



SCHREIER+HOUSEWIRTH
FAMILY LAW

YOU'VE BEEN SERVED WITH DIVORCE PAPERS:



**A DIVORCE EXPERT'S SURVIVAL
GUIDE**

You've just been served divorce papers... Now what?

Maybe you knew it was coming; maybe you didn't. Then it happened so fast; the knock at the door; a brief introduction and explanation from a process server; and finally the exchange of a bundle of papers from her hand to yours.

"Crying is all right in its own way while it lasts. But you have to stop sooner or later, and then you still have to decide what to do." - C. S. Lewis

This is your survival guide for the first 48 hours after you've been served with divorce papers, with advice from Gregory L. Housewirth, a top Fort Worth Texas and managing partner Schreier & Housewirth Family Law.

In most Texas divorces, you are served with two documents:

1. A Petition for Divorce
2. A Temporary Restraining Order

Let's take the mystery out of these two divorce legal documents so you can really decide what to do.

The Typical Petition for Divorce in Texas:

First, let's be clear. During these first moments of your divorce, you do not need to panic or overreact to what's in the petition for divorce. A petition is nothing more than a request by your spouse that the court enters certain orders at the final trial. Some of these requests will be granted, others will not – so stay calm and read on...

JUST The Facts:

Much of the petition covers the required basic information required by the court such as:

- **The proper names of the parties as well as their driver's license and social security numbers for identification;**
- **The names, and ages of your children;**
- **The dates of both your marriage and separation;**
- **A statement that the court has jurisdiction of your divorce; and that venue is proper in the county where the divorce is filed;**

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Grounds for Divorce in Texas

A Texas divorce petition must also allege a ground or basis for the divorce. Texas is a no-fault divorce state and most divorce petitions will simply state that the marriage has become "insupportable." In other words, divorce is occurring because your spouse wants a divorce! If your spouse is particularly mad at you he may allege you have been cruel or maybe that you have committed adultery.

Such bad acts can serve as a basis for a disproportionate division of your property, but most times these inflammatory allegations have no effect. Nevertheless, you'll want to visit with an experienced Texas divorce attorney about the particulars of your divorce.

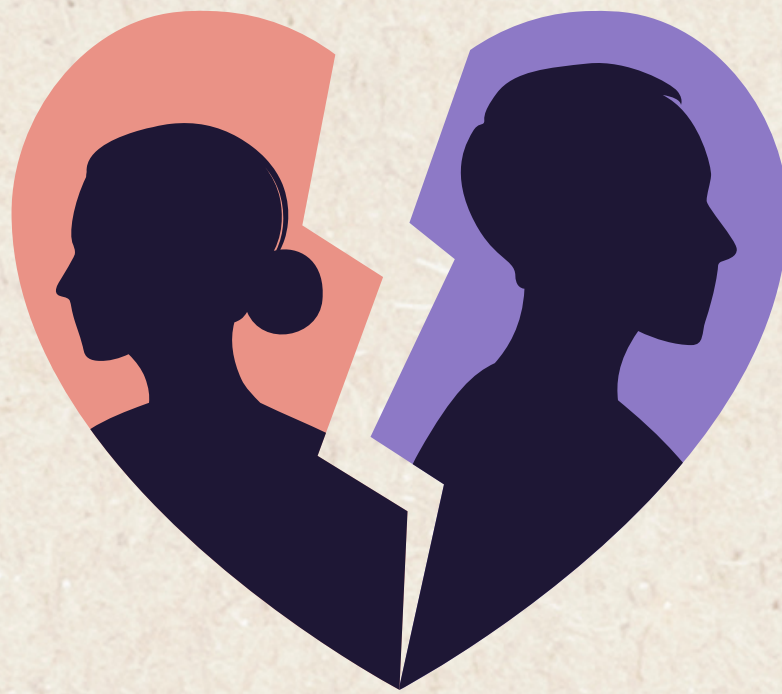
Divorce and division of property

How many people come into my office and announce to me that Texas is a “50-50” state? Hundreds! Is this true?

Not really.

Your typical divorce petition will say something like, “the community estate of the parties should be divided in a manner that is deemed fair and equitable.” Nowhere is the word “equal” used. You can expect, in most cases, the division of your community property to be divided anywhere between a 50-50 split and a 60-40 split, depending on the circumstances.

“Get with an experienced divorce attorney to make the best decisions for your children.”



Children and requests for conservatorship and support

Next, the typical divorce petition will identify your children and request the court to enter orders for their conservatorship and support. Normally, the petition will allege that you and your spouse should be named joint managing conservators and that your spouse should be named the “primary” parent. To repeat, just because it’s in the petition for divorce doesn’t make it true. Get with an experienced divorce attorney to make the best decisions for your children.

Do pay special attention if the divorce petition contains a request that your spouse is named a sole managing conservator or alleges that you have abused or neglected a child.

