

# FGM SURVIVOR'S GUIDE

— TO —

# LEGAL REMEDIES

IN THE STATE OF  
TEXAS

DEVELOPED FOR [AHA](#) FOUNDATION

THROUGH THE PRO BONO ASSISTANCE OF

WHITE & CASE LLP

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# DISCLAIMER

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THE CONTENTS OF THIS MEMORANDUM ARE INTENDED TO CONVEY GENERAL INFORMATION ONLY AND ARE NOT INTENDED TO PROVIDE LEGAL ADVICE OR OPINIONS FOR ANY PURPOSE OR PARTICULAR CIRCUMSTANCE.

THE CONTENTS OF THIS MEMORANDUM SHOULD NOT BE CONSTRUED AS NOR RELIED UPON FOR LEGAL ADVICE IN ANY PARTICULAR CIRCUMSTANCE OR SITUATION.

AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF TEXAS SHOULD BE CONTACTED FOR ADVICE ON SPECIFIC LEGAL ISSUES.

THIS MEMORANDUM IS NOT A SUBSTITUTE FOR AN IN-PERSON OR TELEPHONE CONSULTATION WITH AN ATTORNEY LICENSED TO PRACTICE LAW IN TEXAS CONCERNING ANY SPECIFIC LEGAL ISSUE.



# INTRODUCTION

THIS GUIDE AIMS AT PROVIDING SURVIVORS OF FEMALE GENITAL MUTILATION (“FGM”) WITH A **COMPREHENSIVE FRAMEWORK** EXPLAINING BOTH CIVIL AND CRIMINAL REMEDIES AVAILABLE TO THEM IN THE COURTS OF TEXAS.

FIRST, Texas has enacted anti-FGM laws creating a **criminal** cause of action against FGM perpetrators, transporters, and legal guardians who consent to the procedure.

SECOND, survivors can potentially pursue **recourse** under several Texas state laws not directly related to FGM.

THIRD, Texas law provides survivors with various **rights** and **protections** in Texas’s criminal justice system.

PLEASE NOTE THAT TEXAS LAW PROVIDES THAT MINORS CANNOT SUE ON THEIR OWN AND MUST BE REPRESENTED BY AN ADULT! TO THAT END, MINORS CAN INSTITUTE AND PROSECUTE A LEGAL ACTION THROUGH THE **REPRESENTATION** OF A GUARDIAN,<sup>2</sup> OR TO THE EXTENT THE MINOR DOES NOT HAVE A GUARDIAN, THROUGH A “NEXT FRIEND.”<sup>3</sup> A “NEXT FRIEND” IS ANY COMPETENT ADULT WHO REPRESENTS THE MINOR BUT IS NOT A PARTY TO THE SUIT.<sup>4</sup> SUCH “NEXT FRIEND” SHALL HAVE THE **SAME RIGHTS** CONCERNING SUITS AS THE MINORS OR THEIR LEGAL GUARDIANS HAVE, BUT MUST PROVIDE SECURITY FOR COSTS, OR AFFIDAVITS IN LIEU THEREOF, WHEN REQUIRED.<sup>5</sup> ANY COMPROMISES OR OTHER AGREEMENTS MADE BY THE GUARDIAN OR “NEXT FRIEND” DURING PROCEEDINGS, WHEN APPROVED BY THE COURT, ARE **BINDING UPON THE MINOR.**<sup>6</sup>

## HOW DO I KNOW IF I AM A SURVIVOR OF FGM?

FGM is a practice that spans many different countries and communities, each with their own customs that occur at different ages. For example, in the Somali community, most girls are cut between the ages of 5 and 10 years old, while in some Nigerian communities, girls are often cut when they are christened at 8 days old. A description of the different types of FGM can be found at [www.who.int](http://www.who.int), and the different practices in various communities and countries of origin can be found at [www.28toomany.org](http://www.28toomany.org). If you are unsure whether you have been the victim of FGM, you should consult your OB/GYN or contact [help@theahafoundation.org](mailto:help@theahafoundation.org).





