

Question

A wife admitted on the stand in a final trial for divorce that she traveled across state lines to get help from someone who isn't an attorney to help her draft pleadings she knew were false to remove the husband from his home, children, and livelihood. She did this to get custody and the house. How can this be used against her in future proceedings?:

Answer (Texas)

Short response

The wife's admission to knowingly submitting false pleadings in her divorce case can be used against her in future proceedings to challenge her credibility, support sanctions, justify modification of custody or property orders, and potentially expose her to criminal liability for perjury or related offenses. Texas law and case authority provide multiple avenues for the husband or the court to leverage this misconduct in subsequent legal actions, including bills of review, sanctions, and custody modifications.

Summary

A spouse's admission under oath to intentionally filing false pleadings in a divorce proceeding is highly significant under Texas law. Such conduct can be used in future proceedings to impeach her credibility, support requests for sanctions or attorney's fees, and, if the falsehoods relate to child custody or abuse allegations, serve as grounds to modify custody or restrict her access to the children.

Texas statutes criminalize perjury and aggravated perjury, and knowingly making false statements in official proceedings—including family law cases—can result in felony charges. Even absent criminal prosecution, Texas courts have broad authority to impose civil sanctions, strike pleadings, or revisit prior judgments obtained by fraud. If the false pleadings involved allegations of child abuse or neglect, specific statutory provisions allow for modification of custody orders and imposition of penalties. The wife's admission thus creates substantial legal risk and can be used in a variety of ways to challenge her position in future family law or related proceedings.

Background and Relevant Law

Legislative Framework

Perjury and Aggravated Perjury

Under Texas Penal Code § 37.02, a person commits perjury if, with intent to deceive and with knowledge of the statement's meaning, they make a false statement under oath or swear to the truth of a false statement previously

made, where the statement is required or authorized by law to be made under oath. Aggravated perjury, under Texas Penal Code § 37.03, occurs when such a false statement is made during or in connection with an official proceeding and is material to that proceeding. Aggravated perjury is classified as a third-degree felony, and the statute applies to any person making material false statements in official proceedings, including sworn pleadings and testimony in family law cases. This statutory framework establishes both the criminal liability for such conduct and its relevance in civil proceedings, where the existence of perjury can be used for impeachment, sanctions, and as a basis for revisiting prior orders ([Tex. Pen. Code § 37.03](#)).

False Reports in Child Custody Context

Texas Family Code § 261.107 addresses knowingly making false reports of child abuse or neglect. If a court finds that a party knowingly made a false report under Chapter 261, this can be grounds for modifying orders regarding possession of or access to the child, including restricting the offending party's access. The statute also provides for criminal penalties, mandatory reimbursement of attorney's fees and costs to the falsely accused party upon conviction, and a civil penalty recoverable by the state. However, this provision applies specifically to false reports made under Chapter 261, which concerns child abuse and neglect reporting, and not to all false statements in family law pleadings ([Tex. Fam. Code § 261.107](#)).

Case Law

Sanctions and Civil Remedies for False Statements

Texas courts have broad authority to sanction parties who make false statements in discovery or under oath, even if the conduct does not result in a criminal conviction. In [Vaughn v. Texas Employment Com'n, 792 S.W.2d 139 \(Tex. App. 1990\)](#), the court confirmed that sanctions—including striking pleadings, dismissal, and monetary penalties—may be imposed for presenting false evidence, and that such sanctions do not require a prior criminal conviction for perjury. The court also clarified that perjury under Texas law does not require materiality for the misdemeanor offense, but aggravated perjury does require the false statement to be material and made in connection with an official proceeding.

Setting Aside Judgments Obtained by Fraud

A final judgment in Texas may be set aside by a bill of review if the moving party can show a meritorious defense, that they were prevented from asserting it by the fraud, accident, or wrongful act of the opposing party, and that this was not due to their own negligence. In [Hill v. Steinberger, 827 S.W.2d 58 \(Tex. App. 1992\)](#), the court outlined these requirements, making clear that an admission of fraud in obtaining a judgment (such as knowingly submitting false pleadings) can satisfy the "fraud" element necessary for a bill of review, provided the other elements are met.

