

Question

Answer Short response The unprecedented treatment described in the provided record—including apparent violations of statutory due process, disregard for procedural rules, and questionable judicial conduct—warrants scrutiny and a full investigation by the State Commission on Judicial Conduct (SCJC), as it raises serious concerns about judicial integrity and public confidence in the Texas judiciary. The SCJC is empowered and obligated to investigate such allegations, demand explanations, and, if necessary, recommend discipline or other corrective action to uphold the rule of law and the honor of the judiciary. Summary The Texas Constitution and statutes establish a robust framework for judicial accountability, empowering the State Commission on Judicial Conduct to investigate and address allegations of judicial misconduct, including willful violations of law, incompetence, or conduct that undermines public confidence in the judiciary. The facts and procedural history outlined in the record—such as exclusion from residence without a hearing, entry of orders without proper consent, disregard for local and state procedural rules, and failures in recusal and emergency relief processes—collectively present a pattern of conduct that is not only unprecedented but also potentially violative of both statutory and constitutional standards. Given the gravity and cumulative nature of these alleged irregularities, the SCJC has both the authority and the duty to conduct a thorough investigation, demand explanations from the judges involved, and, if warranted, impose discipline or recommend removal. Such scrutiny is essential not only for the parties directly affected but also for the integrity of the Texas legal system as a whole, as these issues implicate statewide jurisprudence and the public's trust in the courts.

Background and Relevant Law Legislative and Constitutional Framework The Texas Constitution, Article V, Section 1-a, and the Texas Government Code, Chapter 33, establish the State Commission on Judicial Conduct (SCJC) and empower it to investigate and discipline judges for willful or persistent violations of law, incompetence, willful violation of the Code of Judicial Conduct, or conduct that brings discredit upon the judiciary or the administration of justice (Tex. Const. art. 5 § 1-a; Tex. Gov't. Code § 33.022). The SCJC is required to conduct a preliminary investigation of any credible allegation or appearance of misconduct and, if not found unfounded or frivolous, to proceed to a full investigation (Tex. Gov't. Code § 33.022). The Texas Family Code and Rules of Civil Procedure set forth specific requirements for judicial conduct in family law cases, including due process protections for parties, limitations on the powers of associate judges, and strict procedures for recusal and emergency relief (Tex. Fam. Code § 83.006; Tex. Fam. Code § 201.007; Tex. R. Civ. P. 18a). Case Law Texas courts have repeatedly emphasized that the purpose of judicial conduct proceedings is to maintain the honor and dignity of the judiciary and to protect the public, not merely to punish judges (*In re Canales*, 113 S.W.3d 56 (Tex. 2003); *In re Rose*, 144 S.W.3d 661 (Tex. 2004)). The Texas Supreme Court has held that judges may be sanctioned or removed for willful or persistent violations of law, incompetence, or conduct that undermines public confidence in the judiciary (*In Re James Barr*, 13 S.W.3d 525 (Tex. 1998); *Thoma, In re*, 873 S.W.2d 477 (Tex. 1994)). The Commission is required to receive and

investigate complaints from any source and may act on its own motion. If, after investigation, the Commission finds sufficient evidence of misconduct, it may issue sanctions, recommend removal, or take other appropriate action (In re Rose, 144 S.W.3d 661 (Tex. 2004)).

Analysis 1. Statutory and Constitutional Violations

a. Exclusion from Residence Without Due Process

The record describes a situation where a party was excluded from his residence based on unsubstantiated allegations of family violence, without an evidentiary hearing or findings of fact. Texas Family Code § 83.006 requires that, before a person can be excluded from their residence by a temporary ex parte order, the applicant must file a sworn affidavit detailing the facts and must appear in person to testify at a hearing. The court must find evidence of recent family violence and a clear and present danger of future violence (Tex. Fam. Code § 83.006). Failure to adhere to these requirements is a violation of statutory due process and may constitute judicial misconduct.

b. Entry of Orders Without Proper Consent or Authority

The record also details the entry of agreed orders by an associate judge where only one party consented, and where a timely request for de novo review was made. Under Texas Family Code § 201.007, an associate judge may only render a final order if all parties have agreed in writing or if a party has filed an unrevoked waiver. If a party withdraws consent or requests de novo review, the associate judge loses authority to enter a final order (Tex. Fam. Code § 201.007). Orders entered in violation of these requirements are void and may constitute an abuse of judicial power.

c. Procedural Irregularities and Recusal Failures

The record describes failures to follow mandatory recusal procedures, including improper involvement of court coordinators and the issuance of referral orders by judges not named in recusal motions. Texas Rule of Civil Procedure 18a requires that recusal motions be filed with the clerk, not handled by a judge's personal staff, and that only the judge named in the motion may refer the matter to the regional presiding judge (Tex. R. Civ. P. 18a). Deviation from these procedures undermines the appearance of impartiality and may violate Canon 2 of the Texas Code of Judicial Conduct, which requires judges to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

d. Denial of Emergency Relief and Ministerial Duties

The refusal to hear a properly filed emergency motion, especially one concerning the safety of a child, is a failure to perform a ministerial duty. Texas courts have held that when a motion is properly filed and pending, the court has a ministerial duty to consider and rule upon it (In re Layton, 257 S.W.3d 794 (Tex. App. 2008)). Failure to do so, particularly when it results in preventable harm, is a clear abuse of discretion and may constitute judicial misconduct.

2. Pattern and Cumulative Effect

The cumulative effect of these irregularities—exclusion from residence without due process, entry of void orders, disregard for recusal procedures, and failure to perform ministerial duties—amounts to more than isolated error. It suggests a pattern of conduct that undermines the integrity of the judicial process and public confidence in the courts. The Texas Supreme Court has recognized that such cumulative violations may warrant investigation and discipline by the SCJC (In re Canales, 113 S.W.3d 56 (Tex. 2003); In re Rose, 144 S.W.3d 661 (Tex. 2004)).

