

THE LAW OFFICE OF BRYAN FAGAN PRESENTS

ON YOUR SIDE

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MAGAZINE

ISSUE 10

**The Dirty Trick of
Quitting Your Job To
Avoid Paying Child
Support**

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EXCLUSIVE
**10 Facts You Never
Knew About a Texas
Annulment**

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THE LAW OFFICE OF BRYAN FAGAN

Presents...

ON YOUR SIDE

MAGAZINE

We are dedicated to providing as much FREE legal information to our community, as possible!

If you ever have any questions, please give us a call at 281.810.9760

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WHO WE ARE

AND WHAT WE DO

We are a family law firm. We believe in helping our clients transition through family law cases, as smoothly as possible.

As a family law firm, we understand clients are handing over a very personal piece of their lives to us. Not only does our firm work professionally, diligently and efficiently but we believe in having great communication with our clients.

Our clients are able to speak to their attorney, as well as have access to a wonderful client support team who can help answer all questions regarding their case, status updates, billing inquiries, and other concerns that may arise during the process.

Not only does our client support team reply back to our inquisitive clients in a timely manner, but the client can count on someone reaching out to them to check-in several times throughout the duration of their case. We believe in putting our clients first!

Our firm offers free consultations and accept consults daily!

We believe every person should be informed of their rights and the process pertaining to their case, this is why we offer free consultations.

During your free consultation with a family law attorney, you will learn your rights, have all of your questions answered, discuss the process, and your best avenues.

In addition to our free consultations, we are one of the few firms who have Finance Specialists to help you discuss a lower down payment, and payment plans

OUR FIRM HANDLES THE FOLLOWING CASES:

- Filing Divorce Papers
- Arranging Child Custody
- Obtaining Protective Orders
- Property Division Matters
- Visitation Rights
- Establishing Child Support
- Establishing Spousal Support
- High Net Divorce
- Enforcements
- Modifications
- AND MUCH MORE!

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THE DIRTY TRICK OF QUITTING YOUR JOB TO AVOID CHILD SUPPORT

Unfortunately, some spouses do not feel an obligation to support their children after a divorce. I have heard all kinds of excuses from "I shouldn't have to pay because I have a car note" to "I already behind on my child support on another child."

These deadbeat parents often come up with creative plans on avoiding child support. I sometimes hear if you try and get child support then "I am going to go for full custody" or "I am going to fight for 50/50 time so I don't have to pay child support." All of the above are flawed ideas on how Texas family law works that I have addressed in other articles.

In today's blog article I am going to discuss a strategy that sometimes employed. Quitting a job or changing your job to reduce child support obligations. This can be an effective dirty trick during a Texas divorce or child support case. A trick a Texas divorce lawyer can help you avoid.



From The 13 Dirty Tricks E-Book written by Bryan Fagan, Esq

A LOW PAYING JOB OR NO JOB DOES NOT AUTOMATICALLY MEAN LESS CHILD SUPPORT

The premise behind a parent intentionally under employing their self or quitting their job is that because Texas calculates child support based on income if they are making less then they will pay less in child support. After child support is set then they can get a better job making more money.

I believe in most cases parents do not lose their jobs on purpose. However, I have had cases where a parent consciously chose to intentionally be unemployed because they were likely to be ordered to pay child support.

Quitting a job can be an incredibly bad move by a paying parent if there is a child support order in place. A parent's child support obligation continues as long as an order is in place requiring the parent to pay child support. A parent may seek to modify a child support order based upon the loss of a job and the court may order the cessation of child support retroactive to the date the petition seeking to modify child support was filed by the obligor.

However, a child support modification is not something that happens automatically. The attorney general can be incredibly slow to move on a case like this. I have had potential clients meet with me who had been trying to get the attorney general to do something for 5 years. A family law attorney is a quicker option but once you have quit your job they are more difficult to pay.

INTENTIONAL UNDEREMPLOYMENT

In most cases a Texas family law court will use a parent's actual income in order to calculate Texas child support. However, the Texas Family Code 154.066 covers Intentional Unemployment Or Underemployment.

(a) If the actual income of the obligor is significantly less than what the obligor could earn because of intentional unemployment or underemployment, the court may apply the support guidelines to the earning potential of the obligor.

ILIFF V. ILIFF, NO. 09-753 (TEX. APRIL 15, 2011)

Prior to this case there was a split among the courts of appeal on how much proof was required before

applying 154.066.