## REMEDIES AVAILABLE TO SURVIVORS UNDER TEXAS ANTI-FGM LAW

TEXAS IS ONE OF 40 STATES THAT HAVE CRIMINALIZED THE PRACTICE OF FGM. THIS MEANS THAT PERPETRATORS OF FGM, THOSE WHO TRANSPORT FOR THE PURPOSES OF FGM, OR LEGAL GUARDIANS WHO CONSENT TO THE PROCEDURE CAN BE PROSECUTED UNDER **CRIMINAL** LAW. SURVIVORS OF THE CRIME ALSO HAVE SEVERAL OTHER LEGAL REMEDIES AT THEIR DISPOSAL TO PUNISH THEIR PERPETRATORS AND RECEIVE FORMS OF COMPENSATION. WHILE THERE IS CURRENTLY NO **CIVIL** ACTION SPECIFIC TO FGM, SURVIVORS MAY BE ELIGIBLE TO SEEK REMEDIES UNDER SEVERAL RELATED **CIVIL** CAUSES OF ACTION.

**CIVIL LAW** AND **CRIMINAL LAW** OFFER DIFFERENT FORMS OF JUSTICE TO SURVIVORS OF FGM. A **CRIMINAL** CASE IS A LAWSUIT BROUGHT BY A PUBLIC PROSECUTOR, WHO IS AN EMPLOYEE OF EITHER THE FEDERAL, STATE, OR LOCAL GOVERNMENT. SURVIVORS MAY PARTICIPATE IN THE TRIAL, BUT ONLY AS WITNESSES AND ONLY IF THE PROSECUTOR ALLOWS THEM TO. IF THE DEFENDANT IS FOUND GUILTY IN A **CRIMINAL** CASE, HE OR SHE MAY BE PUNISHED WITH FINES OR TIME IN PRISON. THE SAME WRONGFUL CONDUCT MAY GIVE RISE TO BOTH **CRIMINAL** AND **CIVIL** CHARGES, AND SO SURVIVORS SHOULD ALWAYS CONSIDER PURSUING BOTH FORMS OF RELIEF.

A **CIVIL** LAWSUIT IS BROUGHT BY A PRIVATE CITIZEN (THE “PLAINTIFF”). IN THE CASE OF FGM, THE PLAINTIFF IS USUALLY THE SURVIVOR, AND THE PERSON BEING SUED (THE “DEFENDANT”) IS USUALLY THE CUTTER OR SOMEONE WHO ASSISTED THE CUTTER. IF THE DEFENDANT IS FOUND LIABLE IN A **CIVIL** CASE, HE OR SHE MAY BE ORDERED TO PAY MONEY TO THE PLAINTIFF.

WE WILL DISCUSS THE **CRIMINAL** AND **CIVIL** OPTIONS IN TURN.



# CRIMINAL PROSECUTION OF FGM PERPETRATORS

TEX. HEALTH & SAFETY CODE § 167.001

Criminal prosecutions against perpetrators of FGM under Texas law can be brought only by state prosecutors. While survivors of FGM cannot themselves bring criminal actions, they can provide valuable assistance to the prosecuting attorneys bringing those actions.

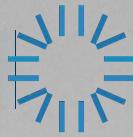
Texas law defines FGM as the circumcision, excision, or infibulation of all or any part of the labia majora, labia minor or clitoris.<sup>7</sup> Anyone who knowingly performs, transports for the purpose of, or is a legal guardian and knowingly consents to FGM being performed on a minor in their custody, is guilty of a felony and may be subject to imprisonment for between 180 days and 2 years.<sup>8</sup> It should be stressed that this statute only punishes FGM performed on minors.

FGM as a matter of custom, ritual or religious practice is *not* a defense.<sup>9</sup> Additionally, consent by a minor or by a minor's parents is not a defense.<sup>10</sup> However, there is an exception for surgical procedures, so long as (i) the person performing the act is a physician or other licensed healthcare professional and the act is within the scope of their license and (ii) the act is performed for medical purposes.<sup>11</sup>

The most important way a survivor can assist a prosecuting attorney is by providing evidence, especially in the form of live testimony at trial. However, there are other forms of evidence that prosecuting attorneys may request from the survivor, including medical records, documented correspondence with the defendant, the names of other witnesses, the identities of other survivors, and information about the defendant.