3. SCJC's Authority and Duty to Investigate

The SCJC is specifically empowered to investigate any credible allegation or appearance of judicial misconduct (Tex. Gov't. Code § 33.022). If, after a preliminary investigation, the Commission does not find the allegation unfounded or frivolous, it must

conduct a full investigation. The Commission's mandate is to protect the public and maintain the honor and dignity of the judiciary, not merely to discipline judges (In re Canales, 113 S.W.3d 56 (Tex. 2003)). The Commission may issue public or private sanctions, recommend removal, or require additional education or mentoring for judges found to have violated the law or the Code of Judicial Conduct (In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 (Tex. 2023)).

4. Statewide Jurisprudence and Public Confidence

The issues described are not merely of local concern but have implications for statewide jurisprudence. When judicial conduct in one case reveals a pattern of disregard for statutory and constitutional protections, it threatens public confidence in the entire Texas judiciary. The Texas Supreme Court and the SCJC have both recognized that the appearance of impropriety or partiality can be as damaging as actual misconduct (Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 (Tex. App. 2000)).

Exceptions and Caveats

It is important to note that not every judicial error or unfavorable ruling constitutes misconduct. The SCJC is not an appellate court and does not review the merits of judicial decisions unless they reflect willful or persistent violations of law, incompetence, or conduct that undermines the judiciary (In re Rose, 144 S.W.3d 661 (Tex. 2004)). However, the pattern and severity of the conduct described in the record go beyond mere legal error and raise legitimate questions about judicial integrity and accountability.

Conclusion

The unprecedented treatment described in the record—including exclusion from residence without due process, entry of void orders, disregard for recusal and emergency relief procedures, and a pattern of judicial and staff misconduct—demands scrutiny and explanation by the State Commission on Judicial Conduct. The SCJC is empowered and obligated to investigate such allegations, demand explanations from the judges involved, and, if warranted, impose discipline or recommend removal. This is essential not only for the parties directly affected but also for the integrity of the Texas legal system and public confidence in the judiciary. The circumstances described are precisely the kind of situation that the SCJC was created to address, and a full investigation is necessary to uphold the rule of law and the honor of the Texas judiciary.

RESEARCH AND BOLSTER THIS INTO SIX COMPLAINTS:

1. THE FAILURE TO ADHERE TO FUNDAMENTAL DUE PROCESS REQUIREMENTS, CAUSING THE LOSS OF PROPERTY, CUSTODY, AND WITHOUT THE REQUIRED FINDINGS. - JAMES B. MUNFORD

2. THE INTENTIONAL DEPRIVATION OF DUE PROCES BY JEFFREY KAITCER WHEN HE COMPELLED THE COMPLAINTANT TO SIGN AGREED ORDERS TO WHICH HE DID NOT CONSENT AND WERE NOT IN THE BEST INTERESTS OF THE CHILD.

3. THE REFUSAL TO HEAR AN EMERGENCY TEMPORARY RESTRAINING ORDER REGARDING A CHILD, TURNED AWAY FROM THE COURTROOM AFTER SETTING A HEARING WITH THE COORDINATOR. SHE ACTUALLY UN-SET THE HEARING AND TOLD THE LITIGANT TO LEAVE THE COURTROOM AND THAT A CONSOLIDATION MOTION WOULD BE FILED BY OPPOSING COUNSEL. - KATE STONE

4. IMMEDIATELY AFTER BEING DENIED THE OPPORTUNITY TO PRESENT THE TRO, COMPLAINTANT CHALLENGED THE OPPOSING COUNSEL IN THE FIRST COURT, AND THEN JUDGE KENNETH NEWELL SIGNED A CONSOLIDATION MOTION IN FAVOR OF THE OPPOSING COUNSEL WITHOUT A HEARING SUA SPONTE IN THE WRONG COURT AFTER JUST DENYING THE COMPLAINTANT ACCESS TO THE COURT.

5. REGIONAL

PRESIDING JUDGE DAVID L. EVANS FOR NOT FOLLOWING AND ADMINISTERING RECUSAL PROCEEDINGS IN ACCORDANCE WITH TEXAS LAW, AND PERMITTING A JUDGE NOT NAMED IN THE MOTION TO FILE AN ORDER OF REFERRAL, AND DENIED AN OBJECTION TO SUCH EFFECT, AND ALSO PERMITTED THE JUDGE SUBJECT TO RECUSAL'S COURT COORDINATOR TO HANDLE THE RECUSAL MATTERS. --- Did Judge James B. Munford fail to adhere to fundamental due process requirements, resulting in the loss of property and custody without the required findings, in violation of Texas constitutional and statutory law? Brief the State Commission on Judicial Conduct on this issue and if an investigation should commence.

Answer (Texas)

Short response

Judge James B. Munford's alleged failure to adhere to fundamental due process requirements—resulting in the loss of property and custody without the statutorily required findings—raises serious concerns under Texas constitutional and statutory law. The State Commission on Judicial Conduct (SCJC) is both authorized and obligated to commence a full investigation into these allegations to determine whether judicial misconduct occurred.

Summary

The Texas Constitution and Family Code establish clear procedural safeguards to protect individuals from deprivation of property and custody without due process, including requirements for sworn affidavits, evidentiary hearings, and specific findings before issuing exclusionary or custody orders. If Judge Munford excluded a party from their residence or deprived them of custody without following these procedures, such actions would not only violate statutory and constitutional mandates but could also constitute willful or persistent judicial misconduct subject to SCJC investigation.

Given the gravity of the alleged violations—particularly the absence of required findings and procedural steps—the SCJC has a duty to conduct a thorough inquiry. This is essential to uphold the rule of law, maintain public confidence in the judiciary, and ensure that judicial authority is exercised within the bounds of due process and established legal standards.

Background and Relevant Law

Legislative and Constitutional Framework

The Texas Constitution, Article I, Section 19, guarantees that no citizen shall be deprived of life, liberty, or property except by due course of law, embedding due process as a fundamental right for all Texans ([Tex. Const. art. 1 § 19](#)). Article V, Section 1-a, further provides that judges may be

removed or disciplined for willful or persistent violations of law, incompetence, or conduct that discredits the judiciary ([Tex. Const. art. 5 § 1-a](#)).

The Texas Government Code, Chapter 33, empowers the State Commission on Judicial Conduct to investigate allegations of judicial misconduct. Section 33.022 specifically requires the Commission to conduct a preliminary investigation into any credible allegation of misconduct and, if not found unfounded or frivolous, to proceed to a full investigation ([Tex. Gov't. Code § 33.022](#)).