Modification of Custody Orders Based on False Reports

In [In re M.M., 05-21-00992-CV \(Tex. App. Jan 13, 2023\)](#), the court held that a finding under Texas Family Code § 261.107(b)—that a party knowingly made a false report of child abuse or neglect—constitutes a proper ground for modifying a divorce decree or custody order. The court also clarified that while the statute allows for modification of orders based on such findings, it does not create a private cause of action for attorney's fees or civil penalties, which must be pursued by the state.

Criminal Law Principles and Use of Evidence

[Manning v. State, 870 S.W.2d 200 \(Tex. App. 1994\)](#) provides that evidence used in one proceeding (such as a probation revocation) can be used in a subsequent criminal prosecution without violating double jeopardy. This supports the principle that the wife's admission and related evidence can be used in future criminal or civil proceedings.

Secondary Materials

Secondary materials clarify that Texas law also criminalizes securing the execution of a document by deception, which includes causing another to sign or execute a document affecting property or pecuniary interest by means of deception. Making materially false or misleading written statements to obtain property or credit is also an offense. These definitions are relevant to the extent the wife's false pleadings were intended to obtain property (such as the marital home) through deception.

Analysis

Use of the Admission in Future Proceedings

Impeachment of Credibility

The wife's admission to knowingly submitting false pleadings is highly damaging to her credibility. In any future proceeding—whether related to custody, property division, enforcement, or modification—her prior admission can be used to impeach her testimony. Texas courts routinely consider a party's honesty and candor when assessing credibility, and a demonstrated willingness to lie under oath or in pleadings can severely undermine her position in any subsequent litigation ([Vaughn v. Texas Employment Com'n, 792 S.W.2d 139 \(Tex. App. 1990\)](#)).

Sanctions and Civil Penalties

Texas courts have broad authority to impose sanctions for litigation misconduct, including knowingly submitting false pleadings. Sanctions may include monetary penalties, striking of pleadings, dismissal of claims, or even referral for criminal prosecution. The court in [Vaughn v. Texas Employment Com'n](#) confirmed that such sanctions do not require a criminal conviction and may be imposed based on the court's findings in the civil proceeding. The wife's admission provides a clear factual basis for the imposition of such sanctions in future proceedings.

Modification or Setting Aside of Prior Orders

If the husband can show that the wife's false pleadings resulted in a judgment or order that would not have been entered but for her fraud, he may seek to set aside that judgment through a bill of review. To succeed, he must demonstrate a meritorious defense, that he was prevented from asserting it by the wife's fraud, and that he was not negligent in failing to assert it earlier ([Hill v. Steinberger, 827 S.W.2d 58 \(Tex. App. 1992\)](#)). The wife's admission of fraud in obtaining the order is strong evidence supporting such a claim.

Custody and Access Modifications

If the false pleadings involved allegations of child abuse or neglect, Texas Family Code § 261.107(b) allows a court to modify custody or access orders to restrict the offending party's access to the child. The court in [In re M.M.](#) confirmed that a finding under this provision is a proper ground for modification. Even if the false statements did not involve Chapter 261 reports, the court may still consider the wife's lack of candor and willingness to use falsehoods to gain custody as relevant to the best interest of the child, which is the paramount consideration in Texas custody determinations.

Criminal Liability

The wife's conduct may expose her to criminal prosecution for perjury or aggravated perjury under Texas Penal Code §§ 37.02 and 37.03. Aggravated perjury, a third-degree felony, applies if the false statement was material and made in connection with an official proceeding, such as a divorce trial. The husband or the court may refer the matter to the appropriate prosecuting authority for investigation and possible charges ([Tex. Pen. Code § 37.03](#)). Even if criminal charges are not pursued, the existence of potential criminal liability can be used to support requests for sanctions or to challenge the wife's credibility.

