

Community Property Research Guide

Overview

This research guide contains information and resources on Community Property. Community property is defined as “assets owned in common by husband and wife as a result of their having been acquired during the marriage by means other than an inheritance by, or a gift or devise to, one spouse, each spouse generally holding a one-half interest in the property.” (*Black’s Law Dictionary, 11th ed.*). Texas is one of nine community-property states where property acquired during the marriage is equally owned by both spouses. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online

<https://statutes.capitol.texas.gov>

- Family Code
 - Ch. 3 Marital Property Rights and Liabilities
<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.3.htm>
 - Ch. 7 Award of Marital Property
<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.7.htm>
- Estates Code
 - Ch. 112 Community Property with Right of Survivorship
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.112.htm>

Texas Family Code Annotated KFT 1294.A3

- Ch. 3 Marital Property Rights and Liabilities, Subchapter A, General Rules for Separate and Community Property

Secondary Resources in Print

O’Connor’s Texas Family Law Handbook

KFT 1294.A65 W55

- Community Property: multiple forms (see index)

Fast Guide to Family Law: Checklist for Everyday Practice KFT 1294.A25 S83

- Divorce and Agreements, p. 174

Texas Family Law Practice Manual KF 1294.T457

- Vol. 4, Ch. 63 Property Agreements

CLE Materials

Advanced Family Law Course KFT 1294.S83

- 2021 Ch. 2: Defaults, Deeds, and Debatable Divisions: Property Case Law Update
- 2021 Ch. 17: Characterization of Assets in Your Case
- 2021 Ch. 23: Cohabitation, Pre-Marital and Post-Marital Agreements
- 2021 Ch. 27: Division of Employee and Retirement Benefits
- 2021 Ch. 28: Unique Property Issues
- 2020 Ch. 24: House of the Rising Sun: Real Estate Issues in Family Law

Marriage Dissolution Institute KFT 1300.M372

- 2021 Ch. 3 Securing Property at Point Blank
- 2021 Ch. 13 You Don’t Say! Property Case Law Update
- 2019 Ch. 8 Retirement Plans and Divorce-The Devil is in the Details
- 2018 Ch. 5 Tracing on a Shoestring
- 2018 Ch. 18 Real Estate Transfers-What do those Documents Mean?

- 2018 Ch. 22 Trying a Custody Case on a Shoestring Budget

Online Resources

Texas State Law Library: Community Property
<https://guides.sll.texas.gov/community-property>

Texas Law Help: Community Property
<https://texaslawhelp.org/article/community-property>

TSHA: Community Property Law
<https://www.tshaonline.org/handbook/entries/community-property-law>

Texas Family Law Practice and Procedure, E-Book
<https://catalog.sll.texas.gov/cgi-bin/koha/opac-detail.pl?biblionumber=27171>

NOLO: Marriage & Property Ownership: Who Owns What? <https://www.nolo.com/legal-encyclopedia/marriage-property-ownership-who-owns-what-29841.html>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)