The Texas Family Code sets forth detailed procedural requirements for orders affecting property and custody. Section 83.006 mandates that a party may only be excluded from their residence by a temporary ex parte order if the applicant files a sworn affidavit, appears in person to testify, and the court makes specific findings of recent family violence and clear danger ([Tex. Fam. Code § 83.006](#)). Section 105.001 further requires that orders excluding a parent from possession or access to a child must be based on verified pleadings or affidavits and, in certain cases, require notice and a hearing ([Tex. Fam. Code § 105.001](#)).

Case Law

Texas appellate courts have consistently held that due process requires notice and a meaningful opportunity to be heard before a party can be deprived of property or custody. In [In re Berryman, 629 S.W.3d 453 \(Tex. App. 2020\)](#), a judge's issuance of an order without notice or opportunity to respond was deemed an abuse of discretion and a violation of due process. Similarly, [In re K.L.R., 162 S.W.3d 291 \(Tex. 2005\)](#) and [In re Crystal Aubin, 29 S.W.3d 199 \(Tex. App. 2000\)](#) emphasize that temporary orders affecting custody or possession must be supported by verified pleadings or affidavits and, in many cases, require a hearing and specific findings.

The Texas Supreme Court has clarified that judicial conduct proceedings are not punitive but are designed to maintain the honor and integrity of the judiciary ([In Re James Barr, 13 S.W.3d 525 \(Tex. 1998\)](#)). Judicial misconduct may be found where a judge's actions are contrary to clear and established law, especially if the error is egregious, part of a pattern, or made in bad faith. The SCJC is required to investigate credible allegations and, if warranted, recommend discipline or removal ([In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#); [In re Canales, 113 S.W.3d 56 \(Tex. 2003\)](#)).

Analysis

1. Statutory and Constitutional Violations

a. Exclusion from Residence Without Due Process

Texas Family Code § 83.006 strictly limits the circumstances under which a person may be excluded from their residence by a temporary ex parte order. The statute requires a sworn affidavit, in-person testimony, and specific

findings of recent family violence and clear danger. These procedural safeguards are designed to ensure that due process is observed before depriving someone of their home ([Tex. Fam. Code § 83.006](#)). The Texas Constitution reinforces this protection by prohibiting deprivation of property without due course of law ([Tex. Const. art. 1 § 19](#)).

If Judge Munford excluded a party from their residence without these procedural steps—such as failing to require a sworn affidavit, not holding a hearing, or not making the required findings—such actions would directly contravene both statutory and constitutional mandates. The courts have made clear that orders issued without notice and a meaningful opportunity to respond violate due process ([In re Berryman, 629 S.W.3d 453 \(Tex. App. 2020\)](#)).

b. Deprivation of Custody Without Required Findings

Section 105.001 of the Family Code provides that temporary orders affecting custody or access to a child must be based on verified pleadings or affidavits and, in many cases, require notice and a hearing. The statute prohibits the exclusion of a parent from possession or access to a child except on a verified pleading or affidavit, and certain orders require a hearing ([Tex. Fam. Code § 105.001](#)). The Texas Supreme Court has emphasized that such orders must be supported by evidence of endangerment or impairment to the child's welfare ([In re K.L.R., 162 S.W.3d 291 \(Tex. 2005\)](#)).

If Judge Munford issued orders depriving a parent of custody or access without the required verified pleadings, affidavits, or findings, this would constitute a failure to adhere to fundamental due process requirements. The courts have held that such failures are not mere procedural errors but can rise to the level of constitutional violations ([In re Crystal Aubin, 29 S.W.3d 199 \(Tex. App. 2000\)](#)).

c. Pattern and Cumulative Effect

The cumulative effect of multiple procedural violations—such as exclusion from residence without due process, deprivation of custody without findings, and failure to provide notice or hearings—suggests more than isolated error. The Texas Supreme Court has recognized that a pattern of conduct inconsistent with judicial duties, especially when it undermines public confidence in the judiciary, warrants investigation and possible discipline ([In re Canales, 113 S.W.3d 56 \(Tex. 2003\)](#); [In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)).

2. SCJC's Authority and Duty to Investigate

The State Commission on Judicial Conduct is specifically empowered to investigate any credible allegation of judicial misconduct. Under Texas Government Code § 33.022, the Commission must conduct a preliminary investigation and, if the allegation is not unfounded or frivolous, proceed to a full investigation ([Tex. Gov't. Code § 33.022](#)). The Texas Constitution, Article V, Section 1-a, provides that judges may be removed or disciplined

for willful or persistent violations of law, incompetence, or conduct that discredits the judiciary ([Tex. Const. art. 5 § 1-a](#)).

The Commission's mandate is to protect the public and maintain the honor and dignity of the judiciary, not merely to discipline judges ([In re Canales, 113 S.W.3d 56 \(Tex. 2003\)](#)). If the facts alleged against Judge Munford are substantiated, they would fall squarely within the types of conduct the SCJC is required to investigate.

3. Application to Judge Munford

The allegations against Judge Munford—specifically, the exclusion of a party from their residence and deprivation of custody without the required findings or procedural safeguards—implicate both statutory and constitutional due process rights. The relevant statutes and case law make clear that such actions, if proven, would constitute willful or persistent violations of law and could be deemed inconsistent with the proper performance of judicial duties.

The Texas Supreme Court has held that judicial misconduct may be found where a judge's actions are contrary to clear and established law, especially if the error is egregious, part of a pattern, or made in bad faith ([In Re James Barr, 13 S.W.3d 525 \(Tex. 1998\)](#)). The allegations here, if substantiated, would meet this standard.

4. Public Confidence and Judicial Integrity

Judges are required to conduct themselves in a manner that promotes public confidence in the integrity and impartiality of the judiciary ([Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#)). The appearance of impropriety or disregard for due process can be as damaging as actual misconduct. The SCJC's intervention is necessary not only to address the specific allegations but also to preserve the public's trust in the legal system.

Exceptions and Caveats

It is important to note that not every judicial error or unfavorable ruling constitutes misconduct. The SCJC does not function as an appellate court and does not review the merits of judicial decisions unless they reflect willful or persistent violations of law, incompetence, or conduct that undermines the judiciary ([In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)). However, the pattern and severity of the conduct described in the record go beyond mere legal error and raise legitimate questions about judicial integrity and accountability.

