

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Joseph Mugisha v. Brianna McLeod

No. 03-25-00311-CV (Tex. App.—Austin May 29, 2026) · No. 03-25-00311-CV · Decided May 29, 2026

SUMMARY

The Texas Court of Appeals, Third District, reviews an appeal from a default SAPCR order involving child support, conservatorship, and supervised visitation. The court concludes that the father waived his special appearance and submitted to Texas jurisdiction for UIFSA child-support purposes, but that the evidence was insufficient to support the calculation of his net resources and maximum-guideline child-support award. The court also concludes that the trial court lacked sufficient evidence to invoke the UCCJEA’s foreign-country human-rights exception and render a final custody order, and it affirms in part, vacates in part, and reverses and remands for further proceedings.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Chief Justice Byrne; Justice Rosa Lopez Theofanis; Justice Crump
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	May 29, 2026
DOCKET	03-25-00311-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a default final order in a suit affecting the parent-child relationship and child-support proceeding.
STANDARD OF REVIEW	Personal jurisdiction and UCCJEA jurisdiction are reviewed de novo. Child-support orders are reviewed for clear abuse of discretion; legal and factual sufficiency are relevant factors in determining whether the trial court had sufficient evidence and whether its decision was arbitrary or unreasonable. UCCJEA jurisdictional findings are deferred to if supported by sufficient evidence.
PRECEDENTIAL VALUE	Published opinion; precedential under the applicable Texas appellate rules.
PARTIES	Joseph Mugisha v. Brianna McLeod

TOPICS

family law procedure

child custody

child support

personal jurisdiction

appellate procedure

PRACTICE AREAS

family law

civil procedure

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether Mugisha waived his special appearance and thereby generally appeared for purposes of personal jurisdiction and UIFSA child-support jurisdiction.
2. Whether sufficient evidence supported the trial court's calculation of Mugisha's net resources and maximum-guideline child-support obligation.
3. Whether sufficient evidence supported the trial court's exercise of UCCJEA jurisdiction to enter a final custody and visitation order.
4. Whether the trial court properly determined that Uganda's child-custody law violated fundamental principles of human rights under Texas Family Code section 152.105(c).

HOLDINGS

1. Mugisha waived his special appearance by seeking relief at the plea-to-the-jurisdiction hearing without timely securing a ruling on the special appearance, thereby making a general appearance and submitting to Texas jurisdiction for UIFSA purposes.
2. The trial court abused its discretion by ordering child support at the maximum guideline amount because the evidence was insufficient to establish Mugisha's net resources.
3. The trial court lacked sufficient evidentiary support to exercise UCCJEA jurisdiction under section 152.105(c) and enter a final custody order; the custody portion of the order was reversed and vacated.

KEY QUOTATIONS

"We conclude that, having sought relief at the hearing on the plea to the jurisdiction and without having secured a ruling on the special appearance, Mugisha generally appeared and waived his special appearance." (7)

"On these facts, we conclude that the trial court abused its discretion in awarding child support at the maximum amount allowed by the guidelines." (10)

"When evidence is the subject of improper judicial notice, it amounts to no evidence." (17)

"On this record, we conclude that the trial court's findings relating to its jurisdiction under the UCCJEA were not supported by sufficient evidence." (19)

FACTUAL BACKGROUND

Mugisha and McLeod married in Nevada and lived with their children in Uganda before McLeod took the children to Texas in December 2023 and remained there. McLeod filed a Texas SAPCR petition, and Mugisha was served but did not attend the final hearing. The trial court entered default custody and child-support orders,

relying on temporary-emergency-jurisdiction provisions of the UCCJEA and article 13(b) of the Hague Convention. The evidence at the final hearing did not establish Mugisha's actual income or facts supporting the court's findings that Uganda's custody law violated fundamental human-rights principles or that the children faced mistreatment, abuse, or grave risk if returned.

PROCEDURAL HISTORY

McLeod filed a Texas SAPCR petition after taking the children from Uganda to Texas. The trial court issued temporary custody and child-support orders, denied Mugisha's plea to the jurisdiction and motion to stay, and later entered a default final order appointing McLeod sole managing conservator, restricting Mugisha to supervised possession, and ordering child support and arrearages. Mugisha appealed, challenging personal jurisdiction, UIFSA jurisdiction, UCCJEA jurisdiction, the custody determination, and the child-support calculation.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings concerning Mugisha's net resources and child-support obligations and for proceedings consistent with the opinion concerning custody and access. The child-support order requiring \$2,300 per month beginning in March 2025 is reversed; the UCCJEA jurisdictional ruling is reversed; and the custody and access portions of the final order are vacated.

