documents where either “container” or “package” is in the same sentence as “fast food”, and “fast food” is in the same paragraph as “recycle” (or its variants).

For more help with legal research on *lexis.com*, consult the help buttons throughout the site or call **800-543-6862** or select **Take a Tour** at the login page at Lexis.com.

TEXAS STATUTES AND CODES ONLINE

Texas Statutes and Codes

Search Term for “Get a Document” on Lexis.com

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