

## **Question**

There is no final divorce decree or valid court order in place; the orders issued are facially void and unenforceable. Texas law requires a final, appealable order to confer continuing jurisdiction for modification or enforcement (see Tex. Fam. Code § 6.702; *In re Burlington Coat Factory Warehouse of McAllen, Inc.*, 167 S.W.3d 827, 830 (Tex. 2005)). Without a valid final order, the court lacks jurisdiction to proceed, and the case should be dismissed.

## **Answer (Texas)**

### **Short response**

Under Texas law, a court does not acquire continuing, exclusive jurisdiction to modify or enforce family law orders unless a valid, final, and appealable order has been rendered; orders issued without such finality are void and unenforceable, depriving the court of jurisdiction to proceed. In the absence of a final divorce decree or valid court order, the case must be dismissed for want of jurisdiction.

### **Summary**

Texas statutory and case law uniformly require that a court's continuing, exclusive jurisdiction in family law matters—such as divorce, child custody, or support—arises only upon the rendition of a final, appealable order that disposes of all issues and parties. If no such final order exists, any subsequent orders are facially void, and the court lacks authority to modify, enforce, or otherwise proceed in the matter.

The authorities make clear that interlocutory or incomplete orders, or those entered after the court's plenary power has expired, do not confer jurisdiction and cannot be enforced or modified. As a result, where there is no valid final decree or enforceable order, Texas courts are required to dismiss the case for lack of jurisdiction.

## **Background and Relevant Law**

### **Legislative Framework**

The Texas Family Code is explicit regarding the acquisition of continuing, exclusive jurisdiction in family law matters. Section 155.001 provides that a court acquires such jurisdiction only upon the rendition of a final order. Specifically, the statute states that, except as otherwise provided, a court gains continuing, exclusive jurisdiction over matters involving a child only when a final order is rendered. If no final order has been issued, any

subsequent suit must be initiated as an original proceeding, not as a modification or enforcement action ([Tex. Fam. Code § 155.001](#) (2025)).

This legislative requirement is foundational: it means that the court's authority to act in future proceedings—such as modifications of custody, support, or enforcement—depends entirely on the existence of a valid, final, and appealable order. Without such an order, the court is without power to proceed.

## Case Law

Texas appellate courts have consistently interpreted and enforced this statutory requirement. The following principles emerge from the case law:

1. **Finality Requirement for Jurisdiction:** Courts acquire continuing, exclusive jurisdiction only upon the entry of a final order that disposes of all issues and parties. Orders that are interlocutory, incomplete, or expressly reserve issues for future adjudication do not confer such jurisdiction ([Moore v. Brown](#), [993 S.W.2d 871](#) (Tex. App. 1999); [Trevino v. Ables](#), [943 S.W.2d 166](#) (Tex. App. 1997); [In re I.A.F.](#) (Tex. App. 2022)).
2. **Voidness of Orders Issued Without Jurisdiction:** Any order or judgment signed after the court's plenary power has expired, or in the absence of a final order, is void and unenforceable. Judicial actions taken after jurisdiction has lapsed are nullities ([In re Harris](#) (Tex. App. 2024); [In re Office of the Att'y Gen. of Tex.](#), [264 S.W.3d 800](#) (Tex. App. 2008); [In re A.J.F.](#), [313 S.W.3d 475](#) (Tex. App. 2010)).
3. **Necessity of Finality Language and Disposition of All Issues:** For an order to be final and appealable, it must contain language indicating finality and must resolve all issues as to all parties. If the order anticipates further action or reserves issues for later determination, it is interlocutory and does not confer jurisdiction ([In re Marriage of Maradiaga](#) (Tex. App. 2020); [Cowan v. Moreno](#), [903 S.W.2d 119](#) (Tex. App. 1995); [Zellers v. Barthel](#), [727 S.W.2d 364](#) (Tex. App. 1987); [Ault v. Mulanax](#), [724 S.W.2d 824](#) (Tex. App. 1986)).
4. **Procedural Requirements for Modification or Enforcement:** Modifications or enforcement actions require a valid, final order as their jurisdictional basis. If no such order exists, or if the court's plenary power has expired, any subsequent orders are invalid ([In re Marriage of Cobb](#) (Tex. App. 2024); [In re B.U.H.](#) (Tex. App. 2020)).
5. **Jurisdictional Consequences:** If a court lacks a valid final order, it cannot proceed with modification or enforcement, and the case must be dismissed for want of jurisdiction ([Trevino v. Ables](#) (Tex. App. 1997); [Zellers v. Barthel](#) (Tex. App. 1987)).

