

DIVORCE GUIDE

Divorce Guide

A divorce involves more than settling issues and receiving paperwork from the courts. Typically, a divorce undergoes three stages: (1) pre-planning, (2) the actual divorce process, and (3) addressing post-divorce issues.

Preparing for a Divorce

Before a divorce can really begin, both spouses need to take time to carefully plan and prepare. A GoransonBain attorney will guide you through the preparation process to help ensure you are in the best position to settle your individual issues, which may include the following:

- **Children:** Nothing is more important than addressing the financial, emotional, and mental needs of your child. During the planning stage, both parents should collect the appropriate information necessary to assist each parent in defining the financial, emotional, and mental needs of their child, such as scheduling demands, work demands, and school and extracurricular requirements. Such information provides a starting point for the parents to develop an essential plan that provides a road map to effectively care for the child.
- **Personal financial details:** Each spouse needs to prepare an accurate inventory of personal assets, accounts, and debt, as well as the shared wealth and debt. The existence of a family business or other financial issues may significantly complicate property distribution issues, but everything must be considered when planning for a divorce.
- **Future income prospects:** Texas law makes no guarantees as to spousal maintenance, but either party may qualify for extra support, provided the marriage lasted for at least 10 years and the party is not capable of providing his or her own financial support after the divorce. Not having a job at the time of divorce is not enough – a party must prove diminished earning capacity. One of our skilled attorneys can help you determine what is needed and recommend a number of solutions.

Understanding the Divorce Process

Once an individual files for divorce, the process can take two basic routes, which is largely based on the parties' individual ability to reach resolution through negotiation:

- **An Uncontested Divorce** allows parties to avoid potentially stressful courtroom trials by negotiating their divorce terms. Even though the reasons for divorce often involve some form of dispute, there are a number of *alternative dispute resolution* methods that can help the parties put emotional issues aside in the interest of saving time and money, while also retaining more control over their individual futures. The two most common methods are divorce mediation and collaborative divorce, both which require legal counsel.
- **A Contested Divorce** is traditionally a more complex process because it involves a full courtroom trial, complete with opening and closing arguments, as well as the presentation of required detailed evidence to assist a judge in reaching decisions. Such a divorce may be a necessity when couples are unable to agree due to high levels of contention, or when the parties' relationship involves a significant power imbalance that may prevent one party from receiving fair treatment.

Common Issues Following Divorce

A final divorce decree seldom marks the end of divorce-related issues, particularly where children are involved. Post-divorce issues that may require legal assistance for many years include:

- **Parenting:** When it comes to their child, divorced parents continue to be partners, at least until the child reaches adulthood. As finances or living circumstances change, parents may need to return to court to adjust their original agreements or the court order.
- **Non-Compliance s:** Failure to comply with a divorce decree is a serious issue. Former spouses who attempt to equalize situations by failing to comply with the terms of a divorce decree are breaking the law and potentially subject to penalty. GoransonBain attorneys the proper actions to take to enforce an order of the court.

- **Taxes:** Without proper planning, the first tax return filed after divorce may contain numerous surprises. During the divorce process, an attorney can help you understand what to expect and will have resources to help you find a reputable tax advisor.
- **Retirement plans:** The law can get complicated regarding Social Security and other retirement benefits earned during a marriage. Do not wait until the date you plan to retire to find out how you and your former spouse must share benefits. When you identify and value your assets and wealth, an experienced attorney can help educate you on what to expect at the planning stage and how to minimize potential post-divorce problems. Nonetheless, if proper planning was not done, an experienced attorney can help you remedy any post-decree retirement plan issues.

The Texas divorce attorneys at GoransonBain Ausley are prepared to provide extensive support to you for as long as you need it. Contact us to learn more about the services we provide.