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Challenge to Constitutionality of a State Statute

This form must be completed by a party filing a petition, motion or other pleading **challenging the constitutionality of a state statute**. The completed form must be filed with the court in which the cause is pending as required by Section 402.010 (a-1), Texas Government Code.

Cause Number *(For Clerk Use Only)*:

Court *(For Clerk Use Only)*:

Styled: IN RE: S [REDACTED] VS MICAH PAUL LAVIGNE AND IN THE INTEREST OF S.J.L. A CHILD

(e.g., John Smith v. All American Insurance Co.; in re Mary Ann Jones; In the Matter of the Estate of George Jackson)

Contact information for party* challenging the constitutionality of a state statute. (*If party is not a person, provide contact information for party, party's representative or attorney.)

Name: MICAH PAUL LAVIGNE

Telephone: [REDACTED]

Address: [REDACTED]

Fax: N/A

City/State/Zip: EL PASO, TX

State Bar No. (if applicable): N/A

Email: mi [REDACTED]

Person completing this form is: Attorney for Party Unrepresented Party Other:

Identify the type of pleading you have filed challenging the constitutionality of a state statute.

Petition Answer Motion (Specify type):

Other: DUE PROCESS AFFIDAVIT

Is the Attorney General of the State of Texas a party to or counsel in this cause?

Yes No

List the state statute(s) being challenged in your pleading and provide a summary of the basis for your challenge. (Additional pages may be attached if necessary.)

Petitioner, SPC MICAH PAUL LAVIGNE U.S. ARMY, TDRL, a 90% disabled veteran now files a Challenge to Constitutionality of a State Statute Petitioning for a favorable DECLARATORY JUDGMENT that reflects his allegations and assertions stated within his supporting attached notarized DUE PROCESS AFFIDAVIT that Texas Family Code, TITLE 5 SUBTITLE B CHAPTER 154 SUBCHAPTER B. COMPUTING NET RESOURCES AVAILABLE FOR PAYMENT OF CHILD SUPPORT § 154.062. NET RESOURCES. (b) Resources include (5):

"all other income actually being received, including ... United States Department of Veterans Affairs disability benefits other than non-service-connected disability pension benefits, as defined by 38 U.S.C. Section 101(17), ... disability and workers' compensation benefits",

has been and continues to be an unconstitutional state statute because of the paltry substantive due process guidelines currently engrossed effectively denies any Texas disabled veteran appearing in any judicial or administrative child support proceeding his/her federal civil due process rights, protection of U.S. Congressional Acts and consequently, the provisions of the Equal Protection Clause. Petitioner also prays that a Writ of Mandamus will be issued for the State of Texas to immediately begin honoring a favorable Declaratory Judgment in all State of Texas judicial hearings, administrative proceedings and OAG conducted Child Support Review Process (CSR) meetings. Petitioner also prays that the next legislature will be ordered to engross proper Texas Family Code language that is consistent with the Declaratory Judgment and grants all noted federal civil rights of Texas disabled veterans.

supporting cites: HAGEN v. HAGEN, Supreme Court of Texas No. 07-1065, Decided: May 1, 2009

GHRIST v. GHRIST, Court of Appeals of Texas, Third District, at Austin May 11, 2007

The Attorney General of the State of Texas in El Paso, a party to this cause, has been properly served this CHALLENGE with attached documentation.