The background of the entire page is a light-colored wooden plank surface. Scattered across this surface are various Halloween-themed items: two lit black candles in the upper left, two pinecones, clusters of red berries, a single chestnut, a large black fuzzy spider in the upper right, a carved jack-o'-lantern with a triangular eye and a wide grin on the left, a single red maple leaf, several metal cutouts of jack-o'-lantern faces and a witch's head, and another carved jack-o'-lantern at the bottom left. At the very bottom left, there are more red berries, a pinecone, and a red leaf.

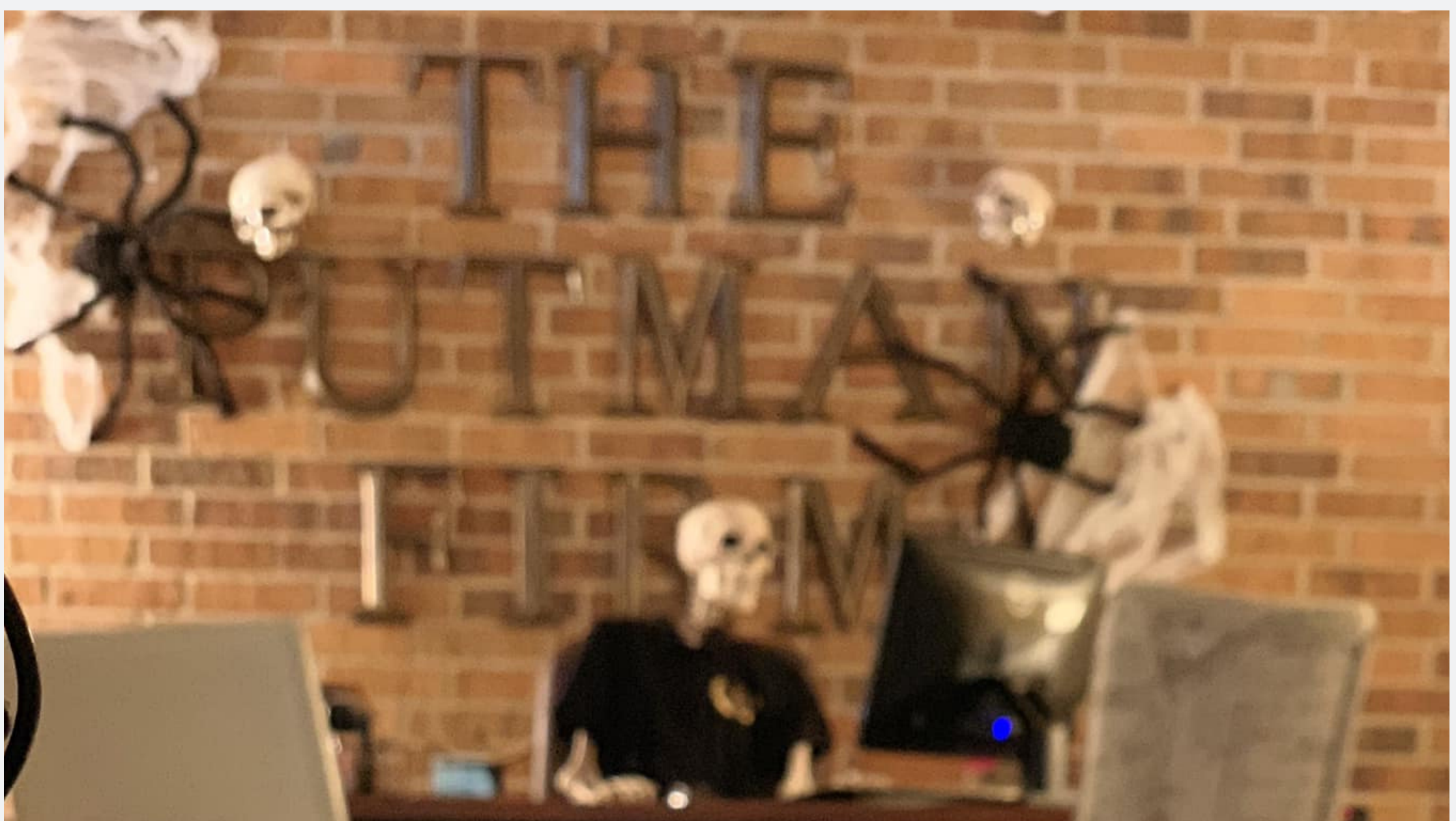
The Scary Side of Family Law 5 SCENARIOS TO AVOID

ERONN A. PUTMAN



It is no secret that we love the holiday season at The Putman Firm, PLLC. At anytime throughout the year, you may find our office decorated with a 7.5' Fraser Fir tree and silver bells during Christmas or a mock haunted house during Halloween.

