

## Question

In Texas, would lying on a divorce petition and protective order be considered an indication of parental unfitness in a custody case?

## Answer (Texas)

### Short response

In Texas, lying on a divorce petition and protective order can be considered an indication of parental unfitness in a custody case if it reflects negatively on the parent's character or impacts the best interest of the child. However, such conduct is evaluated in the context of all relevant circumstances, and a single instance of dishonesty may not be sufficient by itself to establish unfitness unless it forms part of a broader pattern of behavior that endangers the child.

### Summary

Texas courts determine parental fitness and custody based on the best interest of the child, considering a wide range of factors, including the acts or omissions of each parent. Lying on legal documents such as a divorce petition or protective order may be viewed as a negative act that could impact the court's assessment of a parent's honesty, integrity, and the propriety of the parent-child relationship.

Nevertheless, Texas law requires courts to look at the totality of the circumstances, and a single act of dishonesty, without more, is unlikely to be dispositive unless it is part of a pattern of conduct that endangers the child's physical or emotional well-being. The court's primary focus remains on whether the parent's behavior affects the child's best interest, and evidence of lying will be weighed alongside all other relevant factors.

## Background and Relevant Law

### Legislative and Regulatory Framework

The Texas Family Code governs child custody (conservatorship) and the termination of parental rights. The central standard is the "best interest of the child," as codified in Texas Family Code § 153.002, which directs courts to make custody determinations with the child's best interest as the primary consideration. For termination of parental rights, Texas Family Code § 161.001(b) requires clear and convincing evidence of both a statutory ground for termination and that termination is in the child's best interest.

### Case Law

Texas courts have developed a non-exhaustive list of factors to guide the best interest analysis, most notably articulated in the Texas Supreme Court's decision in [Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#). These factors include the acts or omissions of the parent that may indicate the parent-child relationship is not proper, as well as any excuse for such acts or omissions. Although [Holley v. Adams](#) has since been codified by statute (*Corrales v. Department of Family and Prot.*, 155 S.W.3d 478 (Tex. App. 2004)), its factors remain influential in judicial reasoning.

Subsequent appellate decisions have consistently reaffirmed the relevance of parental conduct—including dishonesty—in the best interest analysis. For example, [In re E.M.R.](#) (Tex. App. Feb. 3, 2022) and [Chavarria v. Rodriguez](#) (Tex. App. Jan. 31, 2025) both reference the importance of considering acts or omissions that may indicate an improper parent-child relationship. Similarly, [In re V.L.M.](#) (Tex. App. Oct. 21, 2021) and [In re Interest of C.F., 565 S.W.3d 832 \(Tex. App. 2018\)](#) reiterate that courts may consider a parent's conduct, including dishonesty, as part of the best interest determination.

However, Texas courts also require that there be a logical connection between the parent's conduct and harm to the child. As explained in [W.G. v. Tex. Dep't of Family & Protective Servs.](#) (Tex. App. July 7, 2023) and [In re B.B.M., 291 S.W.3d 463 \(Tex. App. 2009\)](#), mere speculation or isolated past misconduct is not enough; there must be evidence that the conduct is likely to harm the child or that it forms part of a pattern of behavior relevant to the child's welfare.

For termination of parental rights under Texas Family Code § 161.001(b)(1)(E), [In re C.N.](#), 12-24-00275-CV (Tex. App. Dec. 20, 2024) clarifies that a single act or omission is generally insufficient; rather, a voluntary, deliberate, and conscious course of conduct that endangers the child's physical or emotional well-being is required.

### Secondary Materials

Secondary sources, such as the 2023 article "[Coercive Control in High-Conflict Custody Litigation](#)," confirm that the best interest standard is non-exhaustive and that courts may consider any behavior—including dishonesty—that could negatively impact the child's welfare or the parent-child relationship.

## Analysis

### Application of Law to Lying on Divorce Petitions and Protective Orders

The Texas best interest standard is intentionally broad, allowing courts to consider any conduct by a parent that may affect the child's welfare. Lying on a divorce petition or in connection with a protective order is a form of dishonesty that may reflect negatively on a parent's character and integrity. Such conduct could be interpreted as an act or omission indicating that the parent-child relationship is not proper, as recognized in [Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#) (codified by statute), and reaffirmed in [In re E.M.R.](#) (Tex. App. Feb. 3, 2022), [Chavarria v. Rodriguez](#) (Tex. App. Jan. 31, 2025), and [In re V.L.M.](#) (Tex. App. Oct. 21, 2021).