Usually, these allegations will be supported with an affidavit describing something that you have done to require your access to your children to be restricted. If your divorce petition contains an affidavit in support of sole managing conservatorship or for extraordinary relief, don't go it alone.

Seek help immediately from a divorce attorney if you wish to preserve your relationship with your children through your divorce.

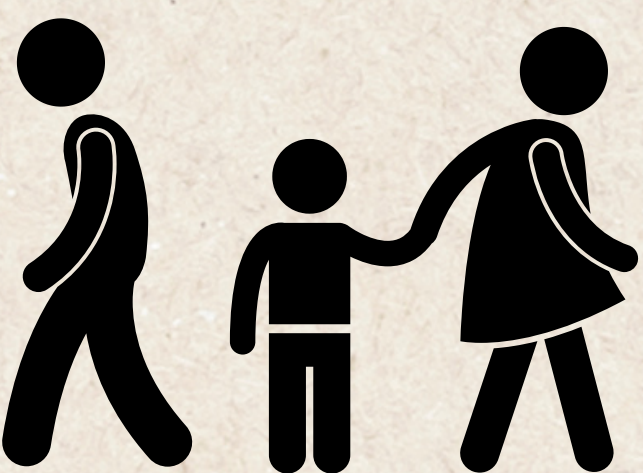
Divorce Temporary Orders

Does your divorce contain a request for the issuance of a temporary restraining order and temporary orders after a hearing? Again, this is not causing for alarm, but you should pay attention and plan to sit down with a divorce attorney.

Why temporary orders?

A divorce in Texas cannot be finalized for at least 60 days after the date of filing and, if there are points of disagreement between you and your spouse, the process can drag on for months, even a year! Temporary orders establish a "holding pattern" while your divorce is finalized. Here are some things you can expect to be covered at a hearing on divorce temporary orders:

1. Exclusive possession of the family home, automobiles, and other marital property;
2. Payment of bills and living expenses;
3. Conservatorship of the children;
4. Parenting time with the children;
5. Support of the children;
6. Drug testing;
7. Psychological evaluations; and,
8. Appointment of any other expert deemed necessary by the court.



"If your divorce case drags on for months, you'll be living under those temporary orders a long time." - Gregory L. Housewirth

- ▶ **Don't sell any marital property.**
- ▶ **Don't alter any important documents.**
- ▶ **Don't give away property to your mother.**
- ▶ **Don't cash out your retirement, money market, or stock accounts**
- ▶ **Don't cancel your spouse from health insurance coverage**
- ▶ **Don't spend money on anything other than:**

► You may continue to buy your morning Starbucks, run your business, or hire a divorce attorney.



Your conduct towards your spouse and your kids:

- **Do not use foul language when talking with your spouse, and don't harass her with e-mails, phone calls, or text messages.**
- **Don't threaten him with bodily harm.**
- **Don't threaten your spouse with doing something that's just stupid.**
- **Don't withdraw your kids from school or daycare.**
- **Don't hide your kids from your spouse.**
- **Don't move off with your children.**
- **Don't say bad things to your children about their mother or father.**
- **You may talk to your spouse in a civil and constructive manner.**
- **You may spend time with your children and even keep them in your care.**



Your conduct towards your spouse and your kids:

- ▶ **Don't alter or dispose of financial records.**
- ▶ **Don't intercept mail that isn't yours.**
- ▶ **Don't wipe your computer hard drive clean.**

How is a Texas divorce temporary restraining order like a carton of milk?

Sure, it may be overwhelming, but that TRO isn't the end of the world.

It is a clear message that you shouldn't lose your mind and do something foolish in the days ahead. Pay close attention to the hearing date written into the temporary restraining order in ink.

That's right; the temporary restraining order is good for only two weeks and then it expires by operation of law. So, like the carton of milk, it goes bad in two weeks. This is why you'll have a court date for temporary orders before that TRO goes bad.



“Sure, it may be overwhelming, but that TRO isn’t the end of the world. It is a clear message that you shouldn’t lose your mind and do something foolish in the days ahead.”

- Gregory L. Housewirth

The beginning of the end.

You’ve got a challenging road ahead of you, and things may get worse before they get better. At times like these, the fog of emotion can cloud your judgment and make rational thought impossible.

You owe it to yourself to talk to a respected Fort Worth divorce attorney who can give you reliable advice and guide you on this journey.

For over 30 years, Board Certified divorce attorney Greg L. Housewirth and his team at Schreier & Housewirth Family Law have been the steady hand at the wheel, guiding thousands of perils of divorce. We give you honest, efficient representation and personalized strategies for your success.



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**DON'T LET A FAMILY LAW PROBLEM
PUT YOUR LIFE ON HOLD.
OUR FAMILY LAW ATTORNEYS WILL
PUT YOU BACK IN CONTROL.**



IT'S OKAY TO ASK FOR HELP