Property-Related Offenses

If the wife's false pleadings were intended to obtain property (such as the marital home) through deception, she may also be exposed to criminal liability for securing the execution of a document by deception or making a materially false statement to obtain property. These offenses, as described in the secondary materials, further support the use of her admission in future proceedings to challenge her entitlement to property or to seek restitution.

Scope and Limitations

Applicability of Family Code § 261.107

Texas Family Code § 261.107 applies specifically to knowingly false reports made under Chapter 261, which concerns child abuse and neglect. If the wife's false pleadings did not involve such reports, this provision may not apply directly. However, the general principles of fraud, perjury, and sanctions for litigation misconduct remain applicable.

Private Causes of Action for Fees and Penalties

While § 261.107(d) and (e) provide for attorney's fees and civil penalties, the court in [In re M.M.](#) clarified that these provisions do not create a private cause of action. Only the state, through the attorney general, may pursue the civil penalty, and attorney's fees may be awarded only upon conviction.

Requirements for Bill of Review

A bill of review is an extraordinary remedy and requires the moving party to meet strict requirements, including showing a meritorious defense and lack of negligence. The wife's admission of fraud is strong evidence, but the husband must still satisfy the other elements to succeed ([Hill v. Steinberger, 827 S.W.2d 58 \(Tex. App. 1992\)](#)).

Materiality and Criminal Prosecution

For aggravated perjury, the false statement must be material to the proceeding. If the wife's false pleadings were not material, she may not be subject to prosecution for aggravated perjury, though she may still be liable for misdemeanor perjury ([Vaughn v. Texas Employment Com'n, 792 S.W.2d 139 \(Tex. App. 1990\)](#)).

Use of Evidence in Subsequent Proceedings

Evidence of the wife's admission can be used in subsequent civil or criminal proceedings without violating double jeopardy principles ([Manning v. State, 870 S.W.2d 200 \(Tex. App. 1994\)](#)).

Exceptions and Caveats

- If the wife's false pleadings did not involve allegations of child abuse or neglect, the specific remedies under Texas Family Code § 261.107 may not be available, though general remedies for fraud and perjury remain.
- The success of a bill of review depends on the husband's ability to meet all required elements, not just the existence of fraud.
- Criminal prosecution for perjury or related offenses is discretionary and may depend on the willingness of law enforcement or prosecutors to pursue charges.
- Sanctions and modifications of orders are subject to the court's discretion and the specific facts of the case.

Conclusion

The wife's admission to knowingly submitting false pleadings in her divorce case is a serious matter under Texas law. It can be used in future proceedings to impeach her credibility, support requests for sanctions, justify modification or setting aside of prior orders, and potentially expose her to criminal liability for perjury or related offenses. If the false pleadings involved allegations of child abuse or neglect, specific statutory provisions allow for modification of custody orders and imposition of penalties. Even if

they did not, Texas courts have broad authority to address such misconduct through sanctions, bills of review, and consideration of the best interests of the child. The admission thus creates significant legal risk for the wife and provides multiple avenues for the husband or the court to address the misconduct in future proceedings.

Legal Authorities

[Hill v. Steinberger, 827 S.W.2d 58 \(Tex. App. 1992\)](#)

Texas Court of Appeals

Extract

Rule 329b(f) of the Texas Rules of Civil Procedure provides: 'On the expiration of the time within which the trial court has plenary power, a judgment cannot be set aside by the trial court except by bill of review for sufficient cause, filed within the time allowed by law.' ... The petitioner must allege and prove: 1) a meritorious defense to the cause of action alleged to support the judgment, 2) which she was prevented from making by the fraud, accident, or wrongful act of the opposing party, 3) unmixed with any fault or negligence of her own.

Summary

Standard for a bill of review in Texas to set aside a final judgment after plenary power ends. A spouse's admission of fraud in obtaining orders could be the "fraud, accident, or wrongful act" component that allows the opposing party to seek a bill of review, provided they also show a meritorious defense and lack of their own negligence.

