

THE LAW OFFICE OF BRYAN FAGAN PRESENTS

# ON YOUR SIDE

August 2018

MAGAZINE

ISSUE 14

**The Effect of Divorce On  
Your Credit**

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## **EXCLUSIVE**

**Should a divorced parent  
sign a waiver and  
indemnity agreement to  
allow a child participate in  
recreational activities?**

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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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Filing for divorce  
Child custody  
Property Division  
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Child support  
Spousal support







# 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
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- Property Division Matters
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- Establishing Spousal Support
- High Net Divorce
- Enforcements
- Modifications
- AND MUCH MORE!

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3707 FM 1960 W, Suite 400  
Houston, Texas 770680

# THE EFFECT OF DIVORCE ON YOUR CREDIT



Today's article will feature you as the main character in a hypothetical divorce that you may (or may not) be going through. The purpose of trying to teach you all something through a story is that I understand financial discussions can be hard to follow at times and at the very least are not all that interesting. However, this is important subject matter that I believe you should know something about before entering into a divorce.

Having an attorney that is as good a teacher as they are an advocate is something that is not usually discussed when you are decided to hire an attorney, either. Hopefully you will learn something today that will help you in moving forward with your divorce. If you have questions about credit, divorce or any subject in family law please do not hesitate to contact the Law Office of Bryan Fagan.

## **An illustration of the importance of credit in your divorce**

Suppose that you and your husband recently got a divorce. In your divorce decree, it stated that your husband would pay the balances and your four credit card accounts. You took this to mean that he would actually pay the balances as ordered and took no further action. After all- what more could you do? You signed the divorce decree and moved on with your life. You had your own attorney's bill to pay and a life to work on after the divorce of your long time spouse.

We flash forward six months after your divorce to find that your ex-husband still has not paid off these credit card accounts. Now all four creditors have been in touch with you for payment. No problem, you think. You go to your closet and pull out a copy of your Final Decree of Divorce just to make 100% sure that the Decree orders your ex husband to pay those accounts and not you. With confirmation literally in hand you call the first creditor to tell them that you are no longer on the hook for paying their bill.

Unfortunately, the credit card company has other ideas. Their response to your statement that you are no longer responsible for the bill is to say that their company is not a party to your divorce decree and that your name is on the agreement to pay any debts that have been incurred on the credit card you owned jointly with your ex-spouse. Lo and behold, when you get off the phone with the credit card company you come to find out that the late charges and missed payments have been piling up on your credit report.

Here you are, supposedly past your divorce yet unable to completely move forward with your life as a single adult. You find yourself in an unenviable situation- either pay the debts yourself in order to save your credit, or to pay an attorney to go back to the judge and attempt to hold your ex-spouse in contempt of court for having failed to pay the debts back as ordered.

## **Credit- an under-appreciated and important aspect of any Texas divorce**

Issues that are related to credit are not typically at the top of any spouse's shortlist as they discuss a potential divorce with an attorney. After having done many, many consultations with potential clients of the Law Office of Bryan Fagan I can say that very few people ever discuss debts/credit unless I first bring it up. There are, of course, issues to be decided in a divorce that are more important than your credit but it is nonetheless very important in its own right.

## Individual Credit Accounts

It is important to remember that in Texas, the debts of your spouse may end up being your debt at the conclusion of your divorce. Now, if your spouse opens up a credit card in his name and takes out debts that have only benefited him is it likely that this debt will be awarded to you in the divorce? No, not at all. However, debts are divisible in your divorce and debts are to be divided in a just and right manner consistent with other circumstances of your case. The individual debts of your spouse, therefore, may appear on your credit report and vice versa.

If you were to open up a credit card in your name only (an individual account) the benefit for you is that if you are not working outside the home or do not have a huge income it could be difficult for you to earn credit on your own without the assistance of your spouse.

On the other hand, if you open up an account in your name only and do not allow your spouse access to that account it is only your actions that can negatively affect your credit in those circumstances. You bear all the responsibility for paying on that account- which if you are responsible, have a plan and stick to a budget may actually be a good thing for you.

