



Very few things in life come close to the physical and psychological impact of going through a divorce. After all, you did promise to love and cherish your spouse through sickness and health, for better or worse, for richer or poorer...

# TEXAS DIVORCE

Tips for going through the "Big D" (*and we don't mean Dallas*)

Now that the love is gone, you are left trying to figure out how to solve this life crisis. This is where we step in, with the Dr. Shezad Malik Law Firm at your side, we will help you navigate through this tumultuous time in your life and get your life back on track. You need an attorney and counselor to stand up for your legal rights and to give you support through this emotional time.

**Residency Requirements and Grounds for Divorce** Texas is a "no fault state" when it comes to divorce. In other words you don't need a reason to get divorced except for the fact that the marriage is "insupportable" with no reasonable expectation of reconciliation.

You have to be a resident of Texas for six months and a resident of the county for 90 days before you can file for divorce in that county. One of the spouses files an "Original Petition for Divorce" and provides service to the other spouse. A hearing for temporary orders is usually held within two weeks of the filing date. At this hearing the parties come to an agreement as to the financial support, living arrangements and child visitation during the divorce process and until the divorce becomes finalized.

**Property Division** Texas is a "Community Property" state. This means that all property (*real and personal*) and any debts acquired during the marriage will be divided roughly equally when you divorce. The court may make extra allowances or division to one of the spouses if there are other

circumstances or issues that are taken into account by the court, this is called "just and right division".

**Child Support** In Texas, child support is based on the following mathematical formula as applied to the paying parent's income and other financial resources. The child support can be modified if there is a change in circumstances, income or when the child reaches the legal age of majority.

- 20% of net resources for one child
- 25% of net resources for two children
- 30% of net resources for three children, etc.

**Child Custody and Visitation** Custody decisions in Texas are based on the standard of what is in the "best interest" of the child. The default rule is joint custody, unless the court decides that the child's interest is best served by one of the parents being the sole or the managing conservator.

**Alimony** There is no alimony in Texas, but there is spousal support. During the temporary orders hearing, the court can order temporary spousal support. If you have been married for more than (?) years, the court may order spousal support for up to three years after the final divorce. The court will consider several factors in awarding the support, such as the earning capacity of the spouse, the responsibility of the spouse for the children, the duration of the marriage and the financial resources and liabilities of the spouse.