# OTHER CRIMINAL AND CIVIL CAUSES OF ACTION AVAILABLE TO SURVIVORS OF FGM IN TEXAS

## ADDITIONAL CRIMINAL LAWS

IN ADDITION TO THE FGM STATUTE, THERE ARE SEVERAL OTHER CRIMINAL LAWS FOR WHICH A PERPETRATOR OF FGM MAY BE CONVICTED:

### 1. ASSAULT (TEX. PENAL CODE § 22.01)

Assault occurs when the defendant intentionally, knowingly, or recklessly causes or threatens to cause bodily injury to another person.<sup>12</sup> An assault also occurs when the defendant intentionally or knowingly causes any physical contact with another and the defendant knows or should reasonably believe that the victim will regard the contact as offensive or provocative.<sup>13</sup> As such, Texas law consolidates what other jurisdictions frequently recognize as the separate crimes of assault and battery within the same statute. Many instances of FGM would likely result in serious bodily injury, which is defined to include bodily injury that causes death, creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.<sup>14</sup>

Any person guilty of assault is guilty of a Class A misdemeanor and on conviction is subject to imprisonment not exceeding 1 year, a fine of \$4,000, or both.<sup>15</sup> A claim of assault for a Class A misdemeanor must be filed within two years of the incident.<sup>16</sup> If the offense is committed against a person who is a family member of the victim, the perpetrator is guilty of a felony in the second degree and subject to up to 20 years, but no less than 2 years imprisonment, a fine of \$10,000, or both.<sup>17</sup> If the assault occurs against a family member, the perpetrator is guilty of a felony in the second degree, and could be subject to between 2 and 20 years imprisonment, a fine of \$10,000, or both.<sup>18</sup>

A claim of assault for a felony in the second degree must be filed within three years of the incident.<sup>19</sup>

## 2. ASSAULT ON A CHILD (TEX. PENAL CODE § 22.04)

Assault on a child (defined as a minor 14 years of age or younger) occurs when the defendant intentionally, knowingly, recklessly, or with criminal negligence, causes serious bodily injury, serious mental deficiency or injury, or bodily injury to a child by (a) act or (b) their intentional, knowing or reckless omission.<sup>20</sup> Many instances of FGM would likely result in serious bodily injury, as that term is defined as bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.<sup>21</sup>

Assault on a child is a felony in the first degree when committed intentionally or knowingly against a minor.<sup>22</sup> Assault on a child is a second degree felony when committed recklessly.<sup>23</sup> For a felony in the first degree, the perpetrator is subject on conviction to imprisonment for life or for any term between 5 and 99 years, a fine not exceeding \$10,000, or both.<sup>24</sup> Second degree assault on a child is punishable with imprisonment not exceeding 1 year, a fine of \$4,000, or both.<sup>25</sup>

A claim of assault on a child must be filed within 10 years of the 18th birthday of the victim of the offense.<sup>26</sup>

## 3. ABANDONING OR ENDANGERING A CHILD (TEX. PENAL CODE §22.041)

Abandonment or endangerment of a child occurs when a person with custody, care, or control of a child under the age of 15 intentionally leaves that child in any place that exposes them to an unreasonable risk of harm.<sup>27</sup> Additionally, such person is guilty of abandoning or endangering a child when, in connection with such act or omission, they intentionally, knowingly, recklessly, or with criminal negligence, engage in conduct that places the child in imminent danger of death, bodily injury, or physical or mental impairment.<sup>28</sup>

A parent or legal guardian's consent to FGM would in many instances constitute abandonment or endangerment of a child, as FGM likely represents an imminent danger of death, bodily injury, or physical or mental impairment, where bodily injury is defined as a physical injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.<sup>29</sup>

Any person guilty of abandoning or endangering a child is guilty of a felony in the second degree, and on conviction is subject to up to 20 years, but no less than 2 years imprisonment, a fine of \$10,000, or both.<sup>30</sup>



A claim of abandoning or endangering a child must be filed within 10 years of the 18th birthday of the victim of the offense.<sup>31</sup>

#### 4. UNLAWFUL RESTRAINT (TEX. PENAL CODE §20.02)

Unlawful restraint occurs when a person intentionally or knowingly restrains another without consent.<sup>32</sup> The restraint is deemed to be without consent if it is accomplished by force, intimidation, or deception. FGM would likely in many cases constitute unlawful restraint, as it is likely the survivor was forced, intimidated, or deceived into the procedure without their consent.

Unlawful restraint is a felony in the first degree if the actor recklessly exposes the victim to a substantial risk of serious bodily injury.<sup>33</sup> FGM likely represents a substantial risk of serious bodily injury, which is defined to include any bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.<sup>34</sup> A person convicted of unlawful restraint as a felony in the third degree is subject to imprisonment for any term of not more than 10 years or less than 2 years, a fine of \$10,000, or both.