## Joint Credit Accounts

In your marriage if you attempt to open up a joint account a creditor will look at your income, your financial assets and your credit history- as well as those of your spouse. In many marriages, one spouse will take the role of the financial nerd, keeping up dutifully with the bills while the other is the financial free spirit- earning money and spending it but doing little to chart the family's financial course. Even if this applies to your family, you are still responsible for the debts incurred on any jointly held credit account that bears your name.

It is probable that you and your spouse combined are a more attractive borrower from a creditor's perspective than you or your spouse alone. The downside of being able to earn credit from a creditor is that you now are responsible for paying on the debt. Take a look at your bank's lobby or many of the buildings in the financial districts of Houston. Their building is probably nicer than your home, and their furniture is nicer than what you have inside your house. My point? These lenders are doing well because of the interest you pay on those loans. Keep that in mind if you are still married and your spouse comes to you with an idea to take out a loan together.

## Pay attention to your credit accounts

If you are already moving towards a divorce you should pull your credit report and take a look. Joint accounts need to be paid on during the divorce and you should not expect your spouse to just do it out of the kindness of his or her heart. You may ultimately sign temporary orders that designate a spouse to make payments on the debt but in the early stages of your divorce this may not happen. Point being is that you need to ensure with your spouse that those debts continue to be paid even if you are not explicitly ordered to do so. Your credit is at stake as well as your ability to quickly recover from your divorce, financially speaking.

**Visit [Bryanfagan.com](http://Bryanfagan.com) to read more about The Effect of Divorce on Your Credit**

**SCHEDULE  
YOUR  
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CONSULTATION!**

**Call 281.377.3548 and one of our friendly team members will help you schedule a FREE consultation with a family law attorney!**

# Should a divorced parent SIGN A WAIVER AND INDEMNITY AGREEMENT

## To allow a child to participate in recreational activities?

By Paul Cannon | Trial Attorney



**Paul Cannon**  
Trial Attorney

There are many kinds of recreational activity providers, many of which target catering to kid's parties as a business model. These include bounce house parks, trampoline parks, exercise and fitness centers, obstacle courses and Ninja Courses to name a few. Most of these have one thing in common—you must sign a waiver (release) and indemnity agreement to participate.

If you are underage, then your parent must sign a waiver (release) and indemnity agreement. While all parents who sign a waiver and indemnity agreement are potentially giving up their kids' ability to effectively seek redress if the facility negligently causes their injury, divorced parents face an additional risk that could leave them personally liable for the cost of the judgment and the defense.

### **WHAT IS A WAIVER OF LIABILITY OR RELEASE OF LIABILITY?**

A *waiver of liability* a/k/a *release of liability* is a written agreement not to hold someone responsible for their negligence. If properly drafted, Texas allows people to sign a waiver of liability or release of liability even *before* the negligence occurs. If this document is signed by an adult, it is valid as to the adult. Kids, however, enjoy a special privilege under the law.

They have the right to void a contract signed on their behalf that is not in their best interest. So, when a parent signs a waiver/release, the child can have it declared void and still sue the negligent tortfeasor when they are injured. The parent, who has the right to collect the medical bills, can still be barred from collecting the medical bills up to the child's 18th birthday if the parent signed the same waiver.

### **WHAT IS AN INDEMNITY AGREEMENT?**

An *indemnity agreement* is a contract wherein one party agrees to assume or take on the liability of another party.

The best example of an indemnity agreement is an auto liability insurance policy. It can also be added to a contract between a person participating in a recreational activity and the participant to make the participant assume the responsibility for the company's own negligence.

### **INDEMNITY AGREEMENTS AND CHILDREN'S CLAIMS**

Parents are often required to sign both a Release and an indemnity agreement before allowing their child to participate at trampoline parks and other recreational businesses. Again, it is a

It is our delight to introduce an article by Paul H. Cannon. Attorney Cannon is a trial attorney and shareholder at Simmons and Fletcher, PC. He has been practicing personal injury and product liability law since 1995. He is Certified in personal injury trial law by the Texas Board of Legal Specialization since 2005.





contract. Thus, a minor can have it declared void as to the minor. The parent, however, is bound by it. So, let's assume only one parent signed the release.

