

The Guide to Good Divorce Enewsletter

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You play a vital role in your divorce process

By Trey Yates, Texas board certified family law attorney

If you are considering or seeking a divorce, my best advice is to find out all you can about the divorce process itself. Knowledge is power, so the more you know, the more engaged you will be in your divorce, and the more empowered you will be in determining its outcome.

Your divorce attorney and his or her team will be a helpful resource to you on all things legal during your divorce. Your role will be to ask questions, communicate often with your legal team and provide them with documents and information they need quickly.

There is no doubt that you will be reeling with the emotions that accompany divorce, but you must get into the driver's seat of this process immediately. Realize that the decisions you make now will significantly impact you and your children, if applicable, for the rest of your lives.

Meeting regularly with a therapist during this process can do wonders for you and your family in coming to grips with divorce, emotionally and psychologically. It's also a good idea to ask for the support of close friends and family during this time. Then, when you meet with your legal team, you will be ready to focus on that aspect of the process.

One area that I make sure my clients focus on early in the divorce process is securing *temporary orders*. Temporary orders set the rules while the case is pending. For example, who pays which bills, who will be responsible for the children, etc. If abuse is an issue, it may also be covered in these orders. If you live in the greater Houston metropolitan area, it can take from six months to a year before a divorce is finalized. So, it is in everyone's best interest to make this a priority immediately after filing. Having temporary orders in place also will bring peace of mind.

Assisting your legal team in getting those temporary orders in place requires that you develop a budget of all household expenses and disclose any presence of abuse or the threat of abuse. This typically includes the mortgage payment, all utilities, car payments, etc. Since each divorce is unique, what is included in the temporary orders depends on each couple's specific circumstance.



Generally speaking, this is part of the "discovery" process that each divorcing couple goes through. Each spouse's legal team will require that all assets and debts be disclosed as part of the process of coming to an agreement of how the marital estate will be divided.

Depend on your legal team to walk you through all the necessary steps in navigating the divorce process. Your role will be to assemble required documents and ask questions so you are engaged in the process and you fully understand what is going on.

Divorce and the special-needs child

By Patricia Barrett, CFP, CDFA

While all children need the continued support and care of parents, children with special needs require unique consideration during divorce. As one would expect, there are considerable financial and caretaking responsibilities in these cases that should not be played down. Careful crafting of divorce agreements and decrees should be a priority in cases that involve special needs children.



Couples facing this challenge should prepare for substantial research with regard to itemizing present and long-term needs and all associated costs to ensure that the futures of the children are secured. Taking time upfront on this aspect of the divorce agreement also goes a long way in enabling the family to co-parent successfully going forward.

While child support payments are usually determined according to the family law code of each state, this support can be adjusted to meet special needs of the children involved.

Adjustments to this financial support are typically based on factors, such as:

- The specific needs of the child
- The ability of the parents to contribute to the support
- Financial resources available for this support

- Child care expenses in order for the caretaker to remain gainfully employed. (Although care for the child may require a specially trained caretaker.)
- The amount of uninsured medical expenses
- Special educational care or therapies

In order to qualify or merit special adjustments to standard child support, a detailed budget should be created outlining specific expenses to be incurred in the “best interest of the child.” If the child will eventually be able to live independently and require less care, the decree should provide specific criteria for determining an alternate level of support in that situation.

This budget outline would specify exactly which expenses would decline in case the child could eventually live independently and/or become gainfully employed. In such cases, the caretaker parent may still be required to provide substantial input and guidance, as well as supervision of attendants.

Besides financial support, couples should also consider developing their own unique parental visitation schedule since the typical schedule may not be feasible for a special needs child. This may mean that one parent could be entirely or almost entirely responsible for the child’s care and management.

There is a clear financial impact on the primary caretaker that should be considered in establishing the level of financial support from the other parent. This may impact the caretaker parent's ability to work full-time if he or she must ensure the child is cared for properly, transported to medical appointments and therapy, etc. The caretaker’s need for respite must also be considered and addressed in the parenting plan.

While the agreement for possession of the child, his support and each parent’s rights and responsibilities is managed through the divorce decree, when the child graduates high school or reaches age 18, that agreement no longer applies. However, it is possible for that agreement to form the basis for the disabled adult’s continuing time with each parent through the Guardianship process.

When spouses are establishing their parenting plan as they go through divorce, this is the time to consider the disabled child's short-term and long-term needs, support, caretaking and scheduled time with the non-caretaker.

Empowering Resources

Information is power. If you or someone you know is considering divorce, what you don't know can hurt you. The choices made during the divorce process that lead to a final agreement can have a long-lasting impact on the financial future of yourself and your children.

Know your rights under Texas law and start today to map out your financial future. We have dedicated a section of our website for a variety of resources for you to read online and download. There is a recommended reading list and video testimonies from other women who've gone through divorce and have not only survived the process but now are thriving.



There also are many articles by respected experts on a variety of divorce topics and a number of extensive ebooks that can walk you through the basics and the particulars of divorce such as, [A Client Handbook on Divorce](#) by and [What should we tell the children?](#) by the American Academy of Matrimonial Lawyers

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