In this case the Texas Supreme Court looked at the language of the statute, which states if the actual income of the obligor is significantly less than what the obligor could earn because of intentional unemployment or underemployment, the court may apply the support guidelines to the earning potential of the obligor.

The Texas Supreme Court Determined that:

- 1 The language of Texas Family Code section 154.066 does not require such proof
- 2 That intent to avoid child support need not be proven for the trial court to apply the child support guidelines to earning potential instead of actual earnings
- 3 However, a trial court may properly consider an obligor's intent to avoid child support as a factor, along with other relevant facts, in an intentional unemployment or underemployment analysis

The Texas Supreme Court's interpretation of the statute allows a determining court the option to respond if a parent tries to employ a dirty trick to lower their child support. The court reminded the courts to keep "the best interest of the child" in mind when making its determination.

If you believe your ex is trying to manipulating their income intentionally, be sure to contact an attorney.

Read more about the Dirty Trick of Quitting Your Job To Avoid Child Support & more Dirty Tricks in our new e-book:



13 DIRTY TRICKS

To Watch Out For in Your Texas Divorce

Visit our website to get your FREE copy!

Bryanfagan.com

HOW CAN A STEP-PARENT ADOPT A STEP-CHILD IN TEXAS?

By Evan Hochschild | Attorney
VIP Contributor



A few weeks ago I was doing consultations with prospective clients of the Law Office of Bryan Fagan on a Saturday morning when a husband and wife walked in to speak with us. I came to find out that the wife had two children from her prior marriage and her current husband was interested in formally adopting his step children.

For all the children out there who don't have any parents who take a strong interest in them, I was happy to see that there were two kids out there that probably have gone through some stressful times that have two loving parents in their lives.

Make no mistake that this is not a consultation that the attorneys with the Law Office of Bryan Fagan take on a regular basis. Step parents who want to and are in a position to adopt their step children don't come along all that often. In many situations one parent of a child has recently died or is no longer actively involved in their child's life.

There is where the rub lies for most families- in order for a step parent to adopt their step child there must either be a deceased parent or a biological parent's rights to the child must be terminated. If you are a step parent who would like to begin to the process of attempting to adopt your step child then this blog post is designed for you. As with most things in the field of family law in Texas there are steps to follow in our legal system to be able to complete a successful adoption. Let's discuss those steps and problems that you should be aware of.

STEP PARENTS CAN MOTION A COURT TO BECOME A PERSON WITH RIGHTS AND DUTIES FOR A CHILD

Parental rights as established by a family law court is what you are actually seeking through the adoption process of your step child. Of course you have an ability to assist in the raising of your step child, especially if he or she resides in your home, but in the eyes of the law you do not have any rights to make decisions for the child's well being or any duties to provide certain things for the child.

Step parent adoptions function basically the same as other "traditional" adoption cases with the exception that step parent adoptions can occur only in specific situations. Those situations are as follows:

-Deceased parent. As stated earlier in this blog post, your step child may have a parent who is deceased and you are willing to step into that void and become a parent to the child in the eyes of the law.

-Absentee parent. Unfortunately this is the situation that I ran into with the prospective clients that I met with a few weeks ago. When a biological parent is not taking an active role in their child's life a step parent can intervene and petition a court in order to gain rights and duties as to that child.

In addition to these circumstances being applicable, you as the step parent must be married to the parent of the child who is actively involved in their life.



HOW TO ACTUALLY PETITION A COURT FOR ADOPTION OF A STEP CHILD

Now that you know the sort of circumstances that can lead to your being able to adopt your step child, you will need to know the steps involved in actually adopting him or her.

Like with a divorce or other lawsuit involving children, you will need to file a Petition in order to have your case assigned to a family law judge in the county where you live. It is possible to file a Petition for Step Parent Adoption on your own but it is advisable to hire an attorney who has worked with adoption cases before. Saving time and money are both possible with the assistance of an attorney.

If your step child's "other" parent is still living you have the option to attempt to work with that parent to agree to terminate their rights to your step child. If this is not possible then you will need to have your petition heard through the family law court to which your case has been assigned.

As we have discussed in many blog posts, the best interests of the child will be the guiding principle that your judge uses to determine if you will be successful in your adoption attempt.

To assist the court in making their determination, there will be a social study completed in the event that the judge believes that it is in the best interests of your step child for your adoption attempt to continue. A social study involves having a licensed social worker, therapist or similar professional visit your home to evaluate your living conditions. Your step child will be met with and interviewed as well as your spouse.

