

# 7 Things to Remember when Pursuing a Divorce in Texas



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# Welcome



Thank you for visiting!

I have been a practicing attorney for nearly 40 years, and I have seen the heartache and expense that goes with contested divorces. Divorce is traumatic enough, without adding to the tension and hurt by laying all of your lives in front of a stranger (Judge) to decide.

It has been my experience that the best and enduring results are obtained if the parties can arrive at a solution together. My vast experience can help lead you to those solutions. I can do this if you already have attorneys, or if you choose to not use an attorney. If the parties have attorneys, the attorneys and the parties would attend the mediation and the attorneys would enter the divorce. If neither of you have attorneys, I can prepare a final decree for entry in the court, with the understanding that I would not be representing either one of you. You would each sign a joint petition for divorce that I would prepare, and you would each sign a final decree that I would prepare and enter for you.

My fee for mediation is \$300 each for one-half day or \$450 each for a full day. The petition and decree would be additional. The cost for that would be \$750 each and would include filing fees.

I look forward to assisting you, please call or email me if you have any questions.

Hope I can make this difficult journey as painless as possible.

Thank you,

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Ending a marriage is always a difficult transition, but understanding the divorce laws in your state can make the process much easier. If you live in Texas and you intend to end your marriage, there are several important things you should know before moving forward.

## 1. You (or Your Soon to Be Former Spouse) must be a Texas Resident

Texas has a residency requirement for divorce. This means a couple cannot come to Texas just to divorce, nor can they divorce immediately after moving into the state. In order to qualify for a Texas divorce, either you or your soon-to-be-ex must have lived in the state for six consecutive months. Furthermore, at least one of you must have been a resident of the county in which you file for divorce for at least 90 days.

## 2. Texas Divorce Takes at Least 60 Days to Complete

You should not expect your divorce to be final the moment you submit paperwork. It takes at least 60 days from the time a petition is filed to finalize a divorce in Texas. In order for a divorce to be final, a judge must sign the decree and pronounce the marriage over in open court. The 60 day estimate assumes both spouses are in agreement over their divorce and everything involved, including the division of assets and child custody. For most couples, the divorce process takes closer to six months to a year.



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### 3. Texas is a No-Fault State

This means neither spouse needs to have done anything “wrong” for a divorce to be granted, but it is still necessary to list grounds for divorce on a petition. Keep in mind Texas does base the property division in a divorce on the fault, so if there is any, doing so can offer long-term benefits.

Grounds that can be listed on a petition for divorce include:

- No fault
- Cruelty
- Adultery
- Conviction of a felony
- Abandonment
- Living apart
- Confinement in a mental hospital



### 4. Receiving Spousal Support (Alimony) Payments Requires You to Meet Certain Standards

The Texas court system will consider a variety of factors when determining if spousal support is appropriate in divorce cases. These factors include:

- Domestic violence
- Length of marriage (at least 10 years or longer)
- Need based on income, ability, or responsibility of a child



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In some cases, maintenance is only temporary and the recipient is expected to find resources within a certain period of time so support is no longer needed.

## 5. Texas is a Community Property State

Texas is considered a community property state, which means all property acquired during the marriage is divided equally by the court, assuming divorcing spouses were unable to reach an agreement on their own.



## 6. The Court Will Prioritize Your Children's Needs over Yours or Your Spouse's

If divorcing spouses are the parents of minor children, they can expect the court system to do everything possible to protect the children. The goal is to reduce the emotional trauma of divorce and provide for as similar a life following divorce as the child had prior to the end of the marriage. This is in regard to financial arrangements, living arrangements, and the relationships the child has with each parent and other relatives. Parents are given the opportunity to reach an agreement regarding issues related to their children, but if this is not possible, the court will intervene on behalf of the children.



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## 7. The Court Might Order One or Both Parents to Provide Financial Support to Children

As mentioned in #6, the goal of the court is to maintain consistency in a child's life. This means both parents could be held responsible for the financial support of a child. Often, this means one parent provides housing and day-to-day support, while another parent provides payments toward the child's care. It is possible that a child could split his or her time equally between parents and no financial payments will be exchanged.

Texas child support guidelines use the Percentage of Income Formula to calculate child support obligations of the non-custodial parent. Parents are usually responsible for child support payments until:

- The child reaches the age of 18 and graduates from high school
- The child is emancipated through his or her own marriage
- The child dies



Child support obligations can be indefinite for adult children who are disabled.

### Are you considering divorce in Texas?

If you are considering divorce or your spouse has asked for a divorce, it is essential you seek the assistance of an experienced attorney. Even the most amicable divorce situations can be complicated based on a family's assets and particular situation.



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*Byron Barnett has been a practicing attorney for more than 35 years in the areas of Family Law, Adoptions, Mediation, Probate, Wills and Estates, Personal Injury, and Military Law. He earned his BS from Indiana University '74, his Juris Doctorate from St. Mary's University '77, and obtained the rank of Capt. in the USMC on active duty and retired as a Lt. Col. in the USAF Reserve. His practice is based on his concern to even the playing field for his clients. His goal is to handle each case with integrity, listening to the concerns of clients and using his experience to guide them toward the best outcome.*

*If you would like to know more about Byron or you are ready to schedule a consultation to discuss your divorce, contact **210.826.0409** or email [byronebarnett@gmail.com](mailto:byronebarnett@gmail.com).*

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