



LAW OFFICE OF
BRYAN FAGAN
— PLLC —



ASSET DIVISION IN HOUSTON, TX

WORK WITH A HOUSTON ATTORNEY

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INTRODUCTION

Thank you for downloading our special report: about Asset Division, with information that will help you protect your assets and secure your future. For more insider divorce tips, please download our other special reports about Dirty Divorce Tricks, How to Plan and Prepare for Divorce, and Divorce after 50. We understand that you have a lot of questions and concerns about your divorce and we want to help you feel as comfortable with the process as we can. If you would like to speak to one of our highly skilled Law Office of Bryan Fagan, PLLC attorneys, we encourage you to contact us to schedule a free confidential consultation. We're here for you, always. Sincerely, Bryan Fagan, Law Office of Bryan Fagan

OUR HOUSTON ATTORNEY CAN GUIDE YOU

Texas is considered a community property state, which means that the total amount of income earned and any property that was acquired during the marriage is community property and therefore belongs to both spouses. When dividing assets and property in a divorce, everything earned during the marriage will be divided among the two spouses.

The division of property and assets is often extremely complex without proper guidance from an experienced Houston lawyer. At the Law Office of Bryan Fagan, PLLC, our firm can navigate this process on your behalf and ensure that you capably seek the assets you deserve during your divorce.

HOW WILL PROPERTY BE DIVIDED?

A judge will divide the property and assets in a way that is considered "just and right." Note that this does not necessarily mean "equal." Debts are also looked at as community property, meaning any debts inherited during the marriage will be divided between the spouses, as well. Anything earned before the marriage is considered "separate property," and belongs to the spouse who acquired it.

Before diving the community property, a judge will consider the following factors:

- ☑ Fault in the breakup
- ☑ Disparity of earning power
- ☑ Each spouse's health
- ☑ Who has custody of the children
- ☑ Dividing Property in a Texas Divorce - The Just and Right Division
- ☑ What Wikipedia Can't Tell you About Texas Divorce and Marital Property Division
- ☑ Texas Divorce and Retirement & Employment Benefits by the Numbers

DIVIDING PROPERTY IN A TEXAS DIVORCE - THE JUST AND RIGHT DIVISION

Before a couple can get a divorce in Texas, one thing that must be resolved is the division of their property and debts. There are multiple steps that must occur during such a division including:

- ☑ The assets must be identified. This is typically done by completing a sworn inventory.
- ☑ Characterize the property. Before going into characterizing the property, it is crucial to understand that Texas is one of a handful of states that has "community" property.
- ☑ Valuation of Assets
- ☑ Dividing the Property

This article outlines the process of dividing property in divorce in Texas. Property can either be divided by agreement or by court order.



IDENTIFYING ASSETS.

The first step in dividing marital property during a divorce is to determine the property that is owned by the spouses whether or not it is community or separate property. The local rules of most Texas counties require each party to file an inventory and appraisal and proposed division of property prior to the final trial on the merits of a divorce case.

The Inventory must list each asset and liability of the marital estate, along with the corresponding value and character. Further, the Inventory should detail and value all claims that could impact the property division, including claims for reimbursement and fraud.

The Inventory is then used by the Judge to help formulate what a just and right division of property would be for the spouses. Inventories are not only useful in Trial but are also useful during the divorce process for use in negotiations and mediations when attempting to settle the case.

For these reasons it is important to take all steps necessary to ensure that the Inventory is comprehensive and accurate. This begins at the outset of the case by gathering all relevant documents and information in order to assist in proving the value and character of the marital estate.

CHARACTERIZATION OF PROPERTY

As Texas courts can only divide the parties' community property in a dissolution proceeding, the characterization of property as either community or separate is an important second step to the division of marital property in a Texas Divorce.

SEPARATE PROPERTY

The Texas Family Code has codified the definition of separate property as follows:

- ☑ the property owned or claimed by the spouse before marriage;
- ☑ the property acquired by the spouse during marriage by gift, devise, or descent; and
- ☑ the recovery for personal injuries sustained by the spouse during marriage, except any recovery for loss of earning capacity during marriage.

COMMUNITY PROPERTY

The Texas Family Code and case law define community property as follows:

- ☑ "Community property consists of the property, other than separate property, acquired by either spouse during marriage."

The distinction between community property and separate property is important because the court divides the community property between the parties but cannot do so for separate property.