Finally, an amicus attorney will be appointed by your judge in order to assist him or her in making a final determination. The amicus will perform some of the same sort of evaluations as the social study worker.

Ultimately the amicus attorney will make a recommendation to your judge as to whether or not you should be allowed to adopt your step child. Ultimately if you are a devoted step parent and have the best intentions for your child the odds are in your favor once your case proceeds to this point.

LAW OFFICE OF BRYAN FAGAN

When you work with our firm, you will see that we are committed to tenaciously representing clients in every scope of the Texas court system. We believe the cornerstone of our success is the trust we are able to build with clients, while still maintaining the highest caliber of legal services.

We acknowledge that each client has individual needs, which is why we provide personalized representation. Our founding lawyer strives to honor the objectives and desires of each case he takes on. The legal team at our firm is dedicated to carefully listening and effectively communicating with our clients during each level of their case.



Bryan Fagan
Attorney | Mediator



**Kimberly Player-
Washington**
Attorney



Brittney Inman
Marketing Director

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Mollie Levar
Office Manager



Tina Favorito
Paralegal



Courtney Porter
Attorney



Cecilia Charlton
Attorney



William Moriarty
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Darnell Moore
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Alicia Palmer
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Chris Ervin
Attorney



David Brummett
Customer Service



Cristina Cazares
Legal Assistant



The Law
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from Texas
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Grandparents

*Can Find Themselves in a
Tough Spot When Raising
A Child In Response To A
CPS INVESTIGATION*

By Bryan Fagan

Attorney | Mediator



As an attorney working in the area of family law I can think no more frustrating or sad sort of case than a CPS case. From the child's perspective, it is being alleged that he or she has been the victim of abuse or neglect at the hands of a person who is legally obligated to care for their best interests. From the parent's perspective, their life has been thrown out of whack no matter if he or she actually did abuse or neglect their child.

If the abuse or neglect did occur then their rights and duties associated with raising the child will rightfully be in question moving forward. If the abuse or neglect did not occur that will not stop CPS from conducting a full scale investigation and even involving the legal system to an extent.

A part of CPS cases that is not discussed near as much as the role of parents and children is the impact the case will have on other family members, notably grandparents. We've all heard the phrase, "It takes a village to raise a child".

This situation quite literally involves your family taking on the role of the village when you are told by a court or state agency like CPS that you cannot raise your child, either permanently or temporarily.

While the child is fortunate that he or she has family available and willing to care for them, the grandparents are put in a position where the ultimate responsibility to protect the child's well being is on their shoulders without much assistance often times from outside sources.

Today's blog post from the Law Office of Bryan Fagan will focus on the issue of grandparents in CPS cases. How a CPS case can become a multi-generational saga is an example of collateral damage that can stem from a CPS investigation.

GRANDPARENTS AS PRIMARY CARETAKERS OF CHILDREN

Think back to your childhood and see if you can remember any friends or classmates whose grandparents were their primary caretakers. I'm willing to bet you can think of at least one child whose parents, for whatever reason, were not in the picture and their grandparents stepped up to the plate to raise him or her.

Why are grandparents so often thrust back into the role of primary caregiver for a child under the age of eighteen?

In situations where parents lose their jobs, find themselves involved in time

consuming and expensive divorces and other life altering situations, grandparents can often find themselves in a position to fill the void left by a parent. Maybe the parent has to find work in another town and is not able to be physically present as often due to traveling back and forth for work.

Parents who are going through a divorce also can rely on grandparents as a temporary caretaker until their lives are more or less returned to normal. What happens, however, if mom or dad become addicted to drugs and a CPS investigation is opened against him or her.

CPS INVOLVEMENT IN A FAMILY'S LIVES MAY LEAD TO GRANDPARENTS BECOMING RESPONSIBLE FOR A CHILD

If your son or daughter has an addiction to drugs and alcohol, an extremely difficult set of circumstances may arise where he or she is no longer able to care for your grandchild due to CPS intervention. Any person can make a CPS report against your child if he or she has put your child at risk of serious physical or emotional harm as a result of their substance abuse.

If we take a look at CPS investigations across the State of Texas there is a high probability that drug or alcohol abuse in some way has impacted the life of at least one person involved in the case.

Persons who are addicted to drugs or alcohol become fully consumed by their disease and will act out in any way that he or she believes will allow them to satisfy their desire for whatever addictive substance their body calls out for.