Conclusion

The allegations that Judge James B. Munford failed to adhere to fundamental due process requirements—resulting in the loss of property and custody

without the required findings—are supported by statutory and constitutional provisions that mandate procedural safeguards in such cases. The Texas Constitution, Family Code, and relevant case law all require notice, hearings, and specific findings before depriving individuals of property or custody. The SCJC is both authorized and obligated to investigate these allegations, and a full inquiry is warranted to determine whether judicial misconduct occurred and to uphold the integrity of the Texas judiciary.

Legal Authorities

[Smith v. State Commission on Judicial Conduct, No. 03-04-00376-CV \(TX 12/8/2005\), No. 03-04-00376-CV. \(Tex. Dec 08, 2005\)](#)

Texas Supreme Court

Extract

Smith filed a request for reconsideration, asserting that the Commission's determination that it could not review 'purely appellate issues' was erroneous and that his complaints were not purely appellate matters, but instead alleged breaches of the Code of Judicial Conduct. The Commission denied Smith's request for reconsideration on grounds that no new evidence had been presented, stating that the Commission's jurisdiction was limited to review of allegations of judicial misconduct. After an investigation, the Commission determined that the municipal judge did not violate the Code of Judicial Conduct and dismissed Smith's complaint.

Summary

The State Commission on Judicial Conduct has the authority to review allegations of judicial misconduct, which includes breaches of the Code of Judicial Conduct. However, it does not have jurisdiction over purely appellate issues. This is relevant to the question as it highlights the Commission's role in investigating judicial conduct, which would be applicable in assessing whether Judge Munford's actions constituted a violation of due process requirements.

[State v. Krizan-Wilson, 321 S.W.3d 619 \(Tex. App. 2010\)](#)

Texas Court of Appeals

Extract

In her motion to dismiss the indictment and in a subsequent hearing on the motion, appellee asserted that the State's delay in bringing charges violated her right to due process as guaranteed under the Fifth Amendment to the United States Constitution. Appellee additionally argued that the pre-indictment delay violated her rights to (1) a speedy trial as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution,

article I, section 10 of the Texas Constitution, and article 1.05 of the Texas Code of Criminal Procedure; (2) due course of law under article I, section 19 of the Texas Constitution; (3) a fair trial pursuant to the Sixth Amendment; and (4) testify and present a defense, as guaranteed by the Fifth and Sixth Amendments, article 1, sections 10 and 19 of the Texas Constitution, and the Texas Code of Criminal Procedure. Appellee finally asserted that the indictment was barred by the doctrine of laches.

Summary

The passage highlights the importance of due process rights under both federal and state constitutions, emphasizing that delays or procedural missteps that infringe on these rights can be grounds for legal challenge. This is relevant to the question of whether Judge Munford's actions violated due process, as it underscores the necessity of adhering to constitutional protections in judicial proceedings.

[In re Layton, 257 S.W.3d 794 \(Tex. App. 2008\)](#)

Texas Court of Appeals

Extract

A trial court has a ministerial duty to consider and rule on motions properly filed and pending before the court and mandamus may issue to compel the judge to act. Safety-Kleen Corp. v. Garcia, 945 S.W.2d 268, 269 (Tex.App.-San Antonio 1997, orig. proceeding) (citing O'Donniley v. Golden, 860 S.W.2d 267, 269-70 (Tex. App.-Tyler 1993, orig. proceeding)). However, the trial court is afforded a reasonable time in which to perform this ministerial duty. Barnes v. State, 832 S.W.2d 424, 426 (Tex.App.-Houston [1st Dist.] 1992, orig. proceeding). Whether the trial court has failed to act within a reasonable time is dependent upon the circumstances of the case. Id.

Summary

The passage highlights the ministerial duty of a trial court to consider and rule on motions that are properly filed and pending. This duty is essential to ensuring due process, as it requires the court to address the legal matters brought before it. The passage also notes that a court is allowed a reasonable time to perform this duty, and whether it has failed to act within a reasonable time depends on the specific circumstances of the case. This principle is relevant to assessing whether Judge James B. Munford adhered to due process requirements, as it underscores the necessity for timely judicial action on pending motions.

[Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#)

Texas Court of Appeals

Extract

Judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. Tex. Code Jud. Conduct, preamble, reprinted in Tex. Gov't Code Ann., title 2, subt. G, app. B (Vernon 1998 & Supp. 2000). In this regard, the Texas Code of Judicial Conduct requires that judges observe high standards of conduct so that the integrity and independence of the judiciary is preserved; conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary; refrain from conveying or permitting others to convey the impression that they are in a special position to influence them; and refrain from financial dealings that tend to reflect adversely on their impartiality or exploit their judicial position.

Summary

The Texas Code of Judicial Conduct mandates judges to maintain high standards of conduct to preserve the integrity and independence of the judiciary. This includes conducting themselves in a manner that promotes public confidence in the judiciary's integrity and impartiality. The passage underscores the importance of judges adhering to these standards to maintain public trust in the legal system.

[In re Canales, 113 S.W.3d 56 \(Tex. 2003\)](#)

Texas Supreme Court

Extract

The State Commission on Judicial Conduct, in adopting its findings of fact, found that Judge Terry A. Canales relentlessly engaged in willful and persistent conduct clearly inconsistent with the proper performance of his duties, and further, that his willful and persistent conduct cast public discredit upon the judiciary or the administration of justice. The Commission found his action to be in violation of TEX. CONST. art. V, § 1-a(6)A of the Texas Constitution.

Summary

An example of how the State Commission on Judicial Conduct found a judge's actions to be in violation of the Texas Constitution due to willful and persistent conduct inconsistent with judicial duties. This is relevant to the question as it illustrates the type of conduct that can lead to findings of judicial misconduct, which could be analogous to the alleged actions of Judge James B. Munford if he indeed failed to adhere to due process requirements.