Property possessed by either spouse during or on dissolution of marriage is presumed to be community property. To rebut the community property presumption, a party who asserts the separate property claim must present "clear and convincing" evidence of the property's separate character.

VALUATION OF PROPERTY

Once an asset is designated as either community or separate property, the parties must prepare to place a value on it. As a general rule, property to be divided in a divorce proceeding should be valued according to its fair market value.

Texas courts must divide the community estate in a manner that results in a just and right division. Before a court can determine whether the division of marital property is "just and right" under Texas law, a value must be placed on each asset.

Often our client's property, assets and debts include:



- ☑ Closely-held businesses
- ☑ Partnerships
- ☑ Corporations
- ☑ Limited Liability Companies
- ☑ Family trusts
- ☑ Professional practices
- ☑ Advanced degrees
- ☑ Real estate
- ☑ Ranches
- ☑ Securities
- ☑ Livestock
- ☑ Oil wells
- ☑ Overseas holdings
- ☑ Executive compensation packages
- ☑ Estates
- ☑ Student loans

The valuation of community assets can be established by:

- ☑ agreement of the parties
- ☑ documentary evidence
- ☑ by the testimony of the parties, or
- ☑ by the testimony of a qualified expert

In most cases, the value assigned to the assets and liabilities of the marital estate should be determined as of the date of divorce, or a date that is as close to the date of divorce as possible. The court has discretion to determine which valuation dates to use.

Sometimes times, valuation of assets make requires experts including but not limited:

- ☑ Forensic accountant
- ☑ Real Estate Appraiser
- ☑ Real Estate Agent
- ☑ Business appraisers

FORENSIC ACCOUNTANT

Forensic accountant are generally used in cases:

- ☑ To trace assets to prove an asset is separate property or community property.
- ☑ To help search for undisclosed assets.
- ☑ Communicate the significance of certain property or income.

REAL ESTATE APPRAISER

If spouses cannot agree on their real property's value then a spouse can hire a real estate appraiser to give an opinion of value of the property under the current market conditions.

A real estate appraisal involves:

- ☑ Obtaining the sales price for comparable properties in the area
- ☑ Extrapolating a value for the subject property based on the comparable properties.



REAL ESTATE AGENT

Real estate agents can also be used to value real property. Like real estate appraiser they:

- ☑ are knowledgeable about the real estate market
- ☑ They have access to what properties are for sale or have sold for in the properties neighborhood

BUSINESS APPRAISER OR BUSINESS VALUATOR

If your community property owned by parties includes a business, the business will need to be valued and appraised. A business appraiser often does this evaluation.

The evaluation often includes looking at:

- ☑ The business records
- ☑ Interviewing the business employees
- ☑ Business inventory

DIVIDING YOUR ASSETS – THE JUST AND RIGHT DIVISION

Once the parties have completed their inventories that includes all property and debts and reflects all claims then the spouses are in a better position to begin informed settlement discussions or commence a trial on the division of their property.

If the case goes to trial then the standard a court must follow in dividing the community property of the spouses is “a just and right manner” taking into account the rights of each spouse and any children of the marriage.

However, Under Texas case law a Judge has wide discretion in determining what is “just and right.” A “just and right” division of the community property could be awards to each spouse of 50% of the community property, or a division that grants to one spouse a disproportionate share, of the property.

The court considers several factors in making its decision one what is a “just and right division” of the community assets and liabilities. These factors include: its division are:

- ☑ The length of the marriage;
- ☑ Each spouse’s level of educational;
- ☑ Future business opportunities and
- ☑ employability of each spouse,
- ☑ The disparity in earning capacities or income;
- ☑ Each spouse’s health and physical condition;
- ☑ Each spouse’s financial conditions and
- ☑ obligations;
- ☑ Disparity in the ages of the spouses;
- ☑ The existence and size of each spouse’s
- ☑ separate estate;
- ☑ The nature of the property being divided,
- ☑ including liquidity, income production and
- ☑ possible tax consequences;
- ☑ The existence of children of the marriage;
- ☑ Benefits the party not at fault would have
- ☑ derived from the continuation of the marriage;
- ☑ Fault in the breakup of the marriage,
- ☑ including claims of fraud on the community;
- ☑ Expenses paid to maintain the community



MARITAL PROPERTY V. SEPARATE PROPERTY

DISTINGUISHING BETWEEN COMMUNITY AND SEPARATE PROPERTY IN TEXAS DIVORCES

Probably the most important question of any divorce case in Texas, once you get beyond issues related to children, are those that deal with property. Texas is one of a few states in the United States which has enacted laws that treat marital property as community owned. Therefore, Texas is known as a community property state. Whereas most of the country derives its property laws from the English common law, community property states like Texas inherited its property laws from countries like Spain and Mexico. The difference can be significant for you and your spouse- depending on your specific circumstances.