WHERE DOES TEXAS LAW COME DOWN IN RELATION TO GRANDPARENTS IN CUSTODY CASES?

It may surprise you to learn that the laws in our state do not necessarily favor placing children with their grandparents over any other similarly situated party. Rather than make known to a CPS case worker that they are the primary caretakers for the child in question, grandparents will remain quiet and act as if the child has been living with his or her parents.

In so doing, grandparents can inadvertently miss out on services offered by CPS for the caretakers of children involved in CPS investigations who are no longer living at home.

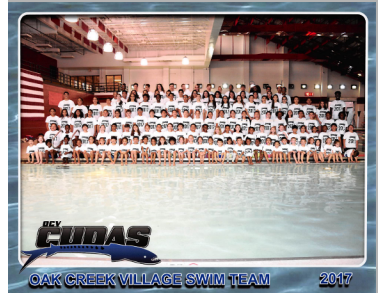
It is natural for you as a grandparent to be worried not only about the well being of the grandchild who is in your care, but also for your child who is possibly suffering from their own difficult circumstances on top of any pending CPS investigation.

To the degree that your worrying keeps you from learning about the law, how the law impacts your life and other services available to assist you in caring for your grandchild you are put in an even more difficult position.

Are you on a fixed income from social security? Are you only able to work part time due to a disability that you suffer from or that your spouse suffers from that requires additional care throughout the day?

These are the sort of real life concerns that grandparents often have in relation to CPS cases involving their grandchildren where they have taken on the responsibility as primary caretaker of the child.

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NEWS AND EVENTS

Divorce Seminars

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Learn divorce from beginning to end by the Partner Attorney and author of "The Texas Divorce Handbook", Bryan Fagan. This 2 hour workshop will walk you through the process, provide resources to help you get through this process, and answer any questions you have).

When:

Saturday, April 28th @
10am-12pm

Where:

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Cost: \$35.00

Time and time again, our female clients mention not having a free spot on their schedules to just hang out, enjoy themselves, and temporarily take their mind off their divorce. Even if they do have the time, organizing an event is too much trouble. To help out our clients, we have decided to host Girls' Night Out events. To keep things interesting we choose venues throughout the greater Houston region that could be selected as the party spot, like the Foundation Room Houston.

For more information about Girls' Night Out events, direct all inquiries to Brittney Inman at Brittney@bryanfagan.com

This event was created on the book "Single Mom Takes On The World" by Brittney Inman. It was intended to help single moms navigate through the challenges of single-momhood and will address how to successfully balance working full-time, raising children, and taking care of yourself, too. You'll learn time-management techniques, tips on excelling in your career, and boosting your self-confidence.

Contact us at

281.810.9760 for more details or email Brittney@bryanfagan.com

REVENGE PORN

**Revenge porn conviction:
Be careful about your actions
after a break up:**



By Amir Tavakkoli | VIP Contributor

Internet, social media, and easy access to material and information online has positives and negatives. On the positive side we can easily see what is going on around the world and keep in touch with loved ones that previously we were only able to call maybe occasionally; but on the negative side, there are things people can do now that they wouldn't be able to before. For example, before the social media and internet age, when someone went through a breakup, sometimes they would show that naked photo they had of their ex to their buddies as a way to either get back at her, or to look "cool" because he had naked pictures of a girl people knew. But now, a person with the same intentions can easily destroy someone's life by publishing a video or photos of her online that can easily be accessed by thousands of people. Although many websites such as Facebook have attempted to reduce the risk of this happening by adding a review process for photos that are posted, it is currently impossible to prevent someone from being able to sabotage another person's life by posting inappropriate photos or video of her online. This is the reason that Texas, among other states, has recently passed laws to deal with this issue.

What is Revenge Porn legally known as?

The Texas Penal Code refers to "revenge porn" as "Unlawful Disclosure or Promotion of Intimate Visual Material."

What crime can someone be charged with for "Revenge Porn"?

Revenge porn is a class A misdemeanor in Texas.

What is the definition of "Revenge Porn"?