The rationale is that dishonesty in legal proceedings, especially those directly related to family law and the welfare of the child, may call into question the parent's ability to model appropriate behavior, cooperate with the other parent, and act in the child's best interest. If the dishonesty is intended to manipulate the outcome of custody or to wrongfully obtain a protective order, it may also suggest a willingness to use the legal system to the detriment of the other parent and, by

extension, the child.

However, Texas courts do not treat every instance of dishonesty as dispositive evidence of parental unfitness. The best interest analysis is holistic, requiring the court to consider all relevant circumstances. As explained in [W.G. v. Tex. Dep't of Family & Protective Servs.](#) (Tex. App. July 7, 2023) and [In re B.B.M., 291 S.W.3d 463 \(Tex. App. 2009\)](#), there must be a logical inference that the parent's conduct will probably harm the child, not merely speculation or evidence of past misconduct that does not affect current fitness.

In the context of termination of parental rights, [In re C.N.](#), 12-24-00275-CV (Tex. App. Dec. 20, 2024) makes clear that a single act of dishonesty, such as lying on a legal document, is generally insufficient unless it is part of a broader pattern of conduct that endangers the child's physical or emotional well-being. The court must find a voluntary, deliberate, and conscious course of conduct that creates a risk to the child.

### Weight Given to Dishonesty

The weight given to a parent's dishonesty will depend on the context and the extent to which it impacts the child's best interest. For example, if a parent lies on a divorce petition or protective order in a way that results in the child being wrongfully separated from the other parent, or if the dishonesty is part of a pattern of manipulative or abusive behavior, the court is more likely to view it as indicative of unfitness. This is consistent with the principle, articulated in [Clements v. Haskovec, 251 S.W.3d 79 \(Tex. App. 2008\)](#), that past abusive or neglectful conduct can be used to infer future behavior, especially in the context of family violence protective orders.

Conversely, if the dishonesty is isolated, does not affect the child's welfare, or is adequately explained or excused, the court may give it less weight. The court will also consider whether the parent has taken responsibility for the misconduct and whether there is evidence of rehabilitation or changed behavior.

### Pattern of Conduct Versus Isolated Incident

Texas law distinguishes between a single act and a pattern of conduct. As noted in [In re C.N.](#), 12-24-00275-CV (Tex. App. Dec. 20, 2024), termination of parental rights requires more than a single act; there must be a course of conduct that endangers the child. Similarly, in custody determinations, while a single act of dishonesty may be relevant, it is unlikely to be determinative unless it is part of a broader pattern of behavior that undermines the child's welfare or the parent-child relationship.

### The Role of Excuses and Explanations

The best interest analysis also allows the court to consider any excuse or explanation for the parent's conduct. If the parent can provide a credible justification for the dishonesty, or if the act was the result of misunderstanding or mistake rather than intentional deceit, the court may be less inclined to view it as evidence of unfitness. This is consistent with the factors outlined in [Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#) and its progeny.

### Exceptions and Caveats

There are important caveats to this analysis. First, the mere fact of lying on a legal document does not automatically render a parent unfit; the court must consider the nature, context, and consequences of the dishonesty. If the lie is trivial, unrelated to the child's welfare, or does not affect the other parent or the child, it may have little or no impact on the custody determination.

Second, the court's focus is always on the child's best interest. If the parent's dishonesty does not affect the child's safety, emotional well-being, or relationship with the other parent, it may not be given significant weight. As emphasized in [W.G. v. Tex. Dep't of Family & Protective Servs.](#) (Tex. App. July 7, 2023), the evidence must support a logical inference of probable harm to the child.

Third, in cases involving termination of parental rights, the standard is even higher. There must be clear and convincing evidence of a course of conduct that endangers the child, not just a single act of dishonesty ([In re C.N.](#), 12-24-00275-CV (Tex. App. Dec. 20, 2024)).

Finally, while [Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#) has been codified by statute, its factors remain influential but are not exclusive. Courts retain broad discretion to consider any relevant conduct in the best interest analysis.