When the child is injured that parent cannot get out of the waiver nor the indemnity agreement. The other parent can file suit on behalf of the child. However, the company will be able to cross-claim against the signor parent and sue them for the amount of the judgment plus their attorney fees. That debt will be community property, so both parents will owe it. As a result, the waiver and indemnity agreement deters both parents from bringing a claim.

### **THE DIVORCED PARENT SITUATION**

When the parents are divorced, the effect of the release and indemnity agreement is the same as to the signing parent. However, as to the non-signing parent, it does not have the same deterring factor.

The non-signing parent is no longer married to the signing parent, so they do not face the community property debt problem. Moreover, because they do not necessarily care if the other parent gets stuck with more debt, they can bring a claim for the child and let the company turn around and sue the signing parent for whatever judgment and attorney fees they incur.

### **SIGNING A PRE-INJURY RELEASE AND INDEMNITY AGREEMENT**

As you can see from the above, signing a waiver (release) and indemnity agreement have serious consequences that affect a child's ability to pursue justice when a recreational activity provider negligently injures them.

They are very dangerous to sign regardless of whether you are single, divorced or married. However, if you are divorced and considering letting your kid participate in an event that requires the signing of a waiver and indemnity agreement, you are way better off letting your ex-spouse be the one who signs the document. At a minimum, you should never be the only parent to sign for your child—make your ex-spouse sign too.

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# LAW OFFICE OF BRYAN FAGAN

## THIS TEAM IS ON YOUR SIDE

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**  
Sr. Attorney



**Brittney Inman**  
Marketing Director

## MEET YOUR LEGAL TEAM



**Mollie Levar**  
Office Manager



**Melisenda Villarreal**  
Attorney



**Chad Zubi**  
Attorney





**Michelle Meyer**  
Paralegal



**Chris Ervin**  
Attorney



**Alicia Palmer**  
Attorney



**Ryan Erikson**  
Attorney



**Tiffany Cebrun**  
Attorney



**Tina Favorito**  
Paralegal



**Kelly Portera**  
Legal Assistant



**Samuel Roberson**  
Legal Assistant



**William Moriarty**  
Intake Specialist



**Sylvia Acosta**  
Receptionist



**Darnell Moore**  
Receptionist



**Ana Guerrero**  
Bookkeeper



**David Brummett**  
Customer Service



**Cristina Cazares**  
Financial Specialist



**Paola Morales**  
Paralegal



The Law  
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Blog Posts  
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## STRATEGIES for desired custody in Texas

By Evan Hochschild  
Attorney | VIP Contributor



An experienced lawyer can offer strategies to help you get the custody arrangement you desire. There are no guarantees that the outcome will be precisely what you want, but there are several custody proceedings that can make a difference, beginning with temporary orders.

### TEMPORARY ORDERS

First, either parent can file a motion asking the court to issue temporary orders providing for interim custody, parenting time, and support of a child, before any trial is ever scheduled.

Temporary orders can sometimes influence permanent orders later on. When interim or temporary orders work well for a child, the court may be hesitant to upset the status quo when it comes time to enter permanent orders.

### ALTERNATIVE DISPUTE RESOLUTION

A few possible alternative dispute resolution tools can help parents attempt to resolve their conflicts prior to trial.

They include mediation, the appointment of an amicus attorney, the appointment of parenting coordinators, and a child custody evaluation. Any or all of these may be a part of your custody case.

### HOW DO MEDIATORS HELP?

Arriving at a custody agreement with the other parent and avoiding trial is always possible with the help of a professional mediator. In Texas, custody mediation is a confidential process, whether the mediator is assigned by the court or by agreement of the parties. Mediated settlement agreements are later submitted to the court.

These agreements later serve as the blueprint for drafting a court order to be signed by the judge. When mediation does not result in an agreement, a later court hearing will decide what is in the child's best interest and dictate custody terms for both parents.

### WHAT DOES AN AMICUS ATTORNEY DO?

In situations where the parties need a little extra boost to get themselves to a place where agreements may be possible, an amicus attorney can be appointed. The amicus attorney's job is to assist the court in determining what arrangements are in the child's best interest.

The amicus attorney (as opposed to an ad litem attorney) does not represent the child or either party. In doing so, the amicus attorney looks out for the child's best interest and acts as the eyes and ears of the judge for the time that the parties are not inside the courthouse. The amicus attorney will assist the court with making decisions regarding where the child should primarily reside, what rights and duties each parent should have and other important issues.