# **Analysis**

## **The Requirement of a Final, Appealable Order**

The Texas Family Code and the case law are unequivocal: a court's continuing, exclusive jurisdiction in family law matters is triggered only by the rendition of a final order. Section 155.001 of the Family Code is explicit that such jurisdiction arises only upon the entry of a final order. This is not a mere procedural formality; it is a jurisdictional prerequisite. The statute further clarifies that, absent a final order, any subsequent suit must be brought as an original proceeding, not as a modification or enforcement action ([Tex. Fam. Code § 155.001](#) (2025)).

The courts have consistently interpreted this requirement to mean that any order that does not dispose of all issues and parties, or that reserves issues for future adjudication, is not final and does not confer jurisdiction for further proceedings. For example, in [Moore v. Brown, 993 S.W.2d 871](#) (Tex. App. 1999), the court held that continuing, exclusive jurisdiction is acquired only upon the rendition of a final order in a suit affecting the parent-child relationship. Similarly, [Trevino v. Ables, 943 S.W.2d 166](#) (Tex. App. 1997) emphasized that the statutory scheme presumes the existence of a final decree before a court can exercise continuing, exclusive jurisdiction.

The requirement for finality is further reinforced by the need for the order to contain language indicating that it is final and appealable, and to resolve all issues as to all parties. In [In re Marriage of Maradiaga](#) (Tex. App. 2020), the absence of finality language and the anticipation of further action rendered the order interlocutory and not final. [Cowan v. Moreno, 903 S.W.2d 119](#) (Tex. App. 1995) and [Ault v. Mulanax, 724 S.W.2d 824](#) (Tex. App. 1986) similarly held that a judgment is final only if it disposes of all issues and parties, and that interlocutory orders do not confer jurisdiction for appeal or further proceedings.

## **Voidness and Lack of Jurisdiction**

If a court issues an order after its plenary power has expired, or in the absence of a valid final order, that order is void and unenforceable. This principle is well established in Texas law. In [In re Harris](#) (Tex. App. 2024), the court held that any order or judgment signed after the court loses plenary jurisdiction is void. The court cited prior authority for the proposition that orders entered outside a trial court's plenary power are nullities (In re Office of the Att'y Gen. of Tex., 264 S.W.3d 800 (Tex. App. 2008); In re A.J.F., 313 S.W.3d 475 (Tex. App. 2010)). This means that any action taken by the court after its jurisdiction has lapsed is without legal effect.

This principle is directly relevant to the scenario where no final divorce decree or valid court order exists. Any orders issued in such circumstances are facially void and unenforceable, and the court lacks jurisdiction to proceed with modification or enforcement. The case law is clear that the

absence of a final order deprives the court of the authority to act, and any purported orders are nullities.

## Procedural Requirements for Modification or Enforcement

The procedural requirements for modification or enforcement actions further reinforce the necessity of a valid, final order. In [In re Marriage of Cobb](#) (Tex. App. 2024), the court found a modification order invalid because the trial court's plenary power over the original divorce decree had expired, and no proper pleadings or notice for modification had been filed. The court emphasized that, without a valid final order and compliance with procedural requirements, any modification order is invalid.