It would be impossible to go over every element of community property laws in Texas over the course of the next few days. On top of that, it wouldn't really serve much of a purpose for you as a person who is either going through a divorce or is preparing to go through a divorce. We need to cover the aspects of community property that are most relevant to you as a member of the community here in southeast Texas. Before we do that, let's discuss the basic differences in community property and common law property states.

COMPARING AND CONTRASTING COMMUNITY PROPERTY AND COMMON LAW PROPERTY STATES

In common law states (the vast majority of states in our country), any property that you and your spouse own are usually divided up as belonging to either you or your spouse individually. It is possible to have some joint ownership of property but not in the same way that we will property is owned by the community in states like Texas. Rather, jointly owned property means that you could own 50% of an asset and your spouse could own the remaining 50%. These assets can be divided by a court in a divorce but at no time would you own 100% of an asset unless it is awarded to you in the divorce.

On the other hand, in Texas property owned by you and your spouse would either be classified as separate or community property. The community property would belong to the community estate and would be subject to division in your divorce. In addition, you or your spouse may own a property interest in the separate property of the other spouse. We will talk more about this later on.

WHAT ABOUT HOLDING LEGAL TITLE TO A PIECE OF PROPERTY? WHAT IMPACT DOES THAT HAVE ON ALL THIS?

One of the common things that a client will tell me in discussing their property rights is that he or she has a piece of property that is titled to him or her. For instance, their home, vehicle or boat has a title attached to it that bears only their name. It must be the case, therefore, that he or she owns that asset to the exclusion of their spouse, right? Let's see how the state of Texas treats property like this in a divorce.

As opposed to a common law property state, a community property state like Texas does not treat the title as the final arbiter of who owns a piece of property. Just because the aforementioned boat is titled to your name alone does not mean that the boat is your separate property. Depending on the timing and circumstances of the purchase of that property it may belong to the community estate- even if your spouse's name is nowhere to be found on the title.

WHAT ARE SOME OF THE HALLMARKS OF A COMMUNITY PROPERTY STATE?

No matter what situation you find yourself in during your Texas divorce, here are some elements of community property law that will be consistent across the board for your case. The significance of the elements that I am about to go over with you is that the personal earnings (from your employment) of both you and your spouse are owned equally by you and your spouse.

You read that correctly. If your spouse earns \$500,000 a year as the president of an oil and gas company, while you are a stay at home mother who does not earn an income, you have a community property right to the income that your spouse earns. That money earned during the course of your marriage is just as much yours as it is his.



It is presumed that any property owned by you or your spouse during the course of your marriage or at the time of divorce is considered to be community property. Therefore, if you seek to prove that a particular asset that you own is separately owned rather than owned by the community then you must present evidence in a trial that would overcome this presumption. This can often be tricky to do especially if the property in question is old or the circumstances of its purchase acquisition are remote.

Community property basically includes all earnings of you and your spouses during the course of your marriage as well as subsequent income gained as a result of those earnings. So, if you use your earnings from work to purchase a rental home by which you earn a monthly rental check that check's dollar value is considered to be community property in Texas. What you need to remember from this is that property that is purchased with community property is also community property.

Separate property is basically all other property that is not community property. I realize that this is not the best definition to give you so let's talk a little more about it. Separate property is any property that either you or your spouse own prior to the your marriage to one another. Additionally, if you acquire property by gift or inheritance during your marriage it, too, is considered to be the separate property of the spouse who acquires it.

You cannot own property in a community outside of your marriage. Co-ownership of property with persons who are not your spouse can never be said to be community in nature. You and your spouse own a one half interest in each asset. Again, it does not matter if the asset is titled to you. You can sell that item or otherwise dispose of it during the course of your marriage as if you owned 100% of the asset. Your ownership right is undivided.

WHAT HAPPENS IF SEPARATE AND COMMUNITY PROPERTY GET MIXED UP TOGETHER?

If you are in a situation where separate property and community property get mixed up (like in a bank account)- whichever spouse (you or your spouse) is attempting to prove that certain assets are separate and which are community will usually have a difficult time doing so. We usually do not keep up to date records and transaction histories on all of the property that we own. This process of searching through title documents, receipts and other proofs of purchase are typically called "tracing."