[Ex parte Kelley, NO. WR-87,470-01 \(Tex. Crim. App. Nov 06, 2019\)](#)

Texas Court of Criminal Appeals

Extract

The Due Process Clause of the Fourteenth Amendment directs that '[n]o State shall... deprive any person of life, liberty, or property, without due process of law.' In *Ex parte Brandley*, this Court held that if a State's 'investigative procedure is so improper, it may result in a denial of an accused's rights to due process of law.' Due Process violations have been found based on the use of suggestive identification procedures, the deliberate concealment of a material witness so that he could not be contacted by the defense or testify at trial, the knowing use of perjury by the State, or the use of the defendant's coerced confession.

Summary

The passage highlights the fundamental requirement of due process under the Fourteenth Amendment, which prohibits the deprivation of life, liberty, or property without due process of law. It provides examples of due process violations, such as improper investigative procedures and the use of perjury. While the passage is primarily focused on criminal proceedings, the principles of due process are applicable to civil matters, including family law cases where property and custody are at stake. The failure to adhere to due process requirements, such as conducting a proper hearing and making necessary findings, could constitute a violation of these principles.

[Thoma, In re, 873 S.W.2d 477 \(Tex. 1994\)](#)

Texas Supreme Court

Extract

The comprehensive record in the instant case reflects that the State Commission on Judicial Conduct adopted the findings of fact which were entered by a Special Master. The Special Master found that Respondent engaged in willful or persistent conduct that is clearly inconsistent with the proper performance of his duties, in violation of TEX. CONST. art. V, § 1-a(6) A (1993), and further, that Respondent willfully violated various provisions of the Texas Code of Judicial Conduct.

Summary

The State Commission on Judicial Conduct has the authority to investigate and make findings regarding judicial misconduct, including willful or persistent conduct inconsistent with judicial duties. This aligns with the question of whether Judge James B. Munford failed to adhere to due process

requirements, as such failures could constitute a violation of the Texas Constitution and the Code of Judicial Conduct.

[Ex parte Brandley, 781 S.W.2d 886 \(Tex. Crim. App. 1989\)](#)

Texas Court of Criminal Appeals

Extract

Applicant alleges that the State's pretrial investigative procedures were 'so impermissibly suggestive of applicant that it created false testimony calculated to manufacture circumstantial evidence against applicant in violation of his right to due process and a fundamentally fair trial.' The trial court found that the State failed to 'conduct a proper investigation,' and that the investigation had a 'blind focus' which ignored leads to evidence inconsistent with the 'premature conclusion that [applicant] had committed the crime.' The trial court's conclusions of law state that the investigative procedure was 'so impermissibly suggestive that false testimony was created, thereby denying [applicant] of due process of law and a fundamentally fair trial.'

Summary

The passage from Ex parte Brandley highlights a situation where due process was violated due to improper investigative procedures that led to false testimony and a fundamentally unfair trial. This is relevant to the question of whether Judge James B. Munford failed to adhere to due process requirements, as it provides a precedent for understanding how due process violations can occur when proper procedures are not followed. The passage emphasizes the importance of conducting proper investigations and ensuring that due process rights are upheld to maintain fairness in legal proceedings.

[In Re James Barr, 13 S.W.3d 525 \(Tex. 1998\)](#)

Texas Supreme Court

Extract

Judicial conduct proceedings brought in accordance with the constitution of the State of Texas and established rules for the removal or retirement of judges, are neither criminal nor regulatory, but rather are civil in nature. Their purpose is not necessarily to punish, but to maintain the honor and dignity of the judiciary of the entire State of Texas and to uphold the administration of justice for the benefit of all its citizens. ... We are ever mindful of the fact that legal decisions may be made where the law thereunder is arguably unclear or ambiguous, and under those circumstances, judicial disciplinary proceedings are to be discouraged, if not

condemned, as a frontal attack on the independence of the judiciary. It is for that reason that we hold that a member of the Texas judiciary may be found to have violated Article V, 1-a(6)A of the Texas Constitution by a legal ruling or action made contrary to clear and determined law about which there is no confusion or question as to its interpretation and where the complained-of legal error is egregious, made as part of a pattern or practice of legal error, or made in bad faith.

Summary

Standards for judicial conduct proceedings in Texas, emphasizing that such proceedings are civil in nature and aim to maintain the judiciary's honor and dignity. It highlights that judicial misconduct can be found when a judge's actions are contrary to clear and determined law, especially if the legal error is egregious, part of a pattern, or made in bad faith. This is relevant to assessing whether Judge Munford's actions constituted a failure to adhere to due process requirements, as it provides a framework for evaluating judicial misconduct.

[In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)

Texas Supreme Court

Extract

The 'public admonition' arose from a single instance of Judge Rangel filing a written response to a motion seeking her recusal from a particular case. Underlying the determination was the rule of procedure stating that a jurist subject to such a motion 'should not file a response' to it. TEX. R. CIV. PROC. 18a(c)(2). According to the Commission, the mere fact that Judge Rangel filed a response meant she failed to comport and maintain competence in the law, thereby violating 'Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.' ... Article V, Section 1-a(6)(A) of the Texas Constitution states for what a judge may be disciplined and mandates that a jurist shall not engage in the willful violation of the Code of Judicial Conduct, or in willful or persistent conduct that is clearly inconsistent with the proper performance of her duties or casts public discredit upon the judiciary or on the administration of justice.

Summary

Importance of judges adhering to procedural rules and the consequences of failing to do so, as seen in the case of Judge Rangel. It highlights that judges must comply with the law and maintain professional competence, as required by the Texas Constitution and the Code of Judicial Conduct. This is relevant to the question about Judge Munford because it underscores the standards judges are held to and the potential for disciplinary action if they fail to meet these standards.

[In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)

Texas Supreme Court

Extract

If the Commission does not determine that the allegation or appearance of misconduct is unfounded or frivolous, then the Commission must 'conduct a full investigation of the circumstances surrounding the allegation or appearance of misconduct.' Tex. Gov't Code Ann. § 33.022(c)(1)(A); see Tex.R. Rem'l/Ret. Judg. 4(a). Likewise, if the Commission determines that 'sufficient cause exists to warrant full inquiry into the facts and circumstances indicating that a judge may be guilty of willful or persistent conduct which is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice,' the Commission must 'conduct a full investigation into the matter.'