### Conclusion

In summary, Texas courts may consider lying on a divorce petition or protective order as an indication of parental unfitness in a custody case, particularly if the dishonesty reflects negatively on the parent's character or forms part of a pattern of conduct that endangers the child's welfare. However, such conduct is evaluated in the context of all relevant circumstances, and a single instance of dishonesty, without more, is unlikely to be dispositive. The ultimate question is whether the parent's behavior affects the child's best interest, and the court will weigh evidence of dishonesty alongside all other relevant factors in making its determination.

**Disclaimer:** This response is based on the provided legal authorities and general legal knowledge as of May 2025. For advice tailored to specific circumstances, consult a qualified Texas family law attorney.

### Legal Authorities

[Clements v. Haskovec, 251 S.W.3d 79 \(Tex. App. 2008\)](#)

### Texas Court of Appeals

### Extract

*In parental termination and child custody cases it is well-settled that 'evidence that a parent has engaged in abusive or neglectful conduct in the past permits an inference that the parent will continue this behavior in the future.' In re T.L.S. and R.L.P., 170 S.W.3d 164, 166 (Tex. App.-Waco 2005, no pet.). An extensive body of case law from the appellate courts now directly extends this principle to family violence protective order cases.*

## Summary

Past abusive or neglectful conduct by a parent can be used to infer future behavior in parental termination and child custody cases. This principle is extended to cases involving family violence protective orders. While the passage does not explicitly mention lying on a divorce petition, it suggests that any conduct deemed abusive or neglectful, which could include lying to manipulate legal outcomes, might be considered in assessing parental fitness.

[Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#)

## Texas Supreme Court

### Extract

*The focus of the current termination proceeding is twofold; first, on the acts or omissions of the parent And, second, upon the best interest of the child. ... Included among these are the following: ... (H) the acts or omissions of the parent which may indicate that the existing parent-child relationship is not a proper one; ...*

## Summary

The Texas Supreme Court in Holley v. Adams emphasizes the importance of evaluating the acts or omissions of a parent when determining the fitness of the parent-child relationship. This includes any conduct that may indicate the relationship is not proper. Lying on a divorce petition and protective order could be considered an act or omission that reflects negatively on a parent's fitness, as it may suggest dishonesty or a lack of integrity, which could impact the child's well-being.

[In re L.J.H., 05-21-00183-CV \(Tex. App. Sep 20, 2021\)](#)

## Texas Court of Appeals

### Extract

*The trial court made findings that, if supported by sufficient evidence, would satisfy the following provisions of the Texas Family Code: TEX. FAM. CODE ANN. § 161.001.*

## Summary

The trial court made findings that would satisfy provisions of the Texas Family Code, specifically § 161.001, which relates to the termination of parental rights. This suggests that the court considered evidence of parental unfitness in its decision to terminate parental rights. While the passage does not explicitly mention lying on a divorce petition or protective order, it implies that the court's decision was based on evidence of unfitness, which could include dishonesty if it impacts the welfare of the children.

[In re C.A.M.M., 243 S.W.3d 211 \(Tex. App. 2007\)](#)

## Texas Court of Appeals

### Extract

*See Holley v. Adams, 544 S.W.2d 367, 371-72 (Tex.1976) (listing a range of factors that courts consider in determining the best interest of the child, including ... (8) the acts or omissions of the parent, which may indicate that the existing parent-child relationship is not a proper one; and (9) any excuse for the acts or omissions of the parent).*

## Summary

The passage from Holley v. Adams, as cited in "In re C.A.M.M.", provides a list of factors that courts consider when determining the best interest of the child in custody cases. Among these factors are the acts or omissions of the parent, which may indicate that the existing parent-child relationship is not a proper one. Lying on a divorce petition and protective order could be considered an act or omission that reflects negatively on the parent's character and honesty, potentially impacting the court's view of the parent's fitness. Therefore, such behavior could be relevant in assessing parental unfitness.