[Manning v. State, 870 S.W.2d 200 \(Tex. App. 1994\)](#)

Texas Court of Appeals

Extract

[W]e hold that the double jeopardy provisions of the Texas and the United States constitutions are not offended when evidence used in a successful or unsuccessful attempt to revoke 'regular' probation or deferred adjudication probation is later used to prosecute the defendant in a different case. ...

'Perjury' is defined in TEX.PENAL CODE ANN. § 37.02 (Vernon 1989): (a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning: (1) he makes a false statement under oath or swears to the truth of a false statement previously made; and (2) the statement is required or authorized by law to be made under oath.

'Aggravated Perjury' is defined in TEX.PENAL CODE ANN. § 37.03 (Vernon 1989): (a) A person commits an offense if he commits perjury as defined in

Section 37.02 of this code, and the false statement: (1) is made during or in connection with an official proceeding; and (2) is material.

Summary

The case provides (1) Texas Penal Code definitions for perjury and aggravated perjury that could apply to knowingly false sworn statements in court or pleadings; and (2) a holding that evidence used in one proceeding can be reused in later proceedings without violating double jeopardy, supporting the idea that her admissions and related evidence can be used in future criminal or civil actions.

[Vaughn v. Texas Employment Com'n, 792 S.W.2d 139 \(Tex. App. 1990\)](#)

Texas Court of Appeals

Extract

The trial court specifically found that Vaughn lied both in her discovery and deposition responses, in violation of Texas Rule of Civil Procedure 215... Texas Rule of Civil Procedure 215(2)(b) provides: ... the court ... may, after notice and hearing, make such orders in regard to the failure as are just, and among others the following: ... (5) An order ... dismissing with or without prejudice the action or proceedings or any part thereof.... ... While a showing of materiality is a necessary element of the third degree felony offense of aggravated perjury ... materiality is not an element of the Class A misdemeanor offense of perjury ... Section 37.02 requires, for the commission of the offense, only (1) that a person make 'a false statement under oath...' and (2) that 'the statement is required or authorized by law to be made under oath.' ... there is no requirement that a person be guilty of a crime under the Texas Penal Code in order for a trial court to assess sanctions for presenting false evidence under rule 215.

Summary

The case confirms Texas courts can impose severe sanctions—including striking pleadings, dismissal, monetary sanctions, and referral for criminal prosecution—when a party lies in discovery or under oath, without needing a criminal conviction. It clarifies perjury in Texas does not require materiality for the misdemeanor offense, and courts may sanction false evidence under Rule 215 regardless of Penal Code prosecution.

[In re M.M., 05-21-00992-CV \(Tex. App. Jan 13, 2023\)](#)

Texas Court of Appeals

Extract

The family code's Title 5 ... provides that courts generally acquire 'continuing, exclusive jurisdiction over the matters provided for by this title in connection with a child on the rendition of a final order.' Tex. Fam. Code § 155.001(a). ... Chapter 261 ... requires persons 'having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person' to make a report ... Id. § 261.101. Section 261.107 of that chapter states: ... Based on subsection 261.107(b)'s plain language, we conclude the trial court did not err by determining that a finding pursuant to that provision constituted a proper ground for its modification of the divorce decree. [] See Tex. Fam. Code § 261.107(b); ... The two cases Father relies on did not involve subsection (b) and thus are inapposite. ... (concluding section 261.107's subsections (d) and (e) pertaining to attorney's fees and \$1,000 civil penalty did not create private causes of action and thus appellant lacked standing to claim that relief).

Summary

The case holds that a court may use a finding under § 261.107(b) (knowingly making a false report of child abuse/neglect) as a proper ground to modify a divorce decree/SAPCR orders, and confirms the court's continuing, exclusive jurisdiction to do so. It also clarifies that other subsections of § 261.107 do not create private causes of action for fees/penalties. Thus, if the wife's false pleadings involved false CPS-type allegations, a § 261.107(b) finding could be leveraged to modify custody/possession orders. If her conduct was false pleadings unrelated to Chapter 261 reports, this passage is less directly applicable.

