

# Section Newsletter

## A Case to Remember: Caselaw Update

### Practice Tip: Remember to Make an Election of Expanded Standard Possession

#### FATHER NOT ENTITLED TO EXPANDED STANDARD POSSESSION BECAUSE HE REQUESTED EXPANDED STANDARD POSSESSION TOO LATE—AFTER RENDITION.

*Howe v. Howe*, \_\_\_ S.W.3d \_\_\_, No. 08-16-00070-CV, 2018 WL 1737083 (Tex. App.—El Paso 2018, no pet. h.) (04-11-18).

**Facts:** After a contentious divorce proceeding, Husband/Father appealed, raising numerous complaints, including the award to Wife of spousal maintenance and court’s failure to award him expanded standard possession despite his request for same.

**Holding: Affirmed in Part; Reversed and Rendered in Part**

**Opinion:** Because Husband did not request additional findings, the appellate court presumed that any unrequested findings supported the judgment if the evidence was legally and factually sufficient to support the judgment. Further, although the findings were contained within the judgment—and not in a separate document—neither party complained of that error. Thus, the appellate court accepted the findings within the judgment as the findings of fact for the purposes of appeal.

Section 153.317 requires the possessory conservator to make the election for expanded standard possession “before or at the time of the rendition of a possession order.” Here, the court rendered its possession order on February 17, 2016, but did not sign the final decree until a hearing on March 2, 2016, which included a recitation that the divorce had been judicially pronounced and rendered on February 17, 2016. Because Father did not make his election prior to February 17, 2016 and did not challenge the recitation in the decree by post-judgment motion, he made his election too late.

### Practice Tip: Dot Your “I’s” and Cross your “T’s”

#### DEFAULT JUDGMENT IMPROPER WHEN SERVICE DID NOT STRICTLY COMPLY WITH ORDER FOR SUBSTITUTED SERVICE.

*Creaven v. Creaven*, \_\_\_ S.W.3d \_\_\_, No. 14-17-00128-CV, 2018 WL 2306922 (Tex. App.—Houston [14th Dist.] 2018, no pet. h.) (05-22-18).

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## Important Dates

### \*Section Meetings\*

May 9, 2018

June 13, 2018

July 11, 2018

August—NO MEETING

September 12, 2018

October 10, 2018

### \*Continuing Legal Education\*

Advanced Family Law  
Seminar

August 12 - 16 San Antonio

New Frontiers in Marital  
Property

October 11—12 San Diego



## UPCOMING EVENTS

*Don't forget to put on your calendar the back to School Backpack Drive on August 26, 2018 at Cane Rosso in Lakewood.*

**Questions:**

**Aimee Pingnot Key**

[AKey@gbfamilylaw.com](mailto:AKey@gbfamilylaw.com)

## Section Happenings



*Special Thanks to **Tami Holmes** for her great work coordinating the picnic this year!!*



(Pictured: Scenes from Goar Park at the annual picnic)

# 2018 Family Law Section Picnic Sponsors

## Special Thanks to our Sponsors

### Title Sponsor:

**BNY MELLON Wealth Management**

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## *Get Involved*

For information about upcoming section events and opportunities for sponsorships, contact Ashley McDowell:

[Ashley@TurnerMcdowell.com](mailto:Ashley@TurnerMcdowell.com)

## **\*\*REMINDER\*\***

DBA Family Law Section  
**Happy Hour at the Advanced Family Law Seminar** in San Antonio

When: August 12, 2018  
Time: 5:30 PM—8:00 PM

Where:  
Pat O'Brien's Riverwalk  
121 Alamo Plaza  
San Antonio, TX 78205

## Upcoming Events

October 19, 2018 will be the date of this year's annual Family Law Section **Golf Tournament** benefitting the Legacy Court. If you would like to assemble a team or sponsor a hole (or just show up to have some fun), contact David Hoffmann:

DHoffmann@qslwm.com

# Congratulations

*LINDA MANNING the District Court Coordinator of the 303rd Judicial District Court Celebrated her retirement on June 29, 2018!*

*Welcome BARBARA RODRIGUEZ as the new District Court Coordinator of the 303rd Judicial District Court  
Barbara.Barton@DallasCounty.org  
(214) 653-6186*



(Pictured: Associate Judge Danielle Diaz, Board Treasurer Ebony Rivon, Associate Judge Regina Moore, and Associate Judge Jean Lee smile for a picture after presenting to the Section about Ad Litem attorneys in Dallas County. )

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*Ad litem CLE Section  
Meeting*

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## A letter of Thanks from Juliette Fowler

Sarah Floyd  
105 Juliette Fowler St.  
Dallas, TX 75214  
214-515-1369  
sarahf@fowlerchristianapartments.org



March 2, 2018

Doug Harrison  
Connatser Family Law  
300 Crescent Ct. Ste. 270  
Dallas, TX 75201

Dear Mr. Harrison,

Thank you so much for inviting Fowler Christian Apartments to participate in the Dallas Bar Association fundraiser. The experience was overwhelming and humbling. It is encouraging to know that so many people are generous and willing to donate funds to our organization.

We are eager to put that money into action. Our grant, *Friends Helping Friends* is already kicking off! Over the course of the year, we look forward to distributing funds to our extremely low-income independent seniors to receive a free daily meal! With the Dallas Bar Association's generosity, we are capable of feeding 6,705 meals to seniors over the course of 2018. Fowler Christian Apartments is blessed to have support from individuals as generous as the members of the Dallas Bar Association. Thank you again for thinking of us and all the planning that went into making the function a success.

Sincerely,

Sarah Floyd, LMSW  
Service Coordinator

## The Family Law Section: Serving Others

### IT IS SIMPLE TO CONTRIBUTE TO A CHARITY WITHOUT COSTING YOU ANYTHING

Did you know that you can support many of your designated charities, including the ones supported by the family law section? It is simple and does not cost you anything, but can generate much needed funds for your charity. Here are just a few ways for you to participate:

**Kroger:** if you have a Kroger card, you can go to Kroger.com, sign in or register, then go to the bottom of the home page and look under “Community” and click on “Kroger Community Rewards”, which will take you to a page where you can edit the details of your Rewards Details and let you choose one of hundreds of charities, including: Juliette Fowler Homes, North Texas Foodbank, and Dallas Pets Alive. You also have the opportunity to enroll your other charities of choice.

**Tom Thumb:** if you have a Tom Thumb card, go to their website, sign in or register and to their “community caring” tab at the bottom of the home page, which will allow for you to choose a charity to support.

**Amazon:** “SmileAmazon” is the same as Amazon, except that you can link your account to a charity. Go to SmileAmazon.com, then sign into your Amazon account and look for “AmazonSmile Donations.” On that page, you will be able to search for charities to support and to link your account to that charity, which include Legacy Family Court Foundation, Juliette Family Communities, North Texas Foodbank, Dallas Pets Alive, and many, many more. You also have the opportunity to enroll your other charities of choice.

**Survey Monkey:** go to [contribute.surveymonkey.com/home](https://surveymonkey.com/home) and sign in or create an account and a profile, then choose a charity to support. Every time you take a survey \$.50 will be donated to your chosen charity. Typically, it only takes you 1-2 minutes to complete a survey. Currently, you can choose between St. Jude Children’s Research Hospital, American Cancer Society, and American Red Cross, along with many others. If you know a charity that would like to participate, send them to the nominating form at:

<https://surveymonkey.wufoo.com/forms/z7x1s7/>.