The amicus attorney, as a neutral party, is allowed access to each parent's home life, which ordinarily nobody else would be able to see. The judge has little to no understanding of the parents' relationship with the child and so the amicus is designed to assist the court in learning more about each parent's:

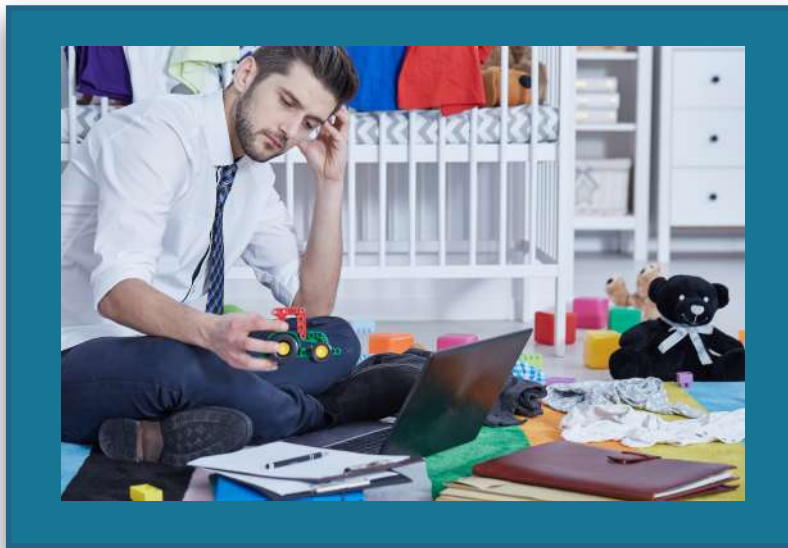


1. Child rearing style
2. Personal relationship with the child
3. Home environment

### HOW DO PARENTING COORDINATORS HELP?

In high-conflict custody cases, a parenting coordinator may be appointed to meet with parents to discuss their concerns about the parenting plan. The coordinator does not advocate for either party's position but facilitates negotiations by blending counseling, parent education, and dispute resolution techniques into the discussions.

As a facilitator, the coordinator assists parents in settling their differences to develop a parenting plan that is in the child's best interest. If the parents cannot resolve their dispute and do not agree to a plan, then the coordinator will make recommendations.



### HOW DO CHILD CUSTODY EVALUATORS HELP?

After thorough investigation and inquiry in a limited-scope psychological custody evaluation of the family, the child custody evaluator makes custody recommendations to the court. In determining what is in the best interest of the child, the evaluator interviews the parents, the child, and other family members, and reviews documents and records regarding the child.

As a mental health professional, the evaluator submits a detailed report to the court with recommendations for legal decision-making and parenting time. When parents do not agree to a parenting plan and a custody trial becomes necessary, the evaluator's report will be very influential with the judge.

### TIPS FOR A SUCCESSFUL RELATIONSHIP WITH YOUR CHILD

If custody is contested, your lawyer must present your parenting decisions and judgments in the light most favorable to you. The strategy is essential to your getting the relationship you want with your child.

Even when parents are in agreement today, a custody disagreement could arise anytime. Therefore, always be prepared to validate and substantiate your parenting decisions before, during, and after your custody case is complete.

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# NEWS AND EVENTS

## Divorce Seminars

## Girl's Night Out

## Workshops



### SINGLE MOM'S WORKSHOP

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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, August 25 @  
10am-12pm

**Where:**

3707 FM 1960 W,  
Suite 400  
Houston, Texas 77068

**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](mailto: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](mailto:Brittney@bryanfagan.com)

# COMPLETING THE DIVORCE

## Handling Retirement and Avoiding Last Minute Problems

A Qualified Domestic Relations Order (QDRO) is the key to your being able to turn a Divorce Decree which provides you the right to access a portion of your ex-spouse's retirement benefits into actually getting the retirement savings. It is important that your Divorce Decree specifically state the terms of your settlement or the judge's orders on the subject of retirement pay.

The reason being is that the QDRO will be drafted based on the Divorce Decree and if you ever need to take your ex-spouse back to court for an enforcement case the language in your Decree ought to be as clear as possible.

