

**SUPPLEMENT TO
JUNE 2026
CASELAW UPDATE**
(Cases from May 1–31, 2026)¹

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¹ There were 32 cases in initial update; the 3 below were inadvertently overlooked.



**DIVORCE:
PROPERTY DIVISION**

Community Estate Reconstituted Based in Part on Husband's Failure to Tell Wife He Would be Using His Separate Funds to Buy Their New Home Instead of Community Proceeds from the Sale of Their Old Home.

33. *Dreelan v. Dreelan*, No. 05-25-00665-CV, 2026 WL 1346928 (Tex. App.—Dallas 2026, no pet. h.) (mem. op.) (05-13-2026).

Facts: During marriage, the parties purchased the Old House but later sold it and moved into the New House. In his divorce petition, Husband asserted the New House was his separate property. After a final hearing, at which a financial expert testified, the court signed a final decree, found Husband committed constructive fraud, and awarded Wife a money judgment in connection with that fraud. The court found Husband made a material misrepresentation to Wife that the New House would be purchased with proceeds from the Old House. Husband also had extramarital relationships in which he spent community funds without Wife's knowledge or consent. Husband appealed

Holding: Affirmed.

Opinion: Husband argued the trial court erred in finding he committed actual and constructive fraud. When Husband received almost \$1 million through inheritance, the marriage was already strained, so Husband sought legal advice on how to keep the funds as his separate property.

Per Husband's testimony, he used the inheritance funds to purchase the New House, and when the Old House sold, he placed the proceeds of that sale in a community bank account. Husband testified that he used the inheritance funds to pay certain community expenses but repaid himself from the community account. Additionally, he used some inheritance funds to fund an LLC for investment purposes; however, he claimed the LLC was "well in the hole" by the time of divorce.

Wife testified that she signed documents to allow Husband to sell the Old House, and her understanding and expectation was that the proceeds of that sale would be used to purchase the New House. Husband did not tell Wife he was purchasing the New House for himself.

By the time of trial, the New House had appreciated in value by nearly \$400k since its initial purchase. The trial court as factfinder was free to take Wife's testimony as being more credible than Husband's. Thus, the court did not abuse its discretion in finding Husband committed fraud on the community estate.

Husband next argued the trial court violated the one satisfaction rule by awarding Wife a lump-sum damage award. The trial court was required to reconstitute the community estate with the value it was depleted as a result of the fraud. A court may grant a money judgment or other legal or equitable relief necessary to accomplish a just and right division. The trial court did not find Husband liable for three theories of tort recovery but instead found he had committed constructive fraud against the community estate. The court was permitted to grant the judgment and did not abuse its discretion.

**SAPCR:
PROCEDURE AND JURISDICTION**

Mandamus Denied Because Father Failed to Provide Sufficient Mandamus Record.

34. *In re Perez*, ___ S.W.3d ___, No. 05-25-01484-CV, 2026 WL 1290056 (Tex. App.—Dallas 2026, orig. proceeding) (05-11-2026).

Facts: After Mother died, paternal Uncle filed a suit seeking conservatorship of the Child. Father signed a waiver of service that consented to Uncle's suit and asked for the Child to be placed with Uncle. After a hearing before an associate judge, temporary orders were signed, but a de novo review was sought. After the district judge signed temporary orders, Father sought mandamus relief.

Holding: Writ of Mandamus Denied.

Majority Opinion: (J. Miskel, J. Kennedy)

Father challenged the district judge's refusal to modify the existing temporary order. The mandamus record failed to include a transcript from the AJ hearing or the earlier ruling. Without the documents material to Father's claim, the appellate court had no way to review his complaint.

Dissenting Opinion: (J. Lee)

"This is actually a very easy case to decide if we simply look at the words of the law and don't attempt to find a way around those words to locate the outcome we believe in the best interest of the child. There is 'decisive clarity.'" (referencing a concurring C.J. Blacklock opinion)



Mother and Father lived together with the Child until Father was arrested on charges of aggravated sexual assault of a minor; however, he was later acquitted of the charges. While in jail, Father maintained phone contact with the Child until Mother passed away. At that point, the Child's Maternal Aunt interfered with Father's communications with the Child.