Similarly, [In re B.U.H.](#) (Tex. App. 2020) highlighted that a court acquires continuing, exclusive jurisdiction only upon the rendition of a final order, and that, absent such an order, the court does not have jurisdiction to proceed with modifications or enforcement. The case law thus makes clear that the existence of a valid, final order is a jurisdictional prerequisite for any subsequent proceedings.

## Consequences of Lack of Final Order

The consequences of the absence of a final order are clear: the court lacks jurisdiction to proceed, and the case must be dismissed. In [Trevino v. Ables](#), [943 S.W.2d 166](#) (Tex. App. 1997), the court held that, without a final decree to modify, the relevant statutory provisions do not apply, and the court lacks jurisdiction. [Zellers v. Barthel](#), [727 S.W.2d 364](#) (Tex. App. 1987) similarly held that, where an order does not dispose of all issues, it is not final and appealable, and the court lacks jurisdiction to hear the merits of the controversy.

The requirement for finality is not merely technical; it is a substantive jurisdictional requirement. Without a valid, final, and appealable order, the court is without power to act, and any orders issued are void and unenforceable.

## Supplementary Authorities

Supplementary authorities reinforce these principles. For example, [In re C.D.B.](#) (Tex. App. 2015) held that a trial court lacks jurisdiction to modify a child-support order if it no longer has the power to render an original child-support order. [Jones v. Tex. Dep't of Family](#), [400 S.W.3d 173](#) (Tex. App. 2013) emphasized the importance of determining which court has continuing, exclusive jurisdiction before rendering a final order, and that orders issued without such determination are voidable.

## Exceptions and Caveats

While the authorities are clear regarding the requirement for a final, appealable order to confer jurisdiction, there are limited statutory exceptions. For example, certain interlocutory orders may be made

appealable by statute, but these are exceptions to the general rule and are not applicable in the absence of a final order disposing of all issues and parties ([Ault v. Mulanax](#), [724 S.W.2d 824](#) (Tex. App. 1986)). Additionally, the Family Code provides for continuing jurisdiction in certain circumstances, such as enforcement of property division under Section 9.002, but these provisions still require the existence of a final decree or order as their jurisdictional basis ([In re I.A.F.](#) (Tex. App. 2022)).

It is also important to note that, in rare cases, courts have addressed the issue of voidable versus void orders, particularly where there is confusion about which court has continuing, exclusive jurisdiction (Jones v. Tex. Dep't of Family, [400 S.W.3d 173](#) (Tex. App. 2013)). However, these cases do not undermine the fundamental requirement for a final, appealable order as a prerequisite for jurisdiction.

## Conclusion

Texas law is unequivocal: a court's continuing, exclusive jurisdiction in family law matters arises only upon the rendition of a valid, final, and appealable order that disposes of all issues and parties. Orders that are interlocutory, incomplete, or entered after the court's plenary power has expired are void and unenforceable, and the court lacks jurisdiction to proceed with modification or enforcement. In the absence of a final divorce decree or valid court order, the case must be dismissed for want of jurisdiction. This principle is firmly established in both the Texas Family Code and the case law, and there are no relevant exceptions that would permit the court to proceed in the absence of a final order.

## Legal Authorities

[In re C.D.B., NO. 14-13-00718-CV \(Tex. App. Mar 24, 2015\)](#)

### Texas Court of Appeals

#### Extract

Under binding precedent, the trial court lacked jurisdiction over the respondent's request for modification of the trial court's prior child-support order and his affirmative claim for reimbursement. ... The Supreme Court of Texas and this court have held that a trial court lacks jurisdiction to modify a child-support order after the trial court has lost jurisdiction to render an original child-support order. ... Because the relevant statutes have not been changed substantially, this court is bound, by both Red and Harkins, to hold that the trial court lacked jurisdiction over Brent's petition to modify the child-support order if the trial court did not have the power to render an original child-support order under section 154.001.

## **Summary**

Lack of jurisdiction of a trial court to modify a child-support order if it no longer has the power to render an original child-support order. This aligns with the proposition that without a valid final order, the court lacks jurisdiction to proceed. The passage references binding precedent and statutory provisions that support the idea that jurisdiction is contingent upon the existence of a valid, original order.