[In re E.M.V., 04-24-00860-CV \(Tex. App. Apr 30, 2025\)](#)

## Texas Court of Appeals

### Extract

*A parent-child relationship may be terminated, pursuant to Texas Family Code section 161.001, only if the trial court finds by clear and convincing evidence one predicate ground enumerated in subsection (b) and termination is in a child's best interest. Tex. Fam. Code § 161.001(b)... Under Texas law, 'there is a strong presumption that the best interest of a child is served by keeping the child with a parent.' In re R.R., 209 S.W.3d 112, 116 (Tex. 2006) (per curiam). However, a trial court must also presume 'the prompt and permanent placement of the child in a safe environment is... in the child's best interest.' Tex. Fam. Code § 263.307(a). In making a best-interest determination, the factfinder looks at the entire record and considers all relevant circumstances.*

## Summary

Criteria for terminating parental rights and determining the best interest of a child, emphasizing the need for clear and convincing evidence and considering the totality of circumstances. While it does not explicitly mention lying on a divorce petition or protective order, it implies that any behavior impacting the child's best interest, including dishonesty, could be relevant in assessing parental fitness.

[W.G. v. Tex. Dep't of Family & Protective Servs.](#)

## Texas Court of Appeals

### Extract

*The link 'between the parent's conduct and harm to the child may not be based on evidence which merely raises a surmise or speculation of possible harm,' In re De La Pena, 999 S.W.2d 521, 528 (Tex. App.-El Paso 1999, no pet.), and 'the evidence must support the logical inference that some specific, identifiable behavior or conduct of the parent will probably harm the child,' In re B.B.M., 291 S.W.3d 463, 467 (Tex. App.-Dallas 2009, pet. denied). 'If the parent is presently a suitable person to have custody, the fact that there was a time in the past when the parent would not have been a proper person to have such custody is not controlling.'*

## Summary

In Texas, determining parental unfitness in custody cases requires evidence of specific conduct that is likely to harm the child. Mere speculation or past conduct that does not currently affect the parent's suitability is not sufficient. This suggests that lying on a divorce petition and protective order would need to be shown to have a direct, negative impact on the child's well-being to be considered an indication of parental unfitness.

[In re V.L.M.](#)

## Texas Court of Appeals

### Extract

*These include, but are not limited to, (1) the desires of the child, (2) the emotional and physical needs of the child now and in the future, (3) the emotional and physical danger to the child now and in the future, (4) the parental abilities of the individuals seeking custody, (5) the programs available to assist these individuals to promote the best interest of the child, (6) the plans for the child by these individuals or by the agency seeking custody, (7) the stability of the home or proposed placement, (8) the acts or omissions of the parent that may indicate that the existing parent-child relationship is not a proper one, and (9) any excuse for the acts or omissions of the parent. Id. Additionally, evidence that proves one or more statutory grounds for termination may also constitute evidence illustrating that termination is in the child's best interest.*

## Summary

The passage outlines factors that are considered in determining the best interest of the child in custody cases. Among these factors, it mentions "the acts or omissions of the parent that may indicate that the existing parent-child relationship is not a proper one." Lying on a divorce petition and protective order could be considered an act or omission that indicates the parent-child relationship is not proper, thus potentially impacting the determination of parental fitness.

[Chavarria v. Rodriguez](#)

## Texas Court of Appeals

### Extract

*The primary consideration in determining issues of conservatorship and possession of and access to a child is always a child's best interest. See Tex. Fam. Code § 153.002; In re J.A.J., 243 S.W.3d 611, 614 (Tex. 2007). Trial courts generally have wide latitude in determining what is in a child's best interest, Gillespie, 644 S.W.2d at 451, and may use a non-exhaustive list of factors to aid in the determination. Holley v. Adams, 544 S.W.2d 367, 371-72 (Tex. 1976). The factors include: ... (8) the parent's acts or omissions that may indicate that the parent-child relationship is not proper; ...*

## Summary

The court considers a non-exhaustive list of factors to determine a child's best interest in custody cases. One of these factors is the parent's acts or omissions that may indicate that the parent-child relationship is not proper. Lying on a divorce petition and protective order could be considered an act that indicates the parent-child relationship is not proper, thus potentially affecting the court's determination of parental fitness.

[In re E.M.R.](#)

## Texas Court of Appeals

### Extract

*The Texas Supreme Court has articulated factors that may be considered when determining whether termination of parental rights is in the best interest of the child, including: ... the acts or omissions of the parent that may indicate that the existing parent-child relationship is not a proper one, and any excuse for the acts or omissions of the parent.*

### Summary

The passage outlines factors considered by the Texas Supreme Court when determining the best interest of a child, which includes evaluating the acts or omissions of a parent that may indicate an improper parent-child relationship. Lying on a divorce petition and protective order could be considered an act that reflects negatively on a parent's character and honesty, potentially impacting the perception of their fitness as a parent. This aligns with the factors mentioned in the passage, suggesting that such behavior could indeed be relevant in assessing parental unfitness.