As we discussed in yesterday's blog post, it is good to have the judge sign your QDRO at the same time he or she is signing your Final Decree of Divorce. You and your attorney negotiating a strong settlement for you in terms of retirement benefits is not the last step in dividing certain retirement accounts. A QDRO will also need to be signed by the judge ASAP.

The QDRO will then be sent to your ex-spouse's retirement plan administrator in order to have the retirement account divided in the manner stated in your Final Decree.

### **POTENTIAL RISKS WHEN YOU DO NOT HAVE A QDRO COMPLETED DURING YOUR DIVORCE**

The big problem for you to consider as your divorce wraps up is the steps that you take at this stage in your case can still have an impact on your life decades from now. You will want to make sure that your QDRO is completed and submitted to the plan administrator now to ensure any problems are ironed out and the QDRO is processed quickly and correctly.

This will help you to avoid a situation where years from now you find yourself in a position where the retirement benefits you negotiated for have not yet been made available to you.

### **THE BENEFITS OF HIRING AN EXPERIENCED FAMILY LAW ATTORNEY TO HELP YOU HANDLE RETIREMENT BENEFITS**

It is an understatement for me to tell you that it is in your best interests to hire an attorney prior to proceeding with a divorce. Not just any sort of attorney, either. You may have a family member or friend who knows an attorney who doesn't practice family law who has mentioned that he or she could help you with your divorce. Before taking this person up on their offer I would like to offer you a word of caution.

So much of a divorce is about the details of your case.

Yes- many attorneys can file your paperwork, attend any hearings with you and negotiate a Final Decree of Divorce. However, there is so much more to your divorce beyond these headline events that to not have your attorney who has experience and knowledge in the field of family law would be doing yourself a disservice now and in the future.

The reason being is that when it comes down to it you are finalizing a divorce that should help you and your children be set up to succeed for the rest of your lives. Some mistakes that are made in a divorce can be corrected, but one effect of many mistakes that can never be undone is the wasting of time and money.

Not having your QDRO drafted correctly will cost you money and time. My suggestion would be to hire an attorney who works only in family law and knows the importance of the QDRO.

Beyond hiring an attorney, you need to understand that your divorce is just that- yours. It is not your spouse's, your attorney's or your judge's divorce. Take ownership of the case and the decisions that are made in conjunction with your case. If you have questions about any subject in your divorce ask them of your attorney during the divorce.



# Legal

## Coaching:

**An alternative when  
you can't afford  
to retain an attorney**



A more affordable alternative for those who would like to handle their legal case on their own or cannot afford full legal representation.

In our coaching services you can be provided with legal templates, document review to ensure your documents are correct and ready to file and that you understand everything that the opposing party is requesting in their filings, as well as 1 on 1 sessions with an attorney.

This is perfect for anyone in the state of Texas, as we also can hold these meetings via telephone if requested.

### **SENIOR ATTORNEY:**

375.00 for a one hour meeting or you can bundle three 1-hour meetings for a total price of 900.00

### **JUNIOR ASSOCIATE ATTORNEY:**

200.00 for a one hour meeting or you can bundle three 1-hour meetings for a total price of 500.00

To inquire about these services, please send an e-mail to [William@bryanfagan.com](mailto:William@bryanfagan.com) or call our office at 281-377-3548.



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# Completing The Divorce- Handling Retirement and Last Minute Problems **CONTINUED**

Assuming that you can handle any aspect of your divorce after it is finalized is a serious mistake. This is especially true when it comes to any financial aspect of your case.

## **AGAIN: MAKE SURE YOUR DIVORCE DECREE SPECIFICALLY STATES WHAT AMOUNT OF A RETIREMENT PLAN IS TO BE PAID TO YOU**

I cannot emphasize enough how important it is to have your Final Decree of Divorce reflect the exact percentage/portion of your ex-spouse's retirement plan that is to be paid to you in the divorce. Your attorney has more to do with this than you do since he or she will be drafting the language but it is your job to look at the Divorce Decree and make sure it is clear what is being allocated to you.

Take your copy of the Mediated Settlement Agreement that you negotiated in mediation and compare it to what is stated in your Divorce Decree. If the language does not seem to be reflective of that agreement then you should ask your attorney questions about it. You are not being a busy-body or an annoyance- this is your job as the client.