[In re Marriage of Maradiaga, NO. 14-19-00970-CV \(Tex. App. Feb 25, 2020\)](#)

## **Texas Court of Appeals**

### **Extract**

There is no finality language in the purported decree. See *In re R.R.K.*, 590 S.W.3d 535, 543 (Tex. 2019) (discussing *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 206 (Tex. 2001) ('This judgment finally disposes of all parties and all claims and is appealable.'). Moreover, the ruling expressly anticipates the preparation of a 'Final Decree of Divorce and all necessary documents to effectuate the division of property and obligations — either counsel may set for entry as necessary.'

## **Summary**

The court's ruling lacks finality language, which is necessary for an order to be considered final and appealable. The ruling also anticipates further action to finalize the decree, which means it is not yet a final order. This supports the proposition that without a final order, the court lacks jurisdiction to proceed with modifications or enforcement.

[In re Marriage of Cobb, 07-23-00311-CV \(Tex. App. Jul 17, 2024\)](#)

## **Texas Court of Appeals**

### **Extract**

Richard contends the modification order is invalid because the final divorce decree was a final judgment and the trial court lost plenary power thirty days after its rendition. Albeit for different reasons, we agree the modification order is invalid. ... Generally, a trial court has plenary power for thirty days after a judgment is signed to otherwise grant a new trial or to vacate, modify, correct, or reform the judgment. TEX. R. CIV. P. 329b(d). ... Here, it is undisputed that the trial court's plenary power over the divorce decree rendered in November 2022 had expired at the time of the status hearing held in June 2023. More importantly, Kylie did not file a motion to modify or any pleadings seeking modification of the trial court's custody determinations, nor did she provide notice to Richard of any modification.

## **Summary**

Expiration of the trial court's plenary power over a final divorce decree and the requirement for proper pleadings and notice for any modification. It highlights that without a valid final order and proper procedure, any modification order is invalid. This supports the proposition that without a valid final order, the court lacks jurisdiction to proceed.

[Zellers v. Barthel, 727 S.W.2d 364 \(Tex. App. 1987\)](#)

### **Texas Court of Appeals**

#### **Extract**

In this appeal we are presented with the question of whether a trial court's order, which does not dispose of all issues before the court, is final so as to give this court jurisdiction to hear the merits of the controversy. We find that the judgment is not final and as a result dismiss the purported appeal for want of jurisdiction... Finally, the presumption does not apply to judgments that affirmatively reserve some ultimate issues or decisions for future adjudication. For example, divorce judgments which expressly reserve the issue of child support or property division will not be given the presumption of finality... It is our opinion that the 'Order on Motion to Modify in Suit Affecting Parent-Child Relationship' is not a final, appealable order. The order, by its very terms, does not dispose of all issues before the court. As a result, it falls within the fourth exception to the Aldridge rule because it reserves an ultimate issue for future adjudication.

## **Summary**

Requirement for a court order to be final in order to confer jurisdiction for appeal. It highlights that orders which do not resolve all issues or reserve issues for future adjudication are not considered final. This aligns with the proposition that without a final order, the court lacks jurisdiction to proceed, supporting the need for dismissal if no final order is present.

[In re Harris](#)

### **Texas Court of Appeals**

#### **Extract**

If an order or judgment is signed after the court loses plenary jurisdiction, the order or judgment is void. *In re Office of the Att'y Gen. of Tex.*, 264 S.W.3d 800, 809 (Tex. App.-Houston [1st Dist.] 2008, orig. proceeding) (holding that 'orders entered outside a trial court's plenary power are void'). ... The district court therefore did not have plenary power when it signed its subsequent orders, including those signed by Judge Connor and Judge

Guerra Gamble, and those orders are void. [] See *In re A.J.F.*, 313 S.W.3d 475, 478 (Tex. App.-Dallas 2010, no pet.) (stating that judicial action taken after court's jurisdiction over case has expired is a nullity).