Uncle initiated the SAPCR while Father was awaiting trial in jail. Father signed the answer at that time. Father only intended the statements in the answer to confer standing. Maternal Aunt then filed a counterpetition, falsely asserting she was the Child's mother. Maternal Aunt did not allege Father was unfit. Paternal Aunt intervened and Uncle nonsuited. The AJ appointed Maternal Aunt as temporary sole managing conservator, initially giving Father electronic access but later revoking that access. Father filed a counterpetition seeking sole managing conservatorship, and Paternal Aunt nonsuited her petition.

The AJ denied Father's request to name him sole managing conservator and ordered Father to enroll in—and pay for—reunification therapy and pay child support to Maternal Aunt. In his request for de novo review, Father included briefing explaining that a nonparent must identify some act or omission that the parent committed showing that naming the parent as managing conservator will significantly impair the child's physical or emotional development. Father asserted Maternal Aunt presented no such evidence.

Reviewing the testimony presented at the de novo review hearing, the evidence was insufficient to overcome the fit-parent presumption. The crux of Maternal Aunt's argument was that there would be significant impairment in reuniting Father and the Child because of Father's four-year absence due to the assault charges. This assertion failed to overcome the presumption.

Father's decision to allow his brother to seek conservatorship while Father was in jail was not evidence of unfitness. Father was invoking the judicial process to take care of his Child in the way he saw best. Contrary to the majority's position that Father erred in failing to bring the original order before the court, Father was not challenging that order but the one denying his request to be appointed sole managing conservator, which was included in the mandamus appendix.

Father brought a sufficient record to show exactly what was needed to demonstrate the trial court's abuse of discretion. Father should have been granted mandamus relief.

"To make something else decisively clear, I do not question the motivation of anyone else involved in this litigation, not real party, the testifying therapist, real party's attorney, the trial court judges, or my colleagues on this court. All are seeking the best interest of [the Child] and trying to properly apply the law as they interpret it. I have seen how carefully my colleagues on this court have looked at the petition, response, and mandamus record to make what they believe to be the correct decision. But see the introduction to this opinion for how we get to this outcome. To echo the Chief Justice's words in *Umphress*, I must conclude that only a lawyer can fail to appreciate the decisive clarity of so simple and useful a principle that a fit parent is presumed to act in the best interests of his child."

**SAPCR:
MODIFICATION**

Because No Record Made of the Court's In-Chambers Interview with the Child, Appellate Court Presumed Interview Supported the Judgment, Precluding Mother from Complaining of Evidence Sufficiency in Appeal.

35. *In re A.P.Z.*, No. 05-25-00666-CV, 2026 WL 1287254 (Tex. App.—Dallas 2026, no pet. h.) (mem. op.) (05-11-2026).

Facts: The parties had a 50/50 possession schedule pursuant to an order from a prior modification suit. Mother filed a new modification suit asking for Father to be granted a modified standard possession order, excluding Thursday possession. Father responded with a request for the exclusive right to designate the Child's primary residence. Father asked that either Mother be given a standard possession order, or the 50/50 schedule to continue. Mother then responded with a request for sole managing conservatorship.

At the hearing, Mother asserted the Child's grades had declined, which Mother blamed on the lack of structure in Father's home. Mother asked for sole managing conservatorship because Father had no "love or care or anything in that house." Father testified that he was aware of the Child's academic struggles, and they were working on it. The court expressed concern over the parties' inability to effectively coparent and the impact of the 50/50 possession schedule. The court interviewed the 15-year-old Child in chambers without making a record. Afterwards, the court appointed a therapist for the Child and set a "report back" hearing. Ultimately, the court appointed the parents joint managing conservators, gave Father the exclusive right to designate the Child's primary residence, and gave Mother a modified standard possession schedule. Mother appealed pro se.

Holding: Affirmed.

Opinion: Because no record was made of the in-chambers interview the Child, the appellate court presumed the evidence from that interview supported the judgment.