Revenge porn occurs when a person:

1. Without the consent of the depicting individual
2. Discloses visual material depicting another person with the person's intimate part exposed or engaged in sexual conduct
3. The visual material was obtained when the depicted individual has a reasonable expectation of privacy (for example, if a person is exposing intimate parts in public and someone takes a photo and posts it online, this would not be a crime under the definition),
4. The disclosure causes harm to the depicted individual, and
5. The identity of the depicted individual, either directly or indirectly is revealed (for example if the face of the individual is not shown in the photo or video, but a third party is able to verify the identity by any means, then this is sufficient for the crime under the definition.)

What punishment can someone get for committing revenge porn?

In Texas, revenge porn is punishable by up to one year in jail and a fine of up to \$4,000.00.

A.T. LAW OFFICE

Contact A.T. Law Office for a Free Consult

If you have questions regarding a criminal case, including revenge porn, it's important to speak to an attorney right away. If you need an attorney in North Houston, Woodlands, Klein, Tomball, Cypress, FM 1960, Galveston, and surrounding areas, call the A.T. Law Firm for a free consultation. We also travel to different counties including but not limited to Harris County, Montgomery County, Liberty County, Chambers County, Galveston County, Ford Bend County, Waller County, and Brazoria County. Contact the A.T. Law Firm by calling (832) 742-7704 for a free consultation.



10 FACTS YOU NEVER KNEW ABOUT A TEXAS ANNULMENT

Generally when people think of ending of marriage they assume they will need to get a divorce. Most of the time they are right. Sometimes though I get questions regarding an annulment. Like a divorce, an annulment severs the legal union between two people, but there are very specific instances when it is available or may be called for.

WHAT IS AN ANNULMENT?

Annulment is the process of requesting that a court declare a marriage void or voidable. Annulment is different from divorce or legal separation in that parties to a divorce action are asking that the court terminate their marriage, while an annulment suit is a petition to have the court enter an order declaring that the marriage never existed.

When individuals have entered into a marriage under certain statutory false pretenses, it may be possible to petition the court to annul the marriage. You should be aware that, in most cases, the court will require that spouses go through the divorce process instead of granting an annulment.

LEGAL REASONS FOR AN ANNULMENT

The Texas Family Code provides for several circumstances under which a spouse may ask the court to annul their marriage. Some of those statutory reasons for an annulment include:

1. Certain underage marriages
2. At least one of the spouses was under the influence of drugs or alcohol at the time of the marriage and lacked the capacity to consent to the marriage
3. Undisclosed impotency discovered after the marriage
4. Fraud, duress or force
5. Mental incapacity
6. Concealed divorce



By Evan Hochschild | Attorney
VIP Contributor

These are the grounds people need to think about when considering an annulment. Once an annulment is granted, the marriage will be considered void and it is treated as if it never happened. If an annulment is not granted, then the marriage will be considered valid indefinitely.

UNDERAGE MARRIAGE

If the marriage of a person 16 years or older but under 18 occurred without parental consent or court order, the court may grant an annulment.

UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

A Court may grant an annulment to a marriage that was entered into while one or both of the parties were under the influence of alcoholic beverages or narcotics, and as a result of being under the influence they did not have the capacity to consent to the marriage.

A court may grant an annulment only if the parties did not voluntarily live together after sobering up. If you moved in together, and tried to make it work, you do not meet the statutory grounds required to grant an annulment.

UNDISCLOSED IMPOTENCY:

If at the time of the marriage, either party was permanently impotent.

However, the court may grant an annulment only if the petitioner did not know of the impotency at the time of the marriage and did not voluntarily cohabit since learning of the impotency

FRAUD, DURESS, OR FORCE

A court in Texas may grant an annulment of a marriage if a party used fraud, duress, or force to induce the other party to marry.

However, the court may grant an annulment only if the petitioner did not voluntarily live with the other party since learning of the fraud or since being released from the duress or force.

MENTAL INCAPACITY

A court may grant an annulment if one of the people in the marriage did not have the mental capacity to consent to marriage or to understand the nature of the marriage ceremony. This can be because of a mental disease or defect.

However, like the other reasons for annulment the person seeking the annulment did not voluntarily live with the other party during a period when the person seeking the annulment possessed the mental capacity to recognize the marriage relationship.

CONCEALED DIVORCE

If at the time of the marriage, the petitioner did not know that the other party was divorced from a third party within the 30 days prior to the ceremony.

However, the court may grant an annulment only if the petitioner did not voluntarily live with the other party since learning of the fact of divorce.



DIVORCE 101

Whether you are thinking about divorce, filing for divorce, are in the process of your divorce, or already divorced...our new DIVORCE 101 is an excellent resource with the answers to your questions!

