

INTRODUCTION TO THE 2025-2026 EDITION

This 2025-2026 Edition of Handbook of Texas Family Law: A Quick Reference Guide to the Family Code, part of the Texas Practice Series, is a practical reference designed to answer basic questions which arise in the day-to-day handling of family law cases. Significant developments since last year's edition include:

Where Wife did not testify that Husband's cruel treatment toward her made their living together insupportable, it was error to grant a divorce on the ground of cruelty. *T.B. v. B.B.*, 2024 WL 3896924 (Tex. App.—Fort Worth 2024) (mem. op.).

To allow Wife to claim her misdemeanor conviction and pending felony charge as her only bars to obtaining gainful employment as a teacher would be to impermissibly allow her to derive a financial benefit (spousal maintenance) from her own wrongdoing. *McCreary v. McCreary*, 2024 WL 3896422 (Tex. App.—Fort Worth 2024) (mem. op.).

The trial court did not abuse its discretion by awarding exclusive rights to make medical, schooling, and passport decisions to a different person than the jury accorded the right to establish the children's primary residence. *Gopalan v. Marsh*, 706 S.W.3d 650 (Tex. App.—Austin 2025).

Family Code § 9.201(c) has been added, which gives the court that rendered a final decree dividing property the continuing, exclusive jurisdiction to divide property not divided or awarded in the final decree. This applies to suits pending on September 1, 2025, and to suits filed on or after that date.

Family Code § 81.012 has been added to give a family violence protective order—including a temporary ex parte protective order—which is valid and subject to transfer, prevailing status over any other order rendered in a suit for dissolution of a marriage or a suit affecting the parent-child relationship to the extent of any conflict between the orders.

Family Code § 153.002 has been amended by adding subsections (b) and (c), to codify *In re C.J.C.*, 603 S.W.3d 804 (Tex. 2020). This applies to suits pending or filed on or after September 1, 2025.

The 2025 Legislature enacted the so-called “four-strike rule.” If a respondent is found in contempt for violating orders relating to possession of or access to a child, then upon a fourth finding of contempt for a similar violation, (1) a new basis for establishing a material and substantial change of circumstances exists to justify modifying an order providing for conservatorship, terms and conditions of conservatorship, or possession of or access to the child (§ 156.107); (2) the court may not place the respondent on community supervision or suspend commitment (§ 157.165(b)); (3) the court is prohibited from waiving attorney's fees and costs to be paid by respondent (§ 157.167(e)); and (4) make-up time for periods of possession missed by the movant must be, in total, twice the periods of possession missed (§ 157.168(d)).