We are creative because family law cases sometimes require us to think outside the box. In this short eBook, we'll go over the scary side of Texas family law and the five situations you want to avoid.



No. 1: Default Judgments

"Deer in the Headlights"

There's no doubt that being served with a lawsuit can be a challenging and anxiety-inducing time. Unfortunately, if you did not anticipate litigation, then you will find yourself with a short window to reply to the lawsuit *or risk* a default judgment against you. If you have been served, you must consult an attorney immediately.

If you receive a default judgment, you must work quickly to try to have that judgment overturned through a *Motion to Set Aside Default Judgment*, a restricted appeal or a *Bill of Review*. There are several reasons why a default can be overturned including: defective service and improper notice.

A judgment may be taken by default judgment if the Respondent has not previously filed an answer.

**Texas Rules of Civil Procedure Rule
239**



No. 2: High Conflict Custody

"The Crazy, Controlling or Alienating Parent"

In high conflict custody cases, it is often said that no one wins. Parental alienation, which is typically a characteristic of these cases, describes a process when a child becomes estranged from a parent as the result of the psychological manipulation of another parent.

Some of the tactics of the "crazy" parent include: limiting contact with the other parent, interfering with communication and forcing the child to choose between parents.

In addition to the damaging the mental and emotional well being of the child, parental alienation will have a negative outcome for the family law case.

The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.
Texas Family Code § 153.002



No. 3: Back Child Support

"Give me the loot or get the boot"

A court order in a family law case is not just a document that adjudicates your divorce or custody dispute. **Your court order is a document of accountability.** Familiarize yourself with your court order because failure to follow its terms may have you facing contempt and jail time for certain violations.

Child support enforcement is one of the most commonly litigated enforcements in family law. Current *and* retroactive child support may be enforceable by contempt.

Since jail time is a possible punishment, a Respondent must also be advised of his or her right to counsel, appointment of counsel or waiver of the right.

A motion for enforcement as provided in this chapter may be filed to enforce ... a temporary or final order for child support as provided in this chapter or Chapter 158.

Tex. Fam. Code § 157.001(a) and (c).



No. 4: Domestic Violence

"The Modern Handmaids Tale"

Family Law is inherently an emotionally driven field and it can become more complicated and overwhelming when a person has been the subject of abuse.

In Texas alone, there were 212,885 victims of family violence in 2018. The impact of family violence during divorce may decrease the waiting period for finalizing a divorce, require supervised custody for the offender and even provide for a lifetime ban on communication, visitation and carrying a weapon.

"Family violence" is an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

Tex. Fam. Code § 71.004.



No. 5: Mistaken Paternity

"You Are/Not the Father"

If the parties are unmarried, the most common way a father child relationship is established is:

An **adjudication of paternity** is where a court determines that by genetic testing (usually but not always) a man is the legal father.

An **Acknowledgment of Paternity (AOP)** is a form signed by both mother and the man alleged to be the father certifying he is the dad. No genetic test is required so proceed at your own risk!

If a man is adjudicated the father without a test or signs an AOP and later learns he is not the father, he must prove he signed the form or failed to contest parentage due to a mistaken belief that he was the child's genetic father based on misrepresentations that led him to that conclusion.

If the results of genetic testing ordered under Subsection (f) exclude the petitioner as the child's genetic father, the court shall render an order terminating the parent-child relationship.

Tex. Fam. Code § 161.005(h)





Contact Information

The Putman Firm, PLLC is a family law litigation firm that handles a wide array of family matters including complex property division, contested custody and possession, parental alienation and child support enforcement and defense.

Our Team ensures clients are not just guided through their case, but are also educated in the legal process to ensure they are well-informed of their options and the outcomes.

If you or someone you know need assistance with a family law matter, contact us.

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