Summary

Conditions under which the State Commission on Judicial Conduct is required to conduct a full investigation into allegations of judicial misconduct. If the allegations against Judge James B. Munford are not deemed unfounded or frivolous, and if there is sufficient cause to believe that his actions were inconsistent with his duties or discredited the judiciary, the Commission is obligated to investigate further.

[Brown, In re, 512 S.W.2d 317 \(Tex. 1974\)](#)

Texas Supreme Court

Extract

Section 1--a of Article V of the Texas Constitution provides for the removal or censure of any judge for 'willful or persistent conduct, which is clearly inconsistent with the proper performance of his said duties or casts public discredit upon the judiciary or administration of justice; . . .'

Summary

Constitutional basis for addressing judicial misconduct, emphasizing that judges can be removed or censured for conduct inconsistent with their duties or that discredits the judiciary. This is relevant to the question of whether Judge Munford's actions could be considered a violation of due process and judicial duties.

[In re Crystal Aubin, 29 S.W.3d 199 \(Tex. App. 2000\)](#)

Texas Court of Appeals

Extract

The trial court cannot attach the body of a child absent a verified pleading or affidavit. Tex. Fam. Code. Ann. § 105.001(c) (Vernon Supp. 2000). If right to possession is governed by a court order, a court in a habeas corpus proceeding may compel return of a child to the relator only if the court finds that the relator is entitled to possession under the order. Tex. Fam. Code. Ann. § 157.372 (Vernon 1996). ... The Texas Supreme Court has acknowledged that mandamus may issue where the legal process itself would violate the relator's constitutional rights. *Tilton v. Marshall*, 925 S.W. 2d 672, 682 (Tex. 1996). Absent a finding, supported by evidence, that the safety and welfare of the children is significantly impaired by the denial of the Burks' visitation, Aubin's decision regarding whether the children will have any contact with the Burks is an exercise of her fundamental right as a parent. That right is shielded from judicial interference by the Due Process clause of the United States Constitution.

Summary

The passage highlights the requirement for verified pleadings or affidavits before a court can attach the body of a child, as per Texas Family Code § 105.001(c). It also emphasizes the necessity of a court finding that a relator is entitled to possession under a court order before compelling the return of a child. Furthermore, it underscores the constitutional protection of a parent's fundamental rights from judicial interference without proper findings. This is relevant to the question as it provides a legal basis for due process requirements in custody matters, which Judge Munford may have violated if he failed to adhere to these standards.

[In re Ramirez, 04-24-00361-CV \(Tex. App. Aug 14, 2024\)](#)

Texas Court of Appeals

Extract

In her second issue, Ramirez argues the trial court abused its discretion by issuing a writ of attachment taking possession of the children. On May 10, 2024, the trial court sua sponte issued a writ of attachment removing the children from Ramirez's possession. In its order, the trial court concluded there is now and will continue to be a substantial risk of immediate physical or mental harm to the children if the children remain in Ramirez's possession. However, the trial court did not recite any facts upon which this conclusion was based. See Tex. Fam. Code § 152.311(c)(1) (requiring warrant to take physical custody of child to 'recite the facts upon which a conclusion of imminent serious physical harm or removal from the jurisdiction is based'). Moreover, we cannot discern from the record any facts upon which the conclusion is based. We hold the trial court clearly abused its discretion by failing to comply with the statutory requirements to

issue a warrant to take physical custody of the children. See Walker, 827 S.W.2d at 839-40 (failure to apply law constitutes abuse of discretion); Tex. Fam. Code § 152.311(c)(1).

Summary

The passage from "In re Ramirez" highlights a situation where a trial court issued a writ of attachment to remove children from a parent's custody without providing the necessary factual basis as required by Texas Family Code § 152.311(c)(1). This failure to recite the facts upon which the conclusion of imminent harm was based constitutes an abuse of discretion. The case demonstrates the importance of adhering to statutory requirements when making decisions that affect custody and due process rights.

[Hagstette v. State Comm'n on Judicial Conduct, NO. 01-19-00208-CV \(Tex. App. Dec 15, 2020\)](#)

Texas Court of Appeals

Extract

Here, the Texas Constitution and the Government Code provides the Commission with authority to administer judicial discipline—including issuing public admonitions—and they provide an avenue for the Magistrate Judges to pursue review of the challenged public admonitions. The Texas Constitution provides that, '[o]n the filing of a sworn complaint charging a person holding [judicial] office with willful or persistent violation of rules promulgated by the Supreme Court of Texas' or other 'incompetence in performing the duties of the office,' the Commission, 'after giving the person notice and an opportunity to appear and be heard before the Commission, may recommend to the Supreme Court the suspension of such person from office' or take other such action as it may determine is appropriate. TEX. CONST. art. 5, §1-a(6)(A).

Summary

The Texas Constitution and Government Code provide the State Commission on Judicial Conduct with the authority to investigate and discipline judges for willful or persistent violations of rules or incompetence. This includes the power to recommend suspension or take other appropriate actions. The passage highlights the procedural framework for addressing judicial misconduct, which is relevant to the question of whether Judge James B. Munford's actions warrant investigation.

[In re Perricone](#)

Texas Court of Appeals

Extract

In the petition now before us, Relator contends that the temporary restraining order (TRO) signed by Judge Moore on June 6, 2024, is void because it does not adhere to the requirements of Rule 680 of the Texas Rules of Civil Procedure. Additionally, he re-urges his challenge to the temporary injunction signed by Judge Moore on June 25 after a hearing arguing that it is void under Rules 683 and 684 because it: (1) does not set a date for a trial on the merits; (2) waives the requirement for a bond; (3) lacks specificity and does not describe the acts to be restrained; and (4) 'cut[s] off [his] access' to the children by requiring, among other things, counseling as a prerequisite to parent-child contact and further hearings.

Summary

The passage discusses a situation where a temporary restraining order and a temporary injunction were challenged for not adhering to procedural requirements under the Texas Rules of Civil Procedure. The issues raised include the lack of a trial date, waiver of bond requirements, lack of specificity, and restrictions on access to children. These procedural deficiencies are relevant to the question of whether due process requirements were met, as they highlight potential violations of procedural rules that could result in due process violations.

