

Did Father Lie about Wife's Gender in Child Custody Case?

By: Scott D Stewart

<http://www.azdivorceattorneyblog.com/>

<http://www.sdsfamilylaw.com/>

Every now and then, a family law case comes up that is universally interesting. A current Texas case involving [divorce](#), child custody, an annulment and same-sex marriage is so intriguing that we thought it was worth sharing with Arizona readers:

In April, Thomas Araguz was fighting for child custody in a Texas court with his wife Nikki Araguz by his side. He was previously married to Heather Delgado, and after their divorce he fought to remain a part of their two kids' lives.

While most family law disputes are full of hardships, Araguz had an interesting battle to fight in his child custody case: Did he know that his current wife, Nikki Araguz, was born a boy and had undergone a gender change before they married?

During the child custody hearing both Thomas and Nikki said that Thomas didn't know about Nikki's gender change until after marrying her. But were they telling the truth?

This question comes up because Nikki Araguz is facing a new legal battle now, alone. Sadly, Thomas died in his work as a firefighter on July 4, and Nikki is left defending her rights to her lost husband's \$500,000 estate.

She is in the midst of lawsuit filed by Thomas' family and ex-wife. They are referring to a 1999 Texas law that says gender cannot be changed in the eyes of the law, and same-sex marriages are illegal.

Their goal of the lawsuit is that the court will annul Thomas and Nikki's two-year marriage and, therefore, keep Thomas' estate away from Nikki. His ex-wife is involved in the case because she wants his benefits to go the two children from her marriage to Thomas.

Fueling the family's case against Nikki is the fact that Nikki and Thomas both admitted in the April [child custody](#) hearing that Thomas married Nikki unaware of her gender change. Nikki now claims that the couple actually lied in that hearing in order to improve Thomas' chances of winning custody of his children.

Whether Thomas knew the truth when he married Nikki would at least hopefully ease his family's feelings against her, but it probably would not make a difference in the current annulment lawsuit.

If the court strictly adheres to the Texas law stated above, Nikki will likely have to deal with not only the loss of her husband's estate, but also the idea that in the eyes of the court, she never had a husband at all.

Resource

KENS5.com: [Widow's gender at center of dispute over fallen Texas firefighter's estate](#)

About The Law Offices Scott D Stewart

At the [Law Offices of Scott David Stewart](#) we understand the challenges our clients face today, but we always are looking out for your future best interests. As your divorce lawyers, we work to obtain the best possible results for you and your family. [Contact](#) our Phoenix, Arizona, law office to schedule a consultation.

Comprehensive Family Law Services

We represent clients throughout the greater Phoenix area, including Glendale, Scottsdale, Mesa, Sun City, and Paradise Valley. We can assist you with these and other family law matters:

- [Divorce](#) and the issues that accompany divorce, such as property division and alimony.
- [Domestic Violence](#) and restraining orders
- [Child Custody](#) and child support, including modification of orders, as well as enforcement of child support orders
- [Paternity / Establishment](#) and establishing parental rights
- [Prenuptial and Postnuptial Agreements](#)
- [Juvenile Rights](#) in juvenile court and health matters involving young people
- [Adoption](#), including step-parent adoption
- [Military Divorce](#) and how it differs from a non-military divorce.
- [Hidden Assets](#) and property division
- [Child relocation](#) and parental move-aways
- [Divorce, Foreclosure, and Real Estate Equity](#), and real estate equity

Helping You Move Forward with Confidence

Envisioning what life will look like after your divorce can guide the process when securing a divorce and property settlement agreement. Our experienced [divorce attorneys](#) will help you understand the issues and potential challenges you face. We work with a variety of experts to

ensure that our clients receive the best advice. We use that information to develop an effective strategy to protect your interests and achieve your goals.