Many times when we consult with people considering divorce, we see many emotions; scared, stressed, hurt, overwhelmed, resentful, hurt...they range from one end of the spectrum to the other.

The Law Office of Bryan Fagan created Divorce 101 as a tool to help those considering divorce find the answers to the many questions they may have.

We find when people are informed and understand the process, they tend to feel a little less scared and intimidated about what's to come.

We hope Divorce 101 will help you and if you have any additional questions or concerns, we encourage you to book a free consultation with one of our family law attorneys by calling *281-810-9760* or visiting **bryanfagan.com**.

Book A **FREE**
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Change, Wills, Trust and Estate
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MEET KIMBERLY PLAYER-WASHINGTON



Originally from Louisiana, Kimberly graduated Cum Laude from Thurgood Marshall School of Law. Before achieving her Juris Doctor Degree, she graduated with a Bachelor of Arts in Political Science, Summa Cum Laude at Southern University, gaining the title of Student Marshall and the highest ranking graduate. Kimberly was accepted to the Texas State Bar in 2008. She is dedicated to helping her clients through the difficult time of divorce and/ or custody disputes and it is her goal to make this process a bit easier for them by letting them know their case is in the rights hands. When Kimberly is not busy at work she enjoys traveling around the globe and cooking for her family.

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TEXAS FAMILY LAW COURTS: CHILD SUPPORT

When the subject of child support is raised with a person going through a divorce, he or she is sure to have an opinion. If you are the person who is going to be on the hook for paying child support it is likely that you think that the amount that you will have to pay is too much. That's not to say that you don't think supporting your child is a good idea, or that you don't love your child. It's just that being made to pay money that goes directly to your ex spouse can cause some mixed emotions about the subject.

On the other hand, if you are the parent who is set to receive child support as a result of a divorce you likely think the guidelines set forth by our State Legislature leave a lot to be desired. You're losing an entire income as a result of your divorce, and a smaller amount of support from your ex spouse is supposed to make all that better? Has anyone taken a look at what daycare costs nowadays?

Regardless of your perspective or position when it comes to child support, there is information out there that we need to talk about. I'm not here to sway your opinion on the subject, whatsoever. My goal today is to present the facts and a little of my own

You're losing an entire income as a result of your divorce, and a smaller amount of support from your ex spouse is supposed to make all that better? Has anyone taken a look at what daycare costs nowadays?



personal experience with handling child support matters for clients in family law cases. You can form your own opinions based on that information.

What will you stand to receive (or pay) in child support as a result of your divorce? As I mentioned a moment ago, the Texas Family Code has within it certain guideline amounts of child support that are to be paid by one parent to the other for the purpose of helping to support a child. The "net resources" of the paying parent are subject to the following percentages when it comes to child support:

- 20% of net resources for one child
- 25% of net resources for two children
- 30% of net resources for three children
- 35% of net resources for four children
- 40% of net resources for five children



Bryan Fagan

Attorney | Mediator

Born in Denver, Colorado, and raised here in the Houston area, Bryan has always had the inclination to be someone who can help others and he always put forth all efforts in everything he has set out to do. Coming from a Real Estate background, Bryan felt he his real passion was helping families and through practicing family law, he does just that. Bryan is a member the Texas Bar College, which is an honor that is bestowed on less than 10% of lawyers in the state of Texas. This honorary society is devoted to pursuing the greatest amount of legal knowledge through actively furthering their education. Bryan's desire is to better represent his clients with a deeper understanding of the law. As Partner Attorney, Bryan makes sure every Associate Attorney is actively involved in each individual case to ensure conscientious work and attentiveness. When Bryan is away from the office, he enjoys spending time with his wife, Camille, family, and friends.

If you are the parent of more than five children, you can expect to pay no less than 40% but no more than 50% of your total net resources in monthly child support. The most frequently used word from this past section was “net resources”. What exactly does this term refer to?

Net Resources defined in regard to child support

Net resources, for the purposes of calculating a person’s child support obligation, includes salary, overtime, tips, commissions, bonuses, self employment income, retirement benefits and even unemployment benefits. From these sources of income, social security taxes, federal income taxes and health insurance costs for the child(ren) will be subtracted in order to arrive at your net resources.

