

### **Is there a waiting period for a divorce?**

Yes. TFC§ 6.702 specifically prohibits the "granting" of a divorce prior to the 60th day after the divorce is filed. In other words, from the date the original paperwork is filed with the court you must wait a minimum of 60 days. This does not mean that your divorce will be final in 60 days. It is just the minimum time you must wait for final paperwork to be approved by the court.

### **What percentage of my income will go to child support?**

Texas has published guidelines which are based on the "Net Resources" of the paying party. These guidelines are typically applied to the first \$6,000.00 net resources of the paying party. However, these guidelines could vary depending on the circumstances of the parties and of the children for which support is owed. Normally, the court would award 20% for one child, 25% for two children, 30% for three children, 35% for four children and 40% for five or more children. If the "paying" parent has other children for whom support is owed that are not before the court these guidelines will be typically reduced.

### **What can I do if my spouse is not abiding by the divorce decree?**

A Texas divorce decree can be enforced by an "Enforcement Action". Chapter 157 of the TFC discusses in detail many of the enforcement options and procedures. Not all terms of a divorce decree can be enforced by contempt, such as confinement in jail. Simply filing a "Petition for Enforcement" is the typical means by which attorneys seek enforcement of the majority of the provisions in a decree regarding children or spousal maintenance. To the extent that other financial provisions in a decree are not enforceable by contempt, they may be enforced by a judgment, which can bear interest and be recorded in the county of residence of the debtor.

### **Who pays the bills while the divorce is pending?**

If a request for a temporary hearing is not made when the divorce is filed, bills will be paid only by agreement of the parties while the case is pending. This can be frustrating when one spouse does not abide by the agreement. If a request for temporary hearing is made, the court can enforce the order with respect to which spouse will pay what bills. Some important considerations by the court will be the income of both parties, which spouse has historically paid the bills in issue and which spouse was responsible for creating the bills. The advantage of Temporary Orders is that the court can enforce them.

### **Can I get "alimony"?**

Chapter 8 of the Texas Family Code specifically discusses the law with respect to "maintenance" or what most people call "alimony". TFC § 8.051 or TFC § 8.052 discuss in detail who is eligible for maintenance and factors the judge must consider when determining whether a spouse is eligible for maintenance. As a general rule, it is easier to get spousal support while a divorce is pending than it is to obtain it at a final hearing. In the event "alimony" is awarded by the judge, TFC § 8.055 limits it to the lesser of \$2,500.00 a month or 20% of the paying spouse's monthly gross income. In the absence of an agreement for a longer period of time, TFC § 8.054 limits "alimony" to

three years except under specifically unusual circumstances involving physical or mental disability, duties as custodian of an infant or young child or another compelling impediment to gainful employment.

**Can you be married without a formal ceremony?**

Yes, these marriages are known as "common law" marriages and are called "informal marriages" by the Texas Family Code. TFC § 2.401 and TFC § 2.402 allows informal marriages to be proven by:

1. a declaration of informal marriage which can be obtained from the local county clerk's office;
2. or the parties agreeing to be married and, after the agreement, living together as husband and wife and representing to others that they are married. (Sometimes a party can prove an agreement to be married by tax returns, credit card statements, bank accounts, lease agreements or other similar documentation.)

**Do I have rights as a grandparent with respect to my grandchildren?**

Yes, the ability of a grandparent or other non-parent to seek court orders with respect to any child is discussed extensively in Chapters 102 and 153 of the Texas Family Code. The extent of these rights would depend on the specific circumstances of the grandparents, parents and child in question.