



Divorce Jury Trials in Texas

Texas is one of the few jurisdictions in the country that allows certain family law issues to be tried to a jury. This is not common, as most of the time family law cases will settle prior to trial, either with the help of a mediator or through an informal settlement process. Even for cases that don't settle, most of those cases will be tried to a judge.

However, the right to have your case tried before a panel of jurors is an important part of our legal system. Even if you or the other side elects to have a jury trial, there are only specific issues that will be decided by the jury, while the rest of the issues will be decided by the judge. Here is a brief overview of who gets to decide what issues in a Texas divorce:

THE MARRIAGE RELATIONSHIP

Jury Questions

Existence of an Informal marriage?
Are there grounds for a divorce?

PROPERTY ISSUES

Jury Questions

Characterization of marital property
(separate or community)
Value of marital property
Reimbursement claims
Actual or Constructive Fraud issues

Judge Questions

Overall division of property between the parties
Specific property/debt awards to each spouse

PARENT/ CHILD ISSUES

Jury Questions

Joint Managing Conservatorship or
Sole Managing Conservatorship
Exclusive right to designate primary residence
Geographic restrictions

Judge Questions

How rights and duties are allocated between
joint managing conservators
Possession schedule

Whether or not electing a jury trial is the right decision for you will depend on many factors. One major consideration is the cost of a jury trial. Litigants need to be aware that trying issues to a jury will increase length and costs of the trial significantly. The advantages and disadvantages of electing a jury trial in your case should be discussed thoroughly with your attorney.