



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

§

VERONICA CHAVEZ VARA,	§	No. 08-20-00087-CV
Appellant,	§	Appeal from the
v.	§	388 th District Court
MARK VARA,	§	of El Paso County, Texas
Appellee.	§	(TC# 2012DCM10912)

§

ORDER

Rules 296 through 299a of the Texas Rules of Civil Procedure govern the process of a party requesting findings of fact and conclusions of law, as well as the trial court's obligations when findings are requested. None of these rules explicitly give this Court the power to compel a trial court judge to make findings. However, the effect of a trial court's failure to file findings of fact and conclusions of law constitutes error where the complaining party has complied with requisite rules to preserve error. *See Howe v. Howe*, 551 S.W.3d 236, 244 (Tex. App.--El Paso 2018, no pet.). Additionally, where preservation of error has been established, there is a presumption of harm unless the contrary appears on the face of the record. *Id.* Lastly, a refusal of the trial court to make a requested finding is reviewable on appeal if error has been preserved. *Id.*; *see also* Tex.R.Civ.P. 299.

Without making a ruling as to the merits of any such complaint, we observe that Appellant is free to raise the issue as a point of error in her Appellant's Brief. However, because this Court does not have the authority to compel the trial court to make findings, Vara's motion is hereby denied.

IT IS SO ORDERED this 9th day of July, 2020.

PER CURIAM

Before Alley, C.J., Rodriguez and Palafox, JJ.