## **Summary**

The passage explains that any order or judgment signed after a court's plenary jurisdiction has expired is considered void. This directly supports the proposition that without a valid final order, the court lacks jurisdiction to proceed. The passage also references other cases that reinforce the idea that actions taken outside of a court's jurisdiction are nullities, further supporting the proposition.

### [In re I.A.F.](#)

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

##### **Extract**

Notwithstanding Rule 329b, the Texas Family Code provides for continuing jurisdiction in certain circumstances. The court that rendered a decree of divorce or annulment retains the power to enforce a property division, subject to certain limitations. Tex. Fam. Code § 9.002. Additionally, the family code's Title 5, which governs 'The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship,' states in section 155.001(a) that '[e]xcept as otherwise provided by this section, a court acquires continuing, exclusive jurisdiction over the matters provided for by this title in connection with a child on the rendition of a final order.' Id. § 155.001(a); see also id. § 101.025 ('parent-child relationship' means 'the legal relationship between a child and the child's parents' and 'includes the mother and child relationship and the father and child relationship').

## **Summary**

The Texas Family Code specifies that a court acquires continuing, exclusive jurisdiction over certain family law matters only upon the rendition of a final order. This supports the proposition that without a valid final order, the court lacks jurisdiction to proceed with modifications or enforcement actions.

### [Ault v. Mulanax, 724 S.W.2d 824 \(Tex. App. 1986\)](#)

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

##### **Extract**

A final decree is generally characterized as appealable. Interlocutory orders are not appealable unless they are specifically made so by statute. To be

final, a decree must dispose of all issues presented by the pleadings so that no future action will be necessary to settle and determine the case. ... A judgment is interlocutory when it determines less than all issues as to all parties, thereby leaving something to be determined and adjudicated by the court in disposing of the parties and their rights.

## **Summary**

The passage explains that for a decree to be considered final, it must resolve all issues presented by the pleadings, leaving no further action necessary. This aligns with the proposition that without a final, appealable order, the court lacks jurisdiction to proceed. The passage also distinguishes between final and interlocutory orders, emphasizing that interlocutory orders do not confer continuing jurisdiction unless specifically made appealable by statute.

[Trevino v. Ables, 943 S.W.2d 166 \(Tex. App. 1997\)](#)

### **Texas Court of Appeals**

#### **Extract**

By referring to the court of 'continuing, exclusive jurisdiction,' this section assumes that a final decree has been entered in the suit affecting the parent-child relationship. See id. § 155.001(d) (noting that a final order establishes a court of continuing, exclusive jurisdiction). Without a final decree to modify, section 155.201 does not apply. ... Because this issue was not addressed, the decree was not a final order and, therefore, did not create a court of continuing, exclusive jurisdiction.

## **Summary**

The passage from "Trevino v. Ables" clarifies that for a court to have continuing, exclusive jurisdiction, a final decree must be entered. The case highlights that without a final order, the court does not have the jurisdiction to modify or enforce orders, as seen in the reference to Texas Family Code § 155.001(d). This directly supports the proposition that without a valid final order, the court lacks jurisdiction.

[Moore v. Brown, 993 S.W.2d 871 \(Tex. App. 1999\)](#)

### **Texas Court of Appeals**

#### **Extract**

Continuing, exclusive jurisdiction is acquired by a court when it renders the 'final order' in an original suit affecting a parent-child relationship. See Tex. Fam. Code Ann. 155.001(a). Once required, continuing, exclusive jurisdiction may be exercised 'to modify [the] order regarding managing

conservatorship, possessory conservatorship, possession of and access to the child, and support of the child.' Id. 155.003(a), 156.001.

## **Summary**

The passage from "Moore v. Brown" clarifies that a court acquires continuing, exclusive jurisdiction only when it renders a "final order" in a suit affecting a parent-child relationship. This supports the proposition that without a valid final order, the court lacks jurisdiction to proceed with modifications or enforcement. The passage directly ties the concept of jurisdiction to the existence of a final order, which is central to the proposition.