Felonies in the third degree require that the claim be filed within 3 years of the incident.<sup>35</sup>

## ADDITIONAL CIVIL CAUSES OF ACTION

WHILE THERE IS CURRENTLY NO CIVIL ACTION SPECIFIC TO FGM IN TEXAS, SURVIVORS MAY BE ELIGIBLE TO SEEK REMEDIES UNDER SEVERAL RELATED CIVIL CAUSES OF ACTION. CIVIL COURT ALSO MAY BE MORE CONVENIENT, AS SURVIVORS ONLY NEED TO SHOW THAT IT IS MORE LIKELY THAN NOT THAT THE DEFENDANT IS RESPONSIBLE FOR THE ALLEGED FGM, RATHER THAN BEYOND A REASONABLE DOUBT. ADDITIONALLY, CIVIL COURTS MAY BE MORE WILLING TO ALLOW CERTAIN TYPES OF EVIDENCE THAT WOULD NOT BE PERMITTED IN A CRIMINAL TRIAL. SURVIVORS OF FGM MAY CHOOSE TO PURSUE BOTH CRIMINAL AND CIVIL CAUSES OF ACTION.

ANY PERSON FOUND LIABLE FOR A CIVIL CAUSE OF ACTION IS LIKELY RESPONSIBLE FOR ECONOMIC DAMAGES TO THE PLAINTIFF, WHICH OFTEN INCLUDE THE COSTS OF MEDICAL TREATMENT FOR INJURIES, LOST WAGES, AND ANY FUTURE LOSS OF INCOME.<sup>36</sup> THE DEFENDANT MAY ALSO BE REQUIRED TO PAY NON-ECONOMIC DAMAGES, INCLUDING LOSS OF SUPPORT, OR PAIN AND SUFFERING.<sup>37</sup> IF THE COURT FINDS THAT THE DEFENDANT INTENDED HARM TO RESULT, THE PLAINTIFF MAY BE AWARDED PUNITIVE DAMAGES AS A MEANS TO PUNISH THE DEFENDANT'S WRONGFUL BEHAVIOR.<sup>38</sup>



## 1. ASSAULT

The elements of assault are the same in both civil and criminal cases in Texas.<sup>39</sup> See Section 4.1(a) above for a more detailed analysis of those elements.

As previously discussed, most instances of FGM would likely be considered assault, since they frequently result in serious bodily injury, which is defined as any bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.<sup>40</sup> Additionally, it is only required that the defendant either did in fact cause physical harm or at least attempted to do so. Thus, regardless of whether FGM is actually completed, the defendant may still be found liable for assault.

In Texas, the survivor of an assault must file their civil cause of action within two years of the incident.<sup>41</sup>

## 2. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Liability under intentional infliction of emotional distress arises when a defendant's conduct is intentional or reckless, and so extreme and outrageous, that it causes the plaintiff's emotional distress, and that the distress is severe.<sup>42</sup>

In Texas, intentional infliction of emotional distress is a "gap-filler" cause of action only applicable when there is no other recognized theory of recovery available.<sup>43</sup> Accordingly, victims may be more successful pursuing one of the other civil causes of action described herein.

While bodily impact or physical injury is not necessary to succeed in a claim of intentional infliction of emotional distress, it is helpful. Also, the plaintiff must show that the defendant's conduct was either intentional or reckless. Reckless infliction of emotional distress occurs when the defendant knew or had reason to know of facts that create a high degree of risk of harm to another, and then deliberately acted in conscious disregard or with total indifference to that risk.<sup>44</sup> Performance of or parental consent to FGM would likely constitute reckless infliction of emotional distress because a reasonable person would know that cutting another person's genitalia for a non-medical purpose constitutes outrageous and intolerable conduct.

The plaintiff must also show that the emotional distress they suffered is severe.



Many victims of FGM would likely be able to demonstrate this fact, since such conduct is “so outrageous in character, and so extreme in degree, as . . . to be regarded as atrocious, and utterly intolerable in a civilized community.”<sup>45</sup> Texas courts have held that severe emotional distress includes painful emotional and mental reactions, such as embarrassment, fright, horror, grief, shame, humiliation or worry.<sup>46</sup>

In Texas, the survivor of intentional infliction of emotional distress must file their civil cause of action within two years of the incident.<sup>47</sup>

### 3. FALSE IMPRISONMENT

A survivor of FGM may be able to bring a civil cause of action for false imprisonment if she was confined by the defendant, against her consent.<sup>48</sup> In order to establish liability for false imprisonment, the plaintiff must show that they were (1) willfully detained; (2) without consent; and (3) without authority of the law.<sup>49</sup> The survivor can demonstrate her detainment through violence, threats, or any other means that restrain a person from moving from one place to another.<sup>50</sup> If the detainment occurred by threat, the plaintiff must demonstrate that the threat was the kind that would inspire a reasonable person in similar circumstances to fear injury to themselves, their reputation, or their property.<sup>51</sup>

