



Should You Hire An Attorney?

It's important to fully evaluate and understand what your divorce will be like. What are your goals for the divorce? Asking these questions may help you decide what the major issues are and whether hiring an attorney is beneficial for you.

SUPPORT

- Is spousal maintenance available to you?
- How much maintenance would you require to continue the same lifestyle you have now?

YOUR HOME AND PROPERTY

- Who will live in the marital home during the divorce process?
- Whose name is on the title documents to the marital home? When and how was it acquired?
- Will the home be sold? If so, how will the proceeds be divided? Who will be responsible for listing the home and following through with the sale process?
- Who will be responsible for any repairs and the costs of preparing the home for sale?
- If one spouse keeps the home, how will the home be transferred to that spouse?
- What are your assets? When and how did you acquire them?

CHILDREN

- Who will the children live with?
- What would you like the visitation schedule to be like?
- Which spouse will be in charge of making healthcare and education decisions?
- How much will each spouse contribute to the non-necessity expenses of each child?
- Which spouse will be responsible for health insurance for the children?
- Who will be responsible to pay for any medical, dental, drug or hospital expenses of the children that are not reimbursed by any policies of insurance that either of the parties may have?

MISCELLANEOUS

- Should you keep life insurance for the benefit of your children?
- Who will receive the benefit if your children are still underage when you die?
- Who will be entitled to claim the children as exemptions?
- Who will be entitled to receive any refund that may be due on any past joint income tax returns filed by the parties?
- Who will be responsible for any deficiency on past or current tax returns?

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**Chamblee & Ryan, PC -
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This list provides just a short list of issues and concerns to think about in preparation for filing a divorce. Going through a divorce can be a difficult time, both emotionally and financially. Divorce is one of the most emotional experiences a person will ever face. Many people choose not to deal with the divorce. It's easier to stick your head in the sand than it is to face a problem. Negative emotions, such as hurt feelings, anger, or resentment will affect the final outcome of the divorce. Although there's no legal requirement that you hire a lawyer for your divorce, an attorney can help you answer any questions you may have and help protect you during this difficult time.

Deciding whether to take the step to hire an attorney is a very important step in the process. Generally, if you and your spouse have conflicts or disputes, you will probably need an attorney. If you have been married for a while, accumulated many things during the course of your marriage or you have children and will not agree on child custody matters, you will definitely need an attorney. The following is a list of instance where the knowledge of an attorney would be beneficial to the divorce proceedings:

- either partner has a criminal record
- either partner is accused of any type of abuse
- either partner is neglectful and/or irresponsible
- either partner has a significant health issue
- either partner is not mentally competent
- either partner abuses alcohol or any other substance
- either partner is accused of abandonment
- either partner is overextended financially and on the verge of bankruptcy
- either partner owns a privately held business
- either partner has a history of defaulting in financial obligations such as court-ordered support of other children or previous spouse
- either partner is believed to work for cash payments
- either partner has a history of willful refusal to work for a living
- either partner has recently moved to another state, particularly if a child of the relationship was taken.
- either partner has recently moved to another country, particularly if a child of the relationship was taken.
- either partner has threatened to run off with the children
- either partner has tried to limit or interfere with visitation of the children
- either partner has bad-mouthed the other to the children
- either partner has stated that the other is able to support the children with assistance
- either partner has warned that he or she will not provide any financial support where the other partner may be entitled to it
- either partner is just plain disagreeable for the sake of it
- the other partner has already hired an attorney



Reaching the decision to end a marriage is a very difficult. Once you do make the decision, it is in your best interest to approach the divorce process from a rational perspective. This will likely be difficult during such an emotional time. An attorney can help you navigate your way through this difficult, stressful process and fight for your rights.



Fault Versus No-Fault Divorce

A divorce is a method of terminating a marriage contract between two individuals. In Texas, divorce can either be no-fault or fault-based. Traditionally, a divorce was only granted in cases of marital misconduct, such as adultery or physical abuse. In these cases, the spouse performing the bad conduct was punished by getting a smaller share of the couple's community property or being denied custody of their children. The other spouse was rewarded for being faithful to the vows of the marriage. In a no-fault divorce, however, both parties agree that neither spouse is responsible for the divorce. In Texas, married couples can get no-fault divorces if the marriage has become "insupportable" because conflict has destroyed the legitimate ends of the relationship. No-fault divorces can also be granted if a couple has been living separately without cohabitation for three years.



A fault divorce is a divorce in which one party blames the other for the failure of the marriage by citing a legal wrong. Typically, a fault-based divorce is pursued if the couple cannot reach a satisfactory settlement about property division, child support, or custody, and one party wants the court to consider the conduct of the other party when deciding the issue. In Texas, the grounds for divorce include adultery, abandonment, confinement for incurable insanity for three years, felony conviction and imprisonment for over one year, or cruel and inhuman treatment. The spouse against whom the divorce is being sought can use a defense that the divorcing spouse condoned the behavior; however, the court will only allow that defense if there appears to be a good chance of reconciliation between the parties.

Chamblee & Ryan, PC - Family Law Section

Family law matters present the most challenging and emotional problems people face. Few other areas of the law affect one's children, business, property and future interests in such a profound way. Whether you are experiencing the joys of an adoption or the strain of a divorce, the impact is long-lasting.

The intimate nature of Family Law requires a collective knowledge. Our team of lawyers at Chamblee & Ryan has collectively well-over a hundred years of legal experience practicing in state and federal courts throughout Texas. Chamblee & Ryan has a proven history of diligently advocating for our clients with success. Our Family Law Section recognizes the importance of protecting the assets of our clients, while maintaining their most valued relationships with their children. We structure our approach to our clients' cases utilizing traditional trial practices, in addition to alternative methods of mediation, negotiations and/or collaboration where appropriate.

Family law and family lawyers must be equipped to handle not only the issues of conservatorship and property, but the emotional fall-out that results from the disassembly of a partnership. We strive to meet the needs of our clients in each phase of their dispute, to include referrals where appropriate to counselors, certified public accountants and other professional support. We work with investigators, business property valuation experts, psychologists and others to give our clients the best representation.

We work in a positive environment that fosters creativity and ingenuity. The Family Law Section of Chamblee & Ryan, P.C. is positioned to address a variety of legal issues that so often surface during divorce, adoptions and modifications. Please contact M. Todd Allen for general inquiries or to set up an appointment at 214.905.2003. We look forward to serving all of your family law needs.



For more information regarding **Chamblee & Ryan's** Family Law practice, please contact **M. Todd Allen** at 214-905-2003.