On the other hand, if your spouse's attorney is the one drafting the Divorce Decree, your attorney should be checking in with him or her to ensure that the work is getting done and that the document ultimately reflects what is contained in the Mediated Settlement Agreement.

Again, there is only so much you can do to help this process but one tip I can provide is to allow your attorney to negotiate on your behalf even during this stage of your case. I realize that will be eager to conclude your divorce but getting the language correct in a final order is crucial.



## **YOUR ATTORNEY SHOULD BE WORKING ON YOUR QDRO SIMULTANEOUS TO THE FINAL DECREE OF DIVORCE**

Finally, if your spouse's attorney is the one actually drafting the Final Decree of Divorce, your attorney can spend their time drafting the QDRO. He or she should have contacted the plan administrator for your spouse's retirement plan in order to determine what exact language needs to be included in the QDRO to make sure that the plan is able to process and complete the transfer of the retirement funds to you as quickly as possible.

Each retirement plan is a little different and it is likely that your attorney can actually request the specific language that ought to be included in the QDRO directly from the plan administrator. There is no sense in waiting to do this step. Make sure your attorney is working with the retirement plan while you wait for a completed draft of the Final Decree of Divorce.

# WELCOME TO THE WORLD



## AARON JOSEPH FAGAN

Attorney Bryan Fagan and wife, Camille, are happy to share with you that Aaron Joseph Fagan was born August 3, 2018 at 7:08am. Both, Mommy and Aaron, are doing well and Big Brother, James, is already so protective and in love with his new best friend!



Name: James  
Occupation: Super BIG BROTHER  
Quote: "NO MOMMY baby, NO DADDY Baby.  
MY BABY!"



Name: Aaron Joseph Fagan  
Birthdate: 8/3/18 Time: 7:08am  
Weight: 6 lb 7 oz  
Length: 19.5 in

# 13 DIRTY TRICKS

TO WATCH OUT FOR IN YOUR TEXAS DIVORCE

Visit our website to get  
your FREE copy!

READ ALL ABOUT DIRTY TRICKS IN OUR NEW E-BOOK

BRYAN FAGAN



## 13 DIRTY TRICKS TO WATCH OUT FOR IN YOUR TEXAS DIVORCE

AND HOW TO COUNTER THEM

BRYAN FAGAN, ESQ.



One of the most frequent questions I get asked is “can I get my spouse to pay for the divorce.” We have even written an article on that topic that I will include a link to at the bottom of this post. In that article, we discussed that depending on the facts it may be possible to get your spouse to pay for your legal fees. However, generally it will cost you money up front to get to that point in the case. On top of that, the hearing where a judge may make orders regarding temporary spousal support could be 30-60 days away from the time the divorce is filed.

In order to aid our readers regarding the above problem, we have written a couple articles:

1. that provide ideas and suggestions on how to pay for a Texas divorce and
2. tips on preparing for the divorce

I mention those prior articles because the readers of today's blog topic “spousal starving” can also benefit from reading those prior articles.

# THE DIRTY TRICK OF SPOUSAL STARVING

## WHAT IS SPOUSAL STARVING?

I often caution my divorce consults to prepare for a frequently employed dirty trick used by vindictive and controlling exes, “spousal starving.” This tactic can be used by wealthy couples or couples with modest incomes. “Spousal Starving” refers to when one spouse cuts off financial access to the other spouse.

This can include:

1. emptying the joint bank account
2. removing the other spouse from a joint credit card, or
3. refusing to pay bills or buy groceries, knowing the other spouse has no access to cash
4. Canceling vital services or utilities

A spouse can use this to put their ex at a disadvantage during a divorce. The goal is to get the other spouse in financial position where they out desperation will accept an unfair settlement. This is more likely to happen if the starved spouse has no source of income or family member who can help them. When I encounter spouses in this type of relationship they want to know how they will pay for:

1. bills
2. food
3. take care of their children
4. let alone hire our services

The other awful part of spousal starving is that while you have no or little access to financial resources. Often your ex has plenty of funds to retain a Texas divorce lawyer at their disposal.