[Tex. Pen. Code § 37.03](#) [Tex. Pen. Code § 37.03](#) Aggravated Perjury

Extract

A person commits an offense if he commits perjury as defined in Section PENAL CODE 37.02, and the false statement: is made during or in connection with an official proceeding; and is material. (b) An offense under this section is a felony of the third degree.

Summary

The statute establishes aggravated perjury where a person makes a material false statement during or in connection with an official proceeding. In Texas family cases, sworn pleadings, affidavits, and testimony in court are part of "official proceedings." If the wife admitted she knowingly used false pleadings, that implicates perjury under §37.02 and, if material and connected to the proceeding, aggravated perjury under §37.03, a third-degree felony. This can bear on future proceedings via impeachment of credibility, potential criminal referral, sanctions, and impact on custody determinations premised on honesty and best interest of the child. The

statute's reach is criminal liability; its existence supports collateral uses in civil court (e.g., judicial notice of felony implications, sanctions).

[Tex. Fam. Code § 261.107 Tex. Fam. Code § 261.107 False Report; Criminal Penalty; Civil Penalty](#)

Extract

(a) A person commits an offense if, with the intent to deceive, the person knowingly makes a report as provided in this chapter that is false. ... (b) A finding by a court in a suit affecting the parent-child relationship that a report made under this chapter before or during the suit was false or lacking factual foundation may be grounds for the court to modify an order providing for possession of or access to the child who was the subject of the report by restricting further access to the child by the person who made the report. ... (d) The court shall order a person who is convicted of an offense under Subsection (a) to pay any reasonable and necessary attorney's fees, court costs, and expenses incurred by the person who was falsely accused of abuse or neglect in any proceeding relating to the false report. (e) A person who engages in conduct described by Subsection (a) is liable to the state for a civil penalty of \$1,000. The attorney general shall bring an action to recover a civil penalty authorized by this subsection.

Summary

The statute addresses knowingly false reports under Chapter 261 (CPS/ abuse-neglect reporting). If her false pleadings involved or constituted a Chapter 261 report, a court's finding of falsity can be grounds to restrict her access/possession in future SAPCR modifications. She also faces potential state jail felony prosecution, mandatory fee/cost reimbursement upon conviction, and a civil penalty. If her false statements were not Chapter 261 reports, this specific statute may not apply; other Texas remedies (sanctions, contempt, fraud on the court, perjury, vexatious litigant, fee-shifting) would need to be invoked under different authorities.

[Offenses against property](#)

Texas Criminal Jury Charges. Volume 1-2 - James Publishing - Elizabeth Berry, George Gallagher - 2021-05-04

Extract

"A person commits the offense of securing the execution of a document by deception if, with intent to defraud or harm any person, he, by deception, causes another to sign or execute any document affecting property or service or the pecuniary interest of any person." ... "Deception" means: 1. creating or confirming by words or conduct a false impression of law or fact that is likely to affect the judgment or another in the transaction, and that

the actor does not believe to be true;" ... "A person commits an offense if he intentionally or knowingly makes a materially false or misleading written statement to obtain property or credit for himself or another." ... "making a false statement to obtain property or credit" (with penalty gradations by value).

Summary

The passages define Texas offenses that may map onto conduct involving knowingly false written statements to obtain property (e.g., house) or causing execution of documents by deception. In family-law litigation, such criminal conduct can be used for impeachment, sanctions, and referrals; the criminal elements and definitions also inform whether admissions could support a criminal complaint or influence future credibility and relief (e.g., custody determinations). The material is criminal-focused and does not set civil family-law standards but provides directly relevant definitions of deceitful conduct relating to property.

This memo was compiled by Vincent AI based on vLex materials available as of December 12, 2025. [View full answer on vLex](#)