[In re B.U.H., NUMBER 13-18-00622-CV \(Tex. App. Dec 03, 2020\)](#)

## **Texas Court of Appeals**

### **Extract**

See id. § 155.001(a) ('Except as otherwise provided by this section, a court acquires continuing, exclusive jurisdiction over the matters provided for by this title in connection with a child on the rendition of a final order.');

id. § 155.001(c) ('If a court of this state has acquired continuing, exclusive jurisdiction, no other court of this state has jurisdiction of a suit with regard to that child except as provided by this chapter, Section 103.001(b) [concerning suits requesting adoption], or Chapter 262 [concerning suits by governmental entities to protect the health and safety of a child].');

id. § 155.002 ('Except as otherwise provided by this subchapter, a court with continuing, exclusive jurisdiction retains jurisdiction of the parties and matters provided by this title.') .

## **Summary**

The passage highlights the importance of a final order in conferring continuing, exclusive jurisdiction to a court over family law matters. Without such a final order, the court does not have the jurisdiction to proceed with modifications or enforcement. This directly supports the proposition that without a valid final order, the court lacks jurisdiction, and the case should be dismissed.

[Cowan v. Moreno, 903 S.W.2d 119 \(Tex. App. 1995\)](#)

## **Texas Court of Appeals**

### **Extract**

A judgment is final when it determines the rights of all parties and disposes of all issues in a case so that no future action by the court is necessary to

settle the entire controversy. ... A judgment or order that expressly reserves an issue for later adjudication is interlocutory. ... Accordingly, the issue must be resolved before the decree is final.

## **Summary**

For a judgment to be final and appealable in Texas, it must resolve all issues and determine the rights of all parties involved. If any issue is reserved for later adjudication, the judgment is considered interlocutory and not final. This supports the proposition that without a final order, the court lacks jurisdiction to proceed.

[Jones v. Tex. Dep't of Family, 400 S.W.3d 173 \(Tex. App. 2013\)](#)

## **Texas Court of Appeals**

### **Extract**

The Texas Department of Family and Protective Services failed to discern whether any other court was a court of continuing, exclusive jurisdiction over the children the subject of this suit, which rendered the Court's decision on December 17, 2010 voidable pursuant to Texas Family Code § 155.104(b). There are two final orders entered in two separate Travis County cases involving the children the subject of this suit; therefore those courts are the courts of continuing, exclusive jurisdiction over the children the subject of this suit, and this Court should set aside the voidable order entered on December 17, 2010.

## **Summary**

The passage discusses a situation where a court's decision was rendered voidable because it failed to recognize another court's continuing, exclusive jurisdiction. This aligns with the proposition that without a valid final order, a court lacks jurisdiction to proceed. The passage highlights the importance of determining which court has continuing, exclusive jurisdiction before rendering a final order, supporting the idea that orders issued without such determination are voidable.

[Tex. Fam. Code § 155.001 Tex. Fam. Code § 155.001 Acquiring Continuing, Exclusive Jurisdiction](#)

### **Extract**

Except as otherwise provided by this section, a court acquires continuing, exclusive jurisdiction over the matters provided for by this title in connection with a child on the rendition of a final order. ... Unless a final order has been rendered by a court of continuing, exclusive jurisdiction, a subsequent suit shall be commenced as an original proceeding.

## **Summary**

The passage clearly states that a court acquires continuing, exclusive jurisdiction over matters related to a child only upon the rendition of a final order. Furthermore, it specifies that unless a final order has been rendered, any subsequent suit must be commenced as an original proceeding. This supports the proposition that without a valid final order, the court lacks jurisdiction to proceed with modifications or enforcement, as continuing jurisdiction is not established.

This memo was compiled by Vincent AI based on vLex materials available as of September 01, 2025. [View full answer on vLex](#)