**"Spousal starving refers to when one spouse cuts off financial access to the other spouse"**

#### **WHAT CAN I DO IF MY EX IS ENGAGING IN SPOUSAL STARVING?**

Unfortunately, once spousal starving has begun, in the short term there is not a lot that can be done. I often feel for these individuals and let them know that their spouse's tactics will not be looked upon favorably once we are in front of a judge. Once you are in front a judge it will be possible to request spousal support and child support. However, getting there takes money and time. This future help is often hard for someone to appreciate when they are worried about getting through today.

One of the best solutions is if you are able to borrow money from:

1. parents or other family members; alternatively
2. you may be able take out loans or start charging things on a credit card

#### **WHAT PROACTIVE STEPS CAN I TAKE NOW PRIOR TO A DIVORCE?**

One of the first things I encourage clients and potential clients do include:

1. Having a separate account which your spouse cannot empty
2. If you believe a divorce is coming to put half of any joint account money into that separate bank account.
3. Have or open credit cards that your spouse does not have access to
4. If you cannot afford a Texas divorce lawyer and you have children, you can get help through the attorney general to get child support going. Unfortunately, this process can take a long time and ultimately when you get a divorce that divorce may cost more because of the prior order.
5. Have copies ready of all financial paperwork. This will help your attorney to get you support once you are in front of a judge.
6. Make a list of all known assets, liabilities, bank accounts, real estate, business interest, and retirement accounts.
7. Monitor your credit regularly
8. Get a secure mailing address which your spouse does not have access to
9. Change passwords immediately to all your personal accounts (do not leave your spouse without access to funds)



# 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 281-377-3548 or visiting [bryanfagan.com](http://bryanfagan.com).

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Born and raised in San Angelo, Texas. Moved to Houston in 1996 to be close to daughter and grandkids. Studied at Our Lady of the Lake University here in Houston, maintaining a 3.5 GP Avg. in Business Administration. When she is not working, she loves to spend time with the family, work in the yard and play with her little dog, Crissy.

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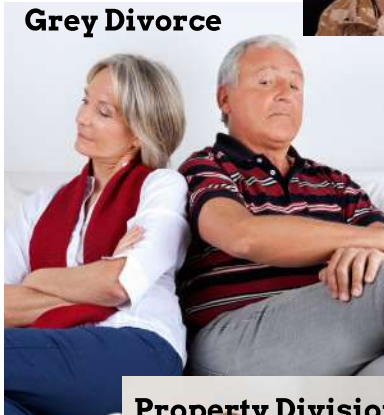
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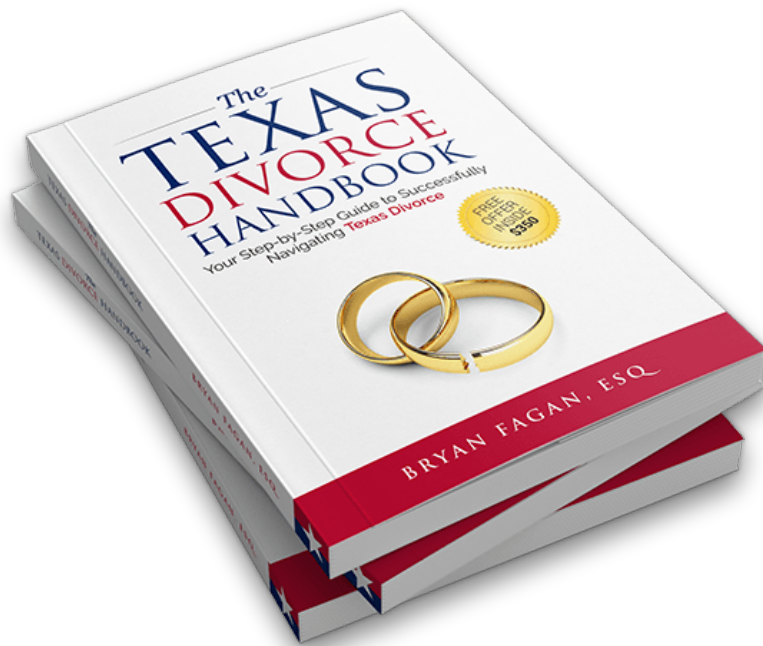
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