[In re Berryman, 629 S.W.3d 453 \(Tex. App. 2020\)](#)

Texas Court of Appeals

Extract

The Berrymans maintain that Respondent abused his discretion by granting the order in aid of investigation without any basis for the Department's belief that E.B. suffered abuse or neglect and without probable cause to enter the home and seize any of their children for interviews... Respondent violated the Berrymans' due process rights by issuing the order without first affording them notice and a meaningful opportunity to respond.

Summary

The passage highlights a situation where a judge issued an order without providing the affected parties notice and a meaningful opportunity to respond, which is a violation of due process rights. This is directly relevant to the question of whether Judge James B. Munford failed to adhere to due process requirements, as it provides a precedent where similar actions were deemed an abuse of discretion and a violation of due process.

[In re K.B., 683 S.W.3d 850 \(Tex. App. 2024\)](#)

Texas Court of Appeals

Extract

In the Texas Family Code, Section 109.003 provides... Observing that termination cases implicate fundamental liberties, Texas courts begin with the premise that our proceedings to terminate parental rights must comply with the requirements of procedural due process. The phrase 'due process,' although incapable of precise definition, expresses the requirement of fundamental fairness.

Summary

The passage highlights the importance of procedural due process in cases involving the termination of parental rights, which is a fundamental liberty interest. It underscores that due process requires fundamental fairness in proceedings. This is relevant to the question as it provides a legal framework for evaluating whether due process was adhered to in cases involving the loss of custody, such as the one involving Judge James B. Munford.

[In re K.L.R., 162 S.W.3d 291 \(Tex. 2005\)](#)

Texas Supreme Court

Extract

Generally, while a suit for modification is pending, the court may not render a temporary order that has the effect of changing the designation of the person who has the exclusive right to determine the primary residence of the child under the final order. TEX. FAM.CODE ANN. § 156.006 (Vernon 2002). However, the court may enter such an order if the child's present living environment may endanger the child's physical health or significantly impair the child's emotional development. *Id.* The court may also make a temporary order for the safety and welfare of the child, including an order for the temporary conservatorship of the child. TEX. FAM.CODE ANN. § 105.001(a)(1) (Vernon 2002). If the TRO or temporary order excludes a parent from possession of or access to a child, it may not be rendered except on a verified pleading or an affidavit in accordance with the Texas Rules of Civil Procedure. TEX. FAM.CODE ANN. § 105.001(c)(3) (Vernon 2002). Certain temporary orders may not be rendered except after notice and a hearing, including orders (1) for the temporary conservatorship of the child, (2) for the temporary support of the child, or (3) for payment of reasonable attorney's fees and expenses. TEX. FAM.CODE ANN. § 105.001(a), (b) (Vernon Supp.2004-2005).

Summary

Requirements for rendering temporary orders in family law cases, emphasizing that such orders should not change the primary residence of a child without evidence of endangerment or impairment. It also specifies that temporary orders excluding a parent must be based on verified pleadings or affidavits and require notice and a hearing. This directly relates to the question of whether due process was followed in Judge Munford's actions, as it provides the legal framework for assessing whether the exclusion from residence and custody was conducted lawfully.

[Tex. Fam. Code § 83.006 Tex. Fam. Code § 83.006 Exclusion of Party From Residence](#)

Extract

Subject to the limitations of Section FAMILY CODE 85.021, a person may only be excluded from the occupancy of the person's residence by a temporary ex parte order under this chapter if the applicant: files a sworn affidavit that provides a detailed description of the facts and circumstances requiring the exclusion of the person from the residence; and appears in person to testify at a temporary ex parte hearing to justify the issuance of the order without notice. Before the court may render a temporary ex parte order excluding a person from the person's residence, the court must find from the required affidavit and testimony that: the applicant requesting the excluding order either resides on the premises or has resided there within 30 days before the date the application was filed; the person to be excluded has within the 30 days before the date the application was filed committed family violence against a member of the household; and there is a clear and present danger that the person to be excluded is likely to commit family violence against a member of the household.

Summary

These procedural safeguards are necessary to ensure due process before excluding someone from their residence.

[Tex. Gov't. Code § 33.022 Tex. Gov't. Code § 33.022 Investigations and Formal Proceedings](#)

Extract

The commission may conduct a preliminary investigation of the circumstances surrounding an allegation or appearance of misconduct or disability of a judge to determine if the allegation or appearance is unfounded or frivolous. If, after conducting a preliminary investigation under this section, the commission does not determine that an allegation or appearance of misconduct or disability is unfounded or frivolous, the

commission shall conduct a full investigation of the circumstances surrounding the allegation or appearance of misconduct or disability.

Summary

The State Commission on Judicial Conduct (SCJC) has the authority to conduct a preliminary investigation into allegations of judicial misconduct. If the allegations are not deemed unfounded or frivolous, the SCJC is required to conduct a full investigation. This process is applicable to any judge within Texas, including Judge James B. Munford, if there are credible allegations of failing to adhere to due process requirements.

[Tex. Gov't. Code § 33.001 Tex. Gov't. Code § 33.001 Definitions](#)

Extract

For purposes of Section 5 1-a, Article V, Texas Constitution, 'wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties' includes: wilful, persistent, and unjustifiable failure to timely execute the business of the court, considering the quantity and complexity of the business; wilful violation of a provision of the Texas penal statutes or the Code of Judicial Conduct; persistent or wilful violation of the rules promulgated by the supreme court; incompetence in the performance of the duties of the office; failure to cooperate with the commission; or violation of any provision of a voluntary agreement to resign from judicial office in lieu of disciplinary action by the commission.

Summary

The Texas Government Code § 33.001 outlines specific types of conduct that are considered inconsistent with the proper performance of a judge's duties. This includes willful or persistent violations of the law, incompetence, and failure to adhere to judicial conduct rules. If Judge James B. Munford's actions resulted in the loss of property and custody without the required findings, it could potentially fall under these categories, warranting an investigation by the State Commission on Judicial Conduct.