CASES CITED

- In re D.S., 602 S.W.3d 504, 517-18 (Tex. 2020)
- In re K.M.P., 323 S.W.3d 601, 604-05 (Tex. App.—Austin 2010, pet. denied)
- Luciano v. SprayFoamPolymers.com, LLC, 625 S.W.3d 1, 8 (Tex. 2021)
- Cappuccitti v. Gulf Indus. Prods., Inc., 222 S.W.3d 468, 480 (Tex. App.—Houston [1st Dist.] 2007, no pet.)
- Milacron Inc. v. Performance Rail Tie, L.P., 262 S.W.3d 872, 875 (Tex. App.—Texarkana 2008, no pet.)
- Bullock v. Briggs, 623 S.W.2d 508, 511 (Tex. App.—Austin 1981, writ ref'd n.r.e.)
- Hart v. State, No. 03-02-00542-CV, 2003 WL 549273, at *2 (Tex. App.—Austin Feb. 27, 2003, no pet.) (mem. op.)
- In re H & R Block, 159 S.W.3d 127, 131-32 (Tex. App.—Corpus Christi—Edinburg 2004, orig. proceeding)
- Worford v. Stamper, 801 S.W.2d 108, 109 (Tex. 1990) (per curiam)
- Rodriguez v. Rodriguez, 860 S.W.2d 414, 415 (Tex. 1993)
- Downer v. Aquamarine Operators, Inc., 701 S.W.2d 238, 241-42 (Tex. 1985)
- Walker v. Packer, 827 S.W.2d 833, 840 (Tex. 1992)
- Norris v. Norris, No. 03-12-00108-CV, 2013 WL 812110, at *3 (Tex. App.—Austin Feb. 27, 2013, no pet.) (mem. op.)
- Doyle v. Doyle, 955 S.W.2d 478, 479 (Tex. App.—Austin 1997, no pet.)

- Zeifman v. Michels, 212 S.W.3d 582, 588 (Tex. App.—Austin 2006, pet. denied)
- In re J.D.D., 242 S.W.3d 916, 920 (Tex. App.—Dallas 2008, pet. denied)
- Office of Att'y Gen. of Tex. v. Burton, 369 S.W.3d 173, 174 (Tex. 2012) (per curiam)
- Marquez v. Moncada, 388 S.W.3d 736, 740-41 (Tex. App.—Houston [1st Dist.] 2012, no pet.)
- In re Salminen, 492 S.W.3d 31, 40 (Tex. App.—Houston [1st Dist.] 2016, orig. proceeding)
- In re C.J.S., 702 S.W.3d 573, 591, 595 (Tex. App.—Houston [1st Dist.] 2024, no pet.)
- Waltenburg v. Waltenburg, 270 S.W.3d 308, 313 (Tex. App.—Dallas 2008, no pet.)
- Powell v. Stover, 165 S.W.3d 322, 324 (Tex. 2005) (orig. proceeding)
- Saavedra v. Schmidt, 96 S.W.3d 533, 541, 545 (Tex. App.—Austin 2002, no pet.)
- Cortez v. Cortez, 639 S.W.3d 298, 306 (Tex. App.—Houston [1st Dist.] 2021, no pet.)
- In re T.D.L., 621 S.W.3d 346, 352 (Tex. App.—San Antonio 2021, no pet.)
- Rouhana v. Ramirez, 556 S.W.3d 472, 476-77 (Tex. App.—El Paso 2018, no pet.)
- In re J.G., No. 02-22-00258-CV, 2023 WL 2179463, at *7 (Tex. App.—Fort Worth Feb. 23, 2023, no pet.) (mem. op.)
- Abila v. Miller, 683 S.W.3d 842, 847, 849 (Tex. App.—Austin 2023, no pet.)
- Agraz v. Carnley, 143 S.W.3d 547, 553 (Tex. App.—Dallas 2004, no pet.)
- Considine v. Considine, 726 S.W.2d 253, 254 (Tex. App.—Austin 1987, no writ)
- Williams v. Williams, 150 S.W.3d 436, 446-47 (Tex. App.—Austin 2004, pet. denied)
- Tschirhart v. Tschirhart, 876 S.W.2d 507, 508 (Tex. App.—Austin 1994, no pet.)
- Guyton v. Monteau, 332 S.W.3d 687, 693 (Tex. App.—Houston [14th Dist.] 2011, no pet.)
- B.L.M. v. J.H.M., III, No. 03-14-00050-CV, 2014 WL 3562559, at *11 (Tex. App.—Austin July 17, 2014, pet. denied) (mem. op.)
- In re D.W., No. 02-13-00293-CV, 2015 WL 1262820, at *1-3 (Tex. App.—Fort Worth Mar. 19, 2015, no pet.) (mem. op.)
- Lawrenson v. Global Marine, Inc., 869 S.W.2d 519, 525 (Tex. App.—Texarkana 1993, writ denied)
- PennWell Corp. v. Ken Assoc., Inc., 123 S.W.3d 756, 762 (Tex. App.—Houston [14th Dist.] 2003, pet. denied)