Remember that there is a presumption in states like Texas that all property owned at the time of your divorce is community property. Thus, if you or your spouse need to sort through the barrel of fish hooks that can be community property law, it is up to you to be able to trace the origins of that asset in order to show a judge that it is not community property. If you are not able to prove that it is your separate property, it will be classified as part of the community estate and will be divided up by the judge.

WHAT HAPPENS IF YOU INVEST COMMUNITY PROPERTY INCOME IN A COMMON LAW STATE?

If you own property outside of the state of Texas and in a common law property state, you need to be aware of how that situation would be treated in a Texas divorce. Generally speaking, when you invest community property income into an asset that is situated in a common law state, that will not impact the investment's community property nature.

Owning real estate in a common law state that is purchased with community property funds means that the law of the state where the property sits will apply. Usually in a situation like this, the non-Texas family court will hold that both you and your spouse have an ownership interest in that property.

Here is the big question that we need to answer, however: does that real property which was purchased with community property income in another state count as community property or do you own the property jointly with your spouse? The significance may seem small but it is not. Jointly held property means that you do not own the entirety of the asset. You own 50% of that property. Think of it like a jointly held business. You cannot make decisions on a jointly held business without your partner's input. Community property means that while you and your spouse both own the property, each of you operate as if you own 100%.



HOW IS INCOME GENERATED FROM SEPARATE PROPERTY TREATED IN A TEXAS DIVORCE?

If you earn rent, interest or dividends from stocks or other investments that are your separate property then that rent, interests or dividends are considered to be community property in Texas. However, this does not have to be true if you and your spouse signed either a marital property agreement or pre-marital property agreement. Within either of those documents you were able to contract for separate property rent or income to remain part of the separate estate. If you are getting a divorce you should share this information with your attorney as soon as you hire him or her.

HOW IS PROPERTY BASICALLY CATEGORIZED AS EITHER SEPARATE OR COMMUNITY IN A TEXAS DIVORCE?

In Texas, the presumption for all types of property is that if it exists at the time of your divorce it is presumed to be community property. If an asset doesn't fit the definition of either community or separate property then it is presumed to be community property. The inception of title rule states that the facts which exist at the time the property was acquired will determine whether or not the property is community or separate in nature.

Suppose that during your marriage you and your spouse acquired an asset for a single payment that can be traced to both your community estate and the separate estates of both you and your spouse. Thus, your community estate and your separate estates would all effectively own the property in sort of a co-ownership situation. How can you determine what percentage of the property is owned by what estate?

The key to doing this sort of analysis is to be able to prove the source of the money used to purchase the property. Banking and investment accounts are commingled a lot of the time because community and separate property funds are used to invest. If your separate property was utilized to purchase an asset or to invest in community property account, then you may be able to be reimbursed in the divorce for any separate funds that went towards the purchase of the asset or the investment.

FINDING HIDDEN ASSETS

THE DIRTY TRICK OF HIDING ASSETS DURING YOUR TEXAS DIVORCE

This blog article is inspired by several consults I had over the last two days where the topic of asset hiding came up in the context of a divorce. Asset hiding is one of the most popular dirty tricks during a divorce.

The phrase asset hiding probably conjures up imagery from the movies in which spouses hide money in offshore accounts. While I am sure that happens, there are some more mundane yet effective tactics you should be on the lookout for.

RED FLAGS THAT YOUR SPOUSE MAY BE HIDING ASSETS

Clients are often concerned that their spouse may be hiding assets. Some red flags to look for include:

- ☑ Refusing the share financial information.
- ☑ Diverting mail
- ☑ Decrease in income
- ☑ Controlling behavior

REFUSING TO SHARE FINANCIAL INFORMATION

If your spouse does not share financial information with you such as how much money is in an investment or bank account, this could indicate they are hiding assets



DIVERTING MAIL

If your spouse starts sending mail to another location, this is another good indicator they are trying to hide something. This could include a secret bank account they do not want you to find out about

DECREASE IN INCOME

If there is a sudden decrease in your spouse's income, this is another good indicator they are diverting money elsewhere. It is really easy these days to set up direct deposit into multiple accounts. So, if your spouse's is depositing less money into a joint account, this may mean there is other money going elsewhere.

If you notice any of the above signs or any other signs that set off alarm bells, you should consult with a Texas divorce lawyer. An experienced divorce lawyer will help you determine what your rights are and steps you can take to protect yourself.

