

**1. How much will my divorce cost?**

Because family attorneys traditionally bill by the hour, there is no way to determine exactly how much your divorce will cost. Time-intensive projects (i.e. discovery, going to Court, etc.) always make divorce more expensive because they require more of the attorney's time. As a rule of thumb, the more the parties fight, the more expensive the divorce will be.

**2. Is there legal separation in Texas?**

No, there is no legal separation in Texas. In Texas, a person is either married or not married.

**3. How long do I have to wait until my divorce can be finalized?**

Under most circumstances, a divorce may be finalized on the 61<sup>st</sup> day after the date of filing the Original Petition for Divorce.

**4. How long do I have to live in Texas to file for divorce?**

The Court focuses on the residency of either spouse at the time of filing. At least one spouse must have resided in the state of Texas for at least 6 months and in the county of filing for at least 90 days prior to the date of filing for divorce.

**5. What is a "no fault" divorce?**

Texas is a "no fault" state, meaning a divorce can be granted without assigning fault to either spouse in the breakup of the marriage. A spouse can also allege fault as the reason for divorce. Fault may be considered by the Court in dividing property. Some examples of fault include adultery and cruelty.

**6. Is there a presumption that the mother automatically gets "custody" of the children?**

No, the Texas Family Code specifically prohibits the Court from awarding "custody" based solely on the gender of a parent. The Court looks at many variables to determine an arrangement that is in the best interest of the children.

**7. If the Court orders me to pay child support, how much am I going to have to pay?**

As a general rule, the Court will follow the guidelines listed below to calculate the amount of child support. However, the Court may consider other factors to vary from the guidelines.

| Multiple Family Adjusted Guidelines<br>(% of Net Resources) |                                     |       |       |       |       |       |       |       |
|---|-------------------------------------|-------|-------|-------|-------|-------|-------|-------|
| Number of other children the parent has a duty to support   | Number of children before the court |       |       |       |       |       |       |       |
|   |                                     | 1     | 2     | 3     | 4     | 5     | 6     | 7     |
| 0   | 20.00                               | 25.00 | 30.00 | 35.00 | 40.00 | 40.00 | 40.00 | 40.00 |
| 1   | 17.50                               | 22.50 | 27.38 | 32.20 | 37.33 | 37.71 | 38.00 | 38.00 |
| 2   | 16.00                               | 20.63 | 25.20 | 30.33 | 35.43 | 36.00 | 36.44 | 36.44 |
| 3   | 14.75                               | 19.00 | 24.00 | 29.00 | 34.00 | 34.67 | 35.20 | 35.20 |
| 4   | 13.60                               | 18.33 | 23.14 | 28.00 | 32.89 | 33.60 | 34.18 | 34.18 |
| 5   | 13.33                               | 17.86 | 22.50 | 27.22 | 32.00 | 32.73 | 33.33 | 33.33 |
| 6   | 13.14                               | 17.50 | 22.00 | 26.60 | 31.27 | 32.00 | 32.62 | 32.62 |
| 7   | 13.00                               | 17.22 | 21.60 | 26.09 | 30.67 | 31.39 | 32.00 | 32.00 |

### 8. What is community property?

Texas is a community property state. As a general rule, community property is all income and property acquired during the marriage. There are some exceptions to this, such as property a spouse inherits during the marriage.

### 9. All of our property is in my spouse's name and not my name, does that mean it is my spouse's separate property?

Not necessarily. Generally, property acquired during the marriage is community property, regardless of the name in which the property is held.

### 10. What is spousal maintenance and how can I get it?

Spousal maintenance in Texas is what most people call “alimony.” It is a need-based award determined by the length of the parties’ marriage as seen in the chart below. A party must request spousal maintenance when filing for divorce (or responding to an Original Petition for Divorce) and meet certain eligibility requirements.

| LENGTH OF MARRIAGE | MAXIMUM AMOUNT OF TIME SPOUSAL MAINTENANCE CAN BE ORDERED |
|--------------------|---|
| 0 – 10 years       | None  |
| 10 – 20 years      | Up to 5 years   |
| 20 – 30 years      | Up to 7 years   |
| 30+ years          | Up to 10 years  |

### 11. Do we have to go to Court if we agree on everything in the divorce?

If all terms for divorce are agreed, one spouse will likely need to appear in front of the Judge to get the Judge's signature on the Final Decree of Divorce. The hearing before the Judge to sign the Decree is called a “prove up” and usually takes only a few minutes before the Judge.