While I just laid out net resources as a concept in two sentences it is important to note that the calculation of this figure can be a much debated component of your divorce. This is especially true if either you or your spouse (whichever will be responsible for paying child support) has multiple sources of income. In this case, it is critical to have an attorney who is experienced in helping clients calculate child support based on multiple sources of income. Whether you are attempting to increase or decrease a child support figure, having an attorney to assist can make a huge difference for you.

How is child support paid?

Wage withholding orders are typically filed along with the other “Closing” documents to your divorce. This wage withholding order identifies you as the paying parent responsible for child support and is sent to the court for the judge’s signature. Once received it will be forwarded to your employer and the amount of child support that you owe will be deducted on either a monthly or bi-monthly basis.

This is a good thing for both the paying spouse and the receiving spouse. The paying spouse does not have to worry about falling behind (supposing that you maintain employment) in paying child support. It’s one less thing to have to think about, basically. If your child’s other parent has a problem with the amount of child support that has been paid all you have to do is point to the ledger maintained by the Attorney General’s Office. The truth is in black and white. Instead of having to make payments directly to your ex spouse your payments will filter through the Child Support Disbursement Office for the Attorney General.

If you are the parent who receives child support, a wage withholding order keeps you from having to directly ask your ex-spouse for child support each month. Furthermore, you will not be receiving partial or missed payments with an order in place. It is completely out of your spouse’s hands assuming that he or she maintains employment at the employer who holds the wage withholding order.

Likewise, if you have to take your ex-spouse back to court for an enforcement hearing regarding missed child support payments, all you and your attorney would have to do is access your child support payment records online and see just how far behind your ex spouse is. These causes of action are fairly straightforward as far as enforcement cases are concerned and the wage withholding order assists a great deal in this regard.

13 DIRTY TRICKS TO WATCH OUT FOR IN YOUR TEXAS DIVORCE



13 DIRTY TRICKS TO WATCH OUT FOR IN YOUR TEXAS DIVORCE AND HOW TO COUNTER THEM

Bryan Fagan, Esq

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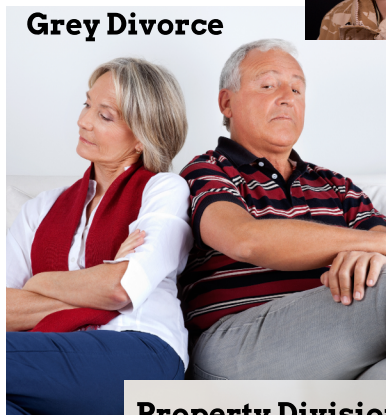
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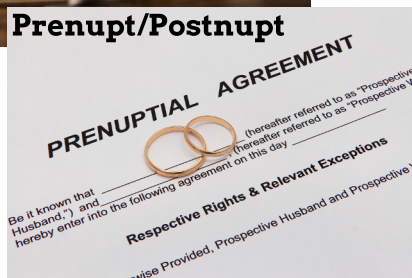
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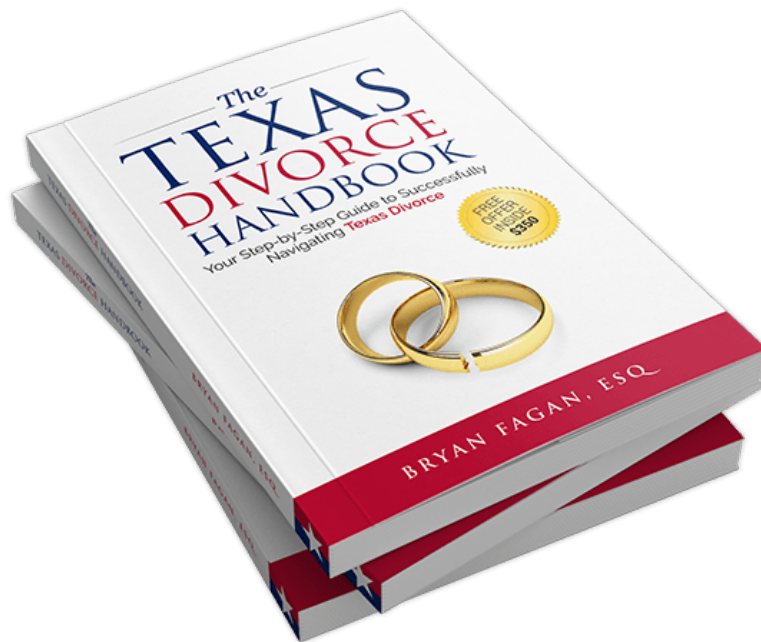
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