HIDING ASSETS

Hiding assets can take many forms including:

- Hiding income
- Moving money to a family member or friend's account
- Hiding money in offshore accounts
- Overpaying taxes
- Hiding money in sneaky investments
- Undervaluing business interests

HIDING INCOME

In one consult, the individual had a second job where they were compensated largely in cash. They were bragging in the consult how their spouse had very little knowledge of how much money they made from this job and so it would be easy to hide that money from them.

I cautioned this individual that if it were discovered they were trying to hide assets, a judge could severely punish them during the divorce in various ways including awarding their spouse a disproportionate share of the marital property along with other sanctions.

One of the things a Texas divorce lawyer will be on the lookout for is a spouse trying to hide income. Our office has caught more than one spouse trying to understate their income. The last time this came up, they were self-employed and tried to say they only made a certain amount a month. However, when we got ahold of their bank statements, we saw they were depositing 10 times the amount they had said each month.

MOVING MONEY TO A FAMILY MEMBER OR FRIEND'S ACCOUNT

In another consult, a husband asked me a couple questions regarding hiding assets that are worth addressing for our readers. The questions were:

- As an attorney, can you help me hide assets from my wife?
- Can I move money into a family member or friend's account to hide money from my wife?



TEXAS ABONMENT OF THE HOME

SHOULD I MOVE OUT OF THE MARITAL HOME DURING A DIVORCE?

There is no one right answer that fits every case and the answer will depend on your individual circumstances. Things to consider when making a decision include:

- ☑ Has there been domestic violence?
- ☑ Are there children involved?
- ☑ Do you want to be able to say in the home during the divorce?
- ☑ Financial Concerns and can you afford it?
- ☑ Do you want to use any of the property currently in the home
- ☑ Will moving out affect my financial interest in the property?
- ☑ Emotional Considerations

HAS THERE BEEN DOMESTIC VIOLENCE?

- ☑ If your spouse has committed domestic violence then you should do whatever is necessary to secure your and your children's safety. This may include going to court for a protective order and asking a judge to order your spouse to move out of the home.
- ☑ While waiting for the above process to take place leaving the home temporarily may be the safest thing to do. If your children are at risk taking them with you from the home is reasonable.

ARE THERE CHILDREN INVOLVED?

- ☑ If you believe your children should reside primarily with you, it is generally not a good idea to move out unless you have adequate and safe arrangements for your children to go with you.
- ☑ If there are children involved in your divorce and you are seeking primary custody/conservatorship of the children, do not move out of the marital residence until such time that you have concluded a temporary orders hearing in your case.
- ☑ From a strategic point of view, for one reason or another, a spouse seems to lose leverage in the case when moving out of the home. The disadvantage comes even greater if the other spouse remains in the home with the children. The spouse who has moved is literally "on the outside looking in." That simply is not a good situation to be in during a contested divorce.
- ☑ If you move out of the marital residence prior to a temporary orders hearing and the children remain there with the other parent, then you have weakened your position in the case for primary conservatorship/custody of your children. If you leave the house you are leaving the children. Courts in Texas generally award temporary exclusive use of the marital residence to the parent that is appointed as the primary conservator of the children.
- ☑ While numerous factors are considered in determining which parent should have primary custody, the ability to provide consistency is an important factor. If you remain in the home, your children will be able to stay in the same school and same bedrooms- the change in your children's lives will be minimized by staying in the marital home.
- ☑ The person moving out initially is often forced for financial reasons to rent a less spacious residence, with less room for the children. The home environment can also play a role in a custody determination. Additionally, if you move out while the children stay, you will have created a situation in which you are the visiting parent. The court will look at the decisions you make, and if you have voluntarily left the children behind, this will be a consideration. Therefore, if you want to be the primary parent it is important to stay in the home or bring the children with you.
- ☑ If there are any disputes relating to children and one parent moves out without them before reaching an agreement regarding contact, there may be a time lag before arrangements are in place for that parent to see the children.



ESTATE PLANNING LAWYERS

QUALITY AND COMPREHENSIVE ESTATE PLANNING SERVICES

For assistance with the division of your assets before you pass, consult with an experienced estate planning attorney to ensure all your affairs are in order. Making final arrangements before you die allows you to designate who will oversee your health and financial decisions at the end of your life and will also protect your assets for your loved ones.