In Texas, the survivor of false imprisonment must file their civil cause of action within two years of the incident.<sup>52</sup>

### 4. NEGLIGENT SUPERVISION

If the survivor is a minor, and the negligence of the survivor’s parent or guardian resulted in FGM, the survivor may have a cause of action against such parent for negligent supervision of a child. To establish liability based on negligence, a plaintiff must prove the defendant did something or failed to do something that an ordinarily prudent person exercising ordinary care would not have done under the same circumstances.<sup>53</sup> The tort of negligent supervision first requires the plaintiff to demonstrate negligence, which includes the following four elements: (1) the defendant owed a duty to the plaintiff; (2) the defendant breached that duty; (3) the plaintiff suffered actual injury; and (4) the defendant’s actions caused the injury.<sup>54</sup>

While Texas case law has carved out several exceptions under which a child is unable to maintain a cause of action against their parent despite the parent’s

negligence, it is unlikely that any such exceptions would apply to a claim of negligent supervision arising out of FGM. For example, the parental immunity doctrine (see below) only protects a parent from liability arising out of their unintentional conduct. To the extent the parent or guardian permitted or consented to FGM, this exception would not apply, as their conduct would be intentional, or at the very least would constitute willful and wanton misconduct.

In Texas, the victim of negligence must file their civil cause of action within two years of the incident.<sup>55</sup>

#### PARENTAL IMMUNITY DOCTRINE

The Texas Supreme Court has recognized the doctrine of parental immunity since 1954.<sup>56</sup> A parent can benefit from parental immunity only for unintentional conduct, such as pure negligence, that arises out of ordinary parental activities.<sup>57</sup> Conversely, Texas case law holds that the doctrine does not apply where the conduct is either willful and wanton or intentional, where the conduct arises outside of the normal parent-child relationship, or where the injuries resulted from the parent's operation of a motor vehicle.<sup>58</sup>

Considering this, it is unlikely that a jury would find it reasonable for a parent to perform or consent to FGM on their child given that there are no medical benefits and FGM falls outside ordinary parental activities. Thus, a survivor bringing a civil cause of action in Texas against their parent based on consenting to or facilitating FGM would be unaffected by the doctrine of parental immunity.







## RIGHTS OF ALL SURVIVORS UNDER THE TEXAS CRIMINAL JUSTICE SYSTEM

Texas law provides numerous protections to crime survivors, including survivors of FGM. Under Texas state law, survivors or their representatives are entitled to (i) be notified of their rights, (ii) be notified of court proceedings, (iii) attend and participate in the hearing, and (iv) seek restitution, among other things.<sup>59</sup>

The survivor has the right, but is in no way obligated, to participate in the criminal trial. A victim, guardian of a victim, or close relative of a deceased victim is entitled to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.<sup>60</sup>

The survivor has the option to submit an oral or written survivor impact statement to enhance their claim, which identifies (i) the survivor, (ii) the survivor's contact information, (iii) any economic loss suffered, (iv) any physical or psychological injury suffered, (v) any psychological services requested as the result of the offense, (vi) any change in the victim's personal welfare or familial relationships, (vii) whether the victim wishes to be notified of future parole hearings, and (viii) any other important information.<sup>61</sup>



If FGM was performed by a family member, the survivor may qualify for certain protections under Texas state law for survivors of domestic abuse. Survivors of domestic abuse are allowed to ask the court to file an order for protection, which orders the abuser to refrain from (i) committing future family violence, (ii) communicating directly with or threatening the victim or member of their household, (iii) going near the residence or place of employment of the victim or a member of their household, (iv) going near the victim's place of childcare or education, and (v) engaging in any conduct directly specified toward the victim or member of their household, including harassment, annoyance, alarming, abuse, torment, or embarrassment of that person, among other restraints.<sup>62</sup>

## CONCLUSION

FOR MORE INFORMATION, PLEASE CONTACT AHA FOUNDATION AT [INFO@THEAHAFoundation.ORG](mailto:INFO@THEAHAFoundation.ORG).