[In re C.N., 12-24-00275-CV \(Tex. App. Dec 20, 2024\)](#)

## Texas Court of Appeals

### Extract

*Subsection (E) requires us to look at the parent's conduct alone, including actions, omissions, or the parent's failure to act. In re D.J., 100 S.W.3d 658, 662 (Tex. App.-Dallas 2003, pet. denied); In re D.M., 58 S.W.3d 802, 811 (Tex. App.-Fort Worth 2001, no pet.). Termination under subsection (E) must be based on more than a single act or omission. In re D.M., 58 S.W.3d at 812; In re D.T., 34 S.W.3d 625, 634 (Tex. App.-Fort Worth 2000, pet. denied). A voluntary, deliberate, and conscious 'course of conduct' by the parent that endangers the child's physical and emotional wellbeing is required.*

### Summary

The passage from the document discusses the criteria under which parental rights may be terminated in Texas, specifically under subsection (E) of Texas Family Code Section 161.001(b)(1). It emphasizes that termination must be based on a "course of conduct" that endangers the child's wellbeing, rather than a single act or omission. This suggests that lying on a divorce petition and protective order, if part of a broader pattern of behavior that endangers the child, could be considered in determining parental unfitness. However, a single instance of lying may not be sufficient for termination unless it is part of a larger pattern of conduct.

[In re Interest of C.F., 565 S.W.3d 832 \(Tex. App. 2018\)](#)

## Texas Court of Appeals

### Extract

*Courts may consider the following non-exclusive factors to determine the child's best interest: ... acts or omissions of the parent that may indicate the existing parent-child relationship is not appropriate; and any excuse for the parent's acts or omissions.*

### Summary

Texas courts consider various factors to determine the best interest of the child in custody cases. Among these factors are the "acts or omissions of the parent that may indicate the existing parent-child relationship is not appropriate." Lying on a divorce petition and protective order could be considered an act that reflects negatively on the parent's character and honesty, potentially indicating an inappropriate parent-child relationship. Therefore, such behavior could be relevant in assessing parental fitness.

[In re B.B.M., 291 S.W.3d 463 \(Tex. App. 2009\)](#)

## Texas Court of Appeals

### Extract

*Although an adult's future conduct may be somewhat determined by recent past conduct, past misconduct may not be sufficient, in and of itself, to show present unfitness to be a parent. Certain past acts or omissions such as physical abuse, severe neglect, abandonment, drug or alcohol abuse, or immoral behavior may indicate a threat of future harm to a child.*

### Summary

While past misconduct can be considered, it is not automatically sufficient to establish parental unfitness. The court looks for evidence of a threat of future harm to the child, which can be indicated by certain past behaviors. Lying on a divorce petition and protective order could potentially be considered under "immoral behavior," but it would need to be evaluated in the context of whether it poses a threat of future harm to the child.

#### [Coercive Control in High-Conflict Custody Litigation](#)

Family Law Quarterly - American Bar Association - Gillian R. Chadwick and Stef Sloan - 2023-01-01

#### Extract

*The universal legal standard for child custody determinations is the "best interest of the child." Most states have attempted to concretize this abstract concept by creating specific "best interest" custody factors, such as "[e]ach parent's role and involvement with the minor child before and after separation," "the emotional and physical needs of the child," and "the school activity schedule of the child," as well as "evidence of domestic abuse" and "the willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent." The best interest factors are generally considered non-exhaustive, meaning that courts may consider other points besides those included in the enumerated factors.*

#### Summary

"best interest of the child" standard, which is the guiding principle in child custody cases. It mentions that courts consider various factors, including evidence of domestic abuse and the willingness of each parent to foster a relationship between the child and the other parent. While the passage does not explicitly mention lying on a divorce petition or protective order, it implies that any behavior that could negatively impact the child's best interest, such as dishonesty that affects the child's welfare or the parental relationship, could be considered by the court. Therefore, lying on legal documents could potentially be seen as an indication of parental unfitness if it impacts the child's best interest.

This memo was compiled by Vincent AI based on vLex materials available as of May 09, 2025. [View full answer on vLex](#)