

## Question

The wife made false statements in legal documents related to the divorce and protective orders. In Texas, making false statements in court documents can be considered contempt of court, which is punishable by fines or other penalties. If it can be proven that the wife knowingly made false statements, she could be held in contempt of court, leading to potential penalties.

## Answer (Texas)

---

### Introduction:

The issue at hand involves the potential legal consequences of a wife making false statements in legal documents related to divorce and protective orders in Texas. The user seeks to establish that such actions can be considered contempt of court, which is punishable by fines or other penalties. This note outlines the legal arguments supporting this position, drawing on relevant case law and statutory provisions to demonstrate the viability of holding the wife in contempt for knowingly making false statements.

### Relevant Facts and Assumptions:

In this case, the following facts are relevant:

1. The wife has allegedly made false statements in legal documents submitted to the court during divorce proceedings and in relation to protective orders.
2. These statements were made under oath and were intended to influence the court's decisions.
3. The false statements are material and have potentially affected the outcome of the proceedings.

### Legal Principles:

The following legal principles are applicable:

**Fraud upon the Court and Contempt:** Filing a false, sworn statement to influence a court decision constitutes fraud upon the court. Texas courts have the inherent power to punish such actions as contempt, as established in [\*Sutphin v. Tom Arnold Drilling Contr., 17 S.W.3d 765\*](#) (Tex. App. 2000). This principle is crucial because it underscores the court's authority to maintain the integrity of its proceedings.

**Material False Statements and Contempt:** Making false statements under oath in a legal proceeding can lead to a contempt of court order if those statements are material and affect the outcome, as demonstrated in [\*Ex parte Busby, 921 S.W.2d 389\*](#) (Tex. App. 1996). This principle is relevant because it directly addresses the consequences of the wife's actions.

**Acts of Contempt:** Presenting false documents and making false statements to the court are considered acts of contempt, as they undermine the authority and administration of the law, as seen in [\*Ex parte Powell, 883 S.W.2d 775\*](#) (Tex. App. 1994). This principle supports the argument that the wife's actions are contemptuous.

**Constructive Contempt:** For acts of contempt not committed in the presence of the court, such as false statements in legal documents, the facts must be presented to the court, typically through an affidavit, to initiate the court's power to address the contempt, as outlined in [\*Ex Parte Duncan, 182 S.W. 313\*](#) (Tex. Crim. App. 1916). However, it is important to note that this case was stated as overruled by [\*In re Hesse, 552 S.W.3d 893\*](#) (Tex. App. 2018), which may impact its applicability.

**Perjury and Contempt:** Making false statements in court documents can be considered perjury, which is a serious offense. This aligns with the proposition that knowingly making false statements can result in being held in contempt of court, as supported by *Civil Litigation* materials and [\*Sutphin v. Tom Arnold Drilling Contr., 17 S.W.3d 765\*](#) (Tex. App. 2000).

These principles are relevant because they collectively establish the legal framework for addressing false statements in court documents as contempt of court in Texas.

### Application and Analysis:

Applying the law to the facts, it follows that:

Given that the wife allegedly made false statements under oath in legal documents, and under the legal principle of fraud upon the court, it is likely that her actions constitute contempt. This argument is supported by [\*Sutphin v. Tom Arnold Drilling Contr., 17 S.W.3d 765\*](#) (Tex. App. 2000), which affirms the court's inherent power to address such misconduct.

The materiality of the false statements and their impact on the proceedings further strengthen the argument for contempt, as demonstrated in [\*Ex parte Busby, 921 S.W.2d 389\*](#) (Tex. App. 1996). The court's decision to hold Busby in contempt for similar actions provides a strong precedent.

Even if the false statements were not made in the immediate presence of the court, the process for addressing constructive contempt, as outlined in [\*Ex Parte Duncan, 182 S.W. 313\*](#) (Tex. Crim. App. 1916), supports the initiation of contempt proceedings. However, the overruling of this case by [\*In re Hesse, 552 S.W.3d 893\*](#) (Tex. App. 2018), suggests that reliance on this authority should be cautious, and alternative procedures may need to be considered.

### Key Submissions:

The wife's false statements in legal documents constitute fraud upon the court, justifying contempt proceedings, as supported by [\*Sutphin v. Tom Arnold Drilling Contr.\*, 17 S.W.3d 765](#) (Tex. App. 2000).

The materiality and impact of the false statements on the proceedings align with the principles established in [\*Ex parte Busby\*, 921 S.W.2d 389](#) (Tex. App. 1996), reinforcing the argument for contempt.

The presentation of false documents and statements undermines the authority of the court, as articulated in [\*Ex parte Powell\*, 883 S.W.2d 775](#) (Tex. App. 1994), further supporting the contempt charge.

#### **Alternative Arguments:**

- Alternatively, if the court finds that the false statements were not material, the argument remains strong due to the inherent power of the court to address any actions that undermine its authority, as supported by [\*Sutphin v. Tom Arnold Drilling Contr.\*, 17 S.W.3d 765](#) (Tex. App. 2000).

#### **Areas of Risk:**

The argument is potentially weakened by the overruling of [\*Ex Parte Duncan\*, 182 S.W. 313](#) (Tex. Crim. App. 1916), which may impact the procedure for addressing constructive contempt. To mitigate this risk, reliance on more recent authorities and alternative procedures for initiating contempt proceedings should be considered.