# ENDNOTES



1. Tex. R. Civ. P. 44.
2. Bridgestone Ams. Tire Operations, LLC, 459 S.W.3d 565 (Tex. 2015).
3. Tex. R. Civ. P. 44.
4. Bridgestone Ams. Tire Operations, LLC, 459 S.W.3d 565 (Tex. 2015).
5. Tex. R. Civ. P. 44(1).
6. Tex. R. Civ. P. 44(2).
7. Tex. Health & Safety Code § 167.001(a).
8. Tex. Health & Safety Code § 167.001.
9. Tex. Health & Safety Code § 167.001(c), § 167.001(d)(2), § 167.0019(d)(3).
10. Tex. Health & Safety Code § 167.001(d)(1).
11. Tex. Health & Safety Code § 167.001(d).
12. Tex. Penal Code § 22.01(1).
13. Tex. Penal Code § 22.01(3).
14. Tex. Penal Code § 1.07(46).
15. Tex. Penal Code § 22.01(b).
16. Tex. Penal Code § 12.02(a).
17. Tex. Penal Code § 22.01(b-3)(1).
18. Tex. Penal Code § 1.07(46).
19. Tex. Penal. Code § 12.01(8).
20. Tex. Penal Code § 22.04(a); § 22.01(2).
21. Tex. Penal Code § 1.07(46).
22. Tex. Penal Code § 22.04(e).
23. Tex. Penal Code § 22.04(e).
24. Tex. Penal Code § 12.32(a); § 12.32(b).
25. Tex. Penal Code § 22.01(b).
26. Tex. Crim. Pro. Code § 12.01(6)(b).
27. Tex. Penal Code § 22.041(a).
28. Tex. Penal Code § 22.041(b); § 22.041(c).
29. Tex. Penal Code § 1.07(46).
30. Tex. Penal Code § 22.01(b-3)(1).
31. Tex. Crim. Pro. Code § 12.01(6)(b).
32. Tex. Penal Code § 20.02.
33. Tex. Penal Code § 20.02(c)(2)(A).
34. Tex. Penal Code § 1.07(46).
35. Tex. Crim. Pro. Code § 12.01(8).
36. Tex. Civ. Prac. and Rem. Code § 41.001(4).
37. Tex. Civ. Prac. and Rem. Code § 41.001(12).
38. Tex. Civ. Prac. and Rem. Code § 41.001(5).
39. Morgan v. City of Alvin, 175 S.W.3d 408, 418 (Tex. App. 2004).
40. Tex. Penal Code § 1.07(46).

# ENDNOTES



41. Tex. Civ. Prac. and Rem. Code §16.003(a).
  42. Hoffmann--La Roche Inc. v. Zeltwanger, 144 S.W.3d 438, 447 (Tex. 2004).
  43. Hoffmann, 144 S.W.3d at 447 (Tex. 2004).
  44. Twyman v. Twyman 855 SW2d 619 (Tex. 1993).
  45. Hoffmann, 144 S.W.3d at 447 (Tex. 2004).
  46. Blanche v. First Nationwide 74 SW3d 444 (Tex. 2002).
  47. Tex. Civ. Prac. and Rem. Code §16.003(a).
  48. Roebuck & Co. v. Castillo, 693 S.W.2d 374, 375 (Tex. 1985).
  49. Roebuck & Co. v. Castillo, 693 S.W.2d 374, 375 (Tex. 1985).
  50. Randall's Food Mkts., Inc. v. Johnson, 891 S.W.2d 640, 645 (Tex. 1995).
  51. Randall's Food Mkts., Inc. v. Johnson, 891 S.W.2d 640, 645 (Tex. 1995).
  52. Tex. Civ. Prac. & Rem. Code § 16.003(a).
  53. Sisters of Charity of the Incarnate Word v. Gobert, 992 S.W.2d 25, 28 (Tex. App. 1997).
  54. Rodriguez-Escobar v. Goss, 392 S.W.3d 109, 113 (Tex. 2013).
  55. Tex. Civ. Prac. & Rem. Code § 16.003(a).
  56. Aboussie v. Aboussie, 270 S.W.2d 636 (Tex. Civ. App. 1954).
  57. McCullough v. Godwin, 214 S.W.3d 793 (Tex. App. 2007).
  58. McCullough v. Godwin, 214 S.W.3d 793 (Tex. App. 2007).
  59. Tex. Crim. Pro. Code §56A.051.
  60. Tex. Crim. Pro. Code §56A.051.
  61. Tex. Crim. Pro. Code §56A.051(a)(5).
  62. Tex. Fam. Code §85.022(b).
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