[Tex. Fam. Code § 201.007 Tex. Fam. Code § 201.007 Powers of Associate Judge](#)

Extract

without prejudice to the right to a de novo hearing before the referring court under Section FAMILY CODE 201.015 and subject to Subsection (c), render and sign: (A) a final order agreed to in writing as to both form and substance by all parties; (B) a final default order; (C) a temporary order; or (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice

to the party of the final hearing or waives the party's appearance at the final hearing;

Summary

An associate judge in Texas has the authority to render and sign certain types of orders, including final orders agreed to by all parties, final default orders, temporary orders, and final orders where a party has filed an unrevoked waiver. This authority is subject to the right of parties to request a de novo hearing before the referring court. The passage highlights the importance of consent and procedural compliance in the issuance of orders, which is relevant to the question of whether due process requirements were adhered to in Judge Munford's case.

[Tex. Fam. Code § 105.001 Tex. Fam. Code § 105.001 Temporary Orders Before Final Order](#)

Extract

In a suit, the court may make a temporary order, including the modification of a prior temporary order, for the safety and welfare of the child, including an order: for the temporary conservatorship of the child; for the temporary support of the child; restraining a party from disturbing the peace of the child or another party; prohibiting a person from removing the child beyond a geographical area identified by the court; or for payment of reasonable attorney's fees and expenses. ... Except on a verified pleading or an affidavit in accordance with the Texas Rules of Civil Procedure, an order may not be rendered: attaching the body of the child; taking the child into the possession of the court or of a person designated by the court; or excluding a parent from possession of or access to a child.

Summary

The Texas Family Code § 105.001 outlines the requirements for issuing temporary orders in suits affecting the parent-child relationship. Specifically, it mandates that certain actions, such as excluding a parent from possession of or access to a child, require a verified pleading or an affidavit in accordance with the Texas Rules of Civil Procedure. This ensures that due process is followed before such significant decisions are made. If Judge James B. Munford issued orders excluding a parent from possession or access without adhering to these requirements, it would constitute a failure to adhere to fundamental due process requirements.

[Tex. Const. art. 5 § 1-a Tex. Const. art. 5 § 1-a Retirement, Censure, Removal, and Compensation of Justices and Judges; State Commission On Judicial Conduct; Procedure](#)

Extract

Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.

Summary

Grounds for removal of a judge, which include willful or persistent violations of rules, incompetence, or conduct that discredits the judiciary. This is relevant to the question as it provides the legal framework under which Judge James B. Munford's actions could be evaluated for potential removal or discipline if he indeed failed to adhere to due process requirements.

[Tex. Const. art. 1 § 19 Tex. Const. art. 1 § 19 Deprivation of Life, Liberty, Etc.; Due Course of Law](#)

Extract

No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Summary

The Texas Constitution explicitly protects citizens from being deprived of life, liberty, or property without due process. This constitutional provision is applicable to all cases within Texas, ensuring that any deprivation must follow the due course of law. If Judge James B. Munford's actions resulted in the loss of property and custody without adhering to due process requirements, it would be a violation of this constitutional protection.

[Tex. Fam. Code § 85.021 Tex. Fam. Code § 85.021 Requirements of Order Applying to Any Party](#)

Extract

In a protective order, the court may: prohibit a party from: (A) removing a child who is a member of the family or household from: (i) the possession of a person named in the order; or (ii) the jurisdiction of the court; (B) transferring, encumbering, or otherwise disposing of property, other than in the ordinary course of business, that is mutually owned or leased by the

parties; or (C) removing a pet, companion animal, or assistance animal, as defined by Section Human Resources Code 121.002, Human Resources Code, from the possession or actual or constructive care of a person named in the order; grant exclusive possession of a residence to a party and, if appropriate, direct one or more parties to vacate the residence if the residence: (A) is jointly owned or leased by the party receiving exclusive possession and a party being denied possession; (B) is owned or leased by the party retaining possession; or (C) is owned or leased by the party being denied possession and that party has an obligation to support the party or a child of the party granted possession of the residence; provide for the possession of and access to a child of a party if the person receiving possession of or access to the child is a parent of the child; require the payment of support for a party or for a child of a party if the person required to make the payment has an obligation to support the other party or the child; or award to a party the use and possession of specified property that is community property or jointly owned or leased property.

Summary

The Texas Family Code § 85.021 outlines the court's authority to issue protective orders that can affect property and custody rights. The court may grant exclusive possession of a residence, provide for child custody, and restrict the transfer of property. However, these actions must be supported by appropriate findings and adherence to due process requirements. If Judge Munford issued orders affecting property and custody without the required findings or due process, it could constitute a violation of statutory requirements.

[Tex. Fam. Code § 201.015 Tex. Fam. Code § 201.015 De Novo Hearing Before Referring Court](#)

Extract

A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the third working day after the date the party receives notice of: the substance of the associate judge's report as provided by Section FAMILY CODE 201.011; or the rendering of the temporary order, if the request concerns a temporary order rendered by an associate judge under Section FAMILY CODE 201.007(a)(C).

Summary

Procedure for requesting a de novo hearing before the referring court, which is a critical component of due process in family law cases involving associate judges. It specifies the timeline and requirements for such a request, ensuring that parties have an opportunity to challenge temporary orders or reports from associate judges. This is relevant to the question as it highlights the procedural safeguards in place to protect due process rights,

which may have been violated if Judge Munford did not adhere to these requirements.

[Marriage Dissolution](#)

Texas Small-Firm Practice Tools. Volume 1-2 - James Publishing - Cindy Stormer - 2022-05-05

Extract

A Texas court must have personal jurisdiction over a nonresident spouse before it may determine... Texas state legislature passed into law a requirement for parenting plans. This requirement seeks to protect children from the stresses of family law litigation by helping parents resolve their current and future parenting and by encouraging parents to participate in and to share the rights and duties of raising their child after the divorce. [See Editor's Notes, Tex. Fam. Code §153.601.] A parenting plan is a temporary or final court order that sets out the rights and duties of parents in a suit affecting the parent-child relationship. It includes provisions relating to conservatorship, possession of and access to a child, and child support, and a dispute resolution process to minimize future disputes. [Tex. Fam. Code §153.601(4).]

Summary

The passage highlights the requirement for Texas courts to have personal jurisdiction over a nonresident spouse before making determinations related to property and custody. It also emphasizes the legislative requirement for parenting plans to protect children and ensure parental participation in raising the child post-divorce. This is relevant to due process as it underscores the necessity of jurisdiction and structured plans in custody cases.

This memo was compiled by Vincent AI based on vLex materials available as of August 22, 2025. [View full answer on vLex](#)