#### **Conclusion:**

Based on the facts and legal principles discussed, the strongest argument is that the wife's false statements in legal documents constitute contempt of court, as supported by multiple authorities. The user has a solid basis for pursuing contempt proceedings, as demonstrated by the application of the law to the facts.

---

## **Legal Authorities**

### [\*\*Ex parte Busby, 921 S.W.2d 389\*\* \(Tex. App. 1996\)](#)

#### **Texas Court of Appeals**

##### **Extract**

*Busby falsely testified at the August 1 hearing concerning the very matters in issue. After concluding that Busby had made false statements under oath, the court held him in contempt. Thus, as evidenced by the court's contempt order, Busby's false statements were material and necessarily affected the outcome of the August 1 hearing.*

##### **Summary**

The passage illustrates that making false statements under oath in a legal proceeding can lead to a contempt of court order if those statements are material and affect the outcome of the proceeding. The court's decision to hold Busby in contempt for his false statements demonstrates the legal consequences of such actions, which aligns with the proposition that false statements in legal documents can be considered contempt of court in Texas.

---

### [\*\*Ex Parte Duncan, 182 S.W. 313, 78 Tex.Cr.R. 447\*\* \(Tex. Crim. App. 1916\)](#)

#### **Texas Court of Criminal Appeals**

##### **Extract**

*Constructive contempts — those not committed in the presence of the court — must of course in some regular and legitimate way be brought to the court's knowledge; until this is done the process of attachment will not issue. ... But the practice generally recognized throughout the United States, and according to Blackstone frequently followed in England, is for some proper official or interested party to set forth by affidavit the material facts relied on. ... The Supreme Court of California, in *Batchelder v. Moore*, 42 Cal. 412, says: 'When the alleged contempt is not committed in the presence of the court, an affidavit of the facts constituting the contempt must be presented, in order to set the power of the court in motion.'*

##### **Summary**

For acts of contempt not committed in the presence of the court (constructive contempt), there is a requirement for the facts constituting the contempt to be presented to the court, typically through an affidavit. This procedure is necessary to initiate the court's power to address the contempt. The passage supports the proposition by outlining the process for addressing false statements in legal documents as a form of constructive contempt.

---

### [\*\*Ex parte Powell, 883 S.W.2d 775\*\* \(Tex. App. 1994\)](#)

#### **Texas Court of Appeals**

##### **Extract**

*The acts of the relator in presenting false documents and making false statements to the court were undoubtedly acts of contempt, since such acts tend to bring the authority and administration of the law into disrepute and disregard.*

## **Summary**

Presenting false documents and making false statements to the court are considered acts of contempt. This is because such actions undermine the authority and administration of the law. The passage from *Ex parte Powell* explicitly states that these acts are contemptuous, which aligns with the proposition that making false statements in legal documents can lead to contempt of court charges and potential penalties.

[Sutphin v. Tom Arnold Drilling Contr., 17 S.W.3d 765 \(Tex. App. 2000\)](#)

## **Texas Court of Appeals**

### **Extract**

*The court concluded that filing a false, sworn statement for the purpose of influencing a decision of the court constitutes a fraud upon the court. ... Arnold cites authority stating that courts possess the inherent power to punish for contempt. See *Ex parte Pryor*, 800 S.W.2d 511, 512 (Tex. 1990); *Ex parte Gorena*, 595 S.W.2d 841, 843 (Tex. 1979). ... The Texas Legislature has recognized and codified a court's inherent power in section 21.001 of the Texas Government Code. ... A court has all powers necessary for the exercise of its jurisdiction and the enforcement of its lawful orders, including authority to issue the writs and orders necessary or proper in aid of its jurisdiction.*

## **Summary**

Texas courts have the inherent power to investigate and address false statements in court documents. Filing a false, sworn statement to influence a court decision is considered fraud upon the court. The Texas Government Code section 21.001 supports the court's authority to enforce its orders and maintain the integrity of its proceedings. This aligns with the proposition that making false statements in legal documents can lead to contempt of court and potential penalties.

[Civil Litigation](#)

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

### **Extract**

*Facts falsely sworn to in documents filed with the court constitute perjury. [Dixon v. Mayfield, 543 S.W.2d 5 (Ft. Worth 1976, no writ).] It is very effective to point this out to the opposing party during cross-examination regarding pleadings and responses. If a nonresident submits an affidavit, deposition, or other evidence in support of a special appearance, the affiant may be subject to specific personal jurisdiction in an action for sanctions or contempt if the affidavit is false. [Sutphin v. Tom Arnold Drilling Contractor, Inc., 17 S.W.3d 765 (Tex. App.—Austin 2000, no writ).]*

## **Summary**

Making false statements in court documents can be considered perjury, which is a serious offense. The passage specifically mentions that false statements in affidavits or other legal documents can lead to actions for sanctions or contempt. This aligns with the proposition that knowingly making false statements can result in being held in contempt of court, which is punishable by fines or other penalties.

This memo was compiled by Vincent AI based on vLex materials available as of April 24, 2025. [View full answer on vLex](#)