HOW TO CREATE AN ESTATE PLAN IN HOUSTON, TX

Upon your death, your loved ones will be left with a lot of responsibilities. Set them up for success by creating an estate plan, so that they will not have to worry about dividing — or possibly losing (in the case that you did not set up a will) — your assets. To complete an estate plan, you must take the following steps:

- ☑ Create and sign a will, and name a trustee. This ensures that the division of your assets and property will go to your appointed successor(s).
- ☑ Name your beneficiaries.
- ☑ Write a letter detailing other information, such as funeral arrangements, to give to your loved ones.
- ☑ Decide if you want to create a durable power of attorney or a document that allows someone else to make legal, financial, and health decisions on your behalf.
- ☑ Review your estate plan every three to five years. Make modifications as you see fit.

WHAT HAPPENS IF I DO NOT HAVE AN ESTATE PLAN IN THE STATE OF TEXAS?

If you die without writing up a last will in your estate plan, then the state you resided in will determine who inherits your assets. In the state of Texas, if you die without a will you have died intestate. In these cases, Texas intestate succession laws will be used to determine who will receive your property and assets.

Luckily, the state factors in certain information before making these decisions. The main factors considered are: if you are married with children, single with children, or childless and unmarried. The state also picks who gets access to community (also known as marital) property and separate property.

ESTATE PLANNING YOU CAN TRUST

Our Houston, TX estate planning lawyers are dedicated to our clients. If you are looking for assistance with your estate planning needs, we provide insightful and tailored legal counsel. When it comes to matters of your estate, turn to a law firm you can trust.

ALIMONY & SPOUSAL SUPPORT IN HOUSTON, TX

In Texas, divorcees can petition for alimony or spousal support. Both alimony and spousal support are regular payments that a spouse makes to provide the other with support during or after a divorce proceeding. These amount of payments is based on the unique needs and earning potential of both spouses.

There are several differences between alimony and spousal support:

- ☑ Alimony: The payment given to a spouse during the divorce proceeding as maintenance and a way to help a spouse get back on his or her feet financially. Alimony is also known as spousal maintenance in the state of Texas.
- ☑ Spousal support: Regular, court-mandated payments that last after the divorce as a way to supplement a spouse's income or provide for him or her.

DO YOU QUALIFY FOR SPOUSAL MAINTENANCE?

The court can order spousal maintenance if the spouse who is seeking the payment will not have enough property at the time of the divorce to provide for his or her basic needs. Normally, the courts will consider alimony if one spouse was convicted of committing family violence against the other spouse during the marriage. Also, if the spouse seeking support is unable to earn income because of a disability, the court is normally generous with awarding spousal support.



HOUSTON DIVORCE MEDIATOR

PEACEFULLY DISSOLVING YOUR MARRIAGE

There are two ways to handle a divorce in Texas: the contested way and the uncontested way. If you can avoid contested divorce, it will save you time and money in the long run. Also, an uncontested divorce can be beneficial for your children because they won't have to go to court and may not detect as much animosity in your family.

In order to accomplish an uncontested divorce, you may need some help. This where the Law Office of Bryan Fagan, PLLC comes in. The attorney at this firm can guide you through the many decisions involved in the divorce process. You and your spouse can sit down together to discuss the different options while creating a satisfactory divorce decree.

WHAT IS DIVORCE MEDIATION?

Mediation is a legal process that allows participants to develop a resolution outside of the traditional courtroom setting.

Mediation usually involves the two divorcing parties, their lawyers, and a neutral third party who serves as the mediator. The mediator's job is not to act as a Judge, but to facilitate help the parties come to an agreement themselves.

WHAT A DIVORCE MEDIATOR CAN DO FOR YOU

A divorce mediator can meet with both you and your spouse and guide the conversation while helping you make collaborative decisions for your divorce. Mediation is only helpful if the spouses are on speaking terms and are willing to decide upon the terms of their divorce on their own. If one spouse is very opposed to the divorce, this method may not be the best choice for you.

A mediator can help you arrive at decisions concerning:

- ☑ Child custody
- ☑ Spousal support and alimony
- ☑ Child support
- ☑ Visitation
- ☑ Property division
- ☑ What is mediation?
- ☑ 5 Things to Do to Prepare your Texas Divorce Case for Mediation
- ☑ Mediation Essentials for Divorce and Child Custody cases in Texas

WHAT ARE THE BENEFITS OF DIVORCE MEDIATION?

Mediation is a great way to work through a divorce if it is feasible in your situation. With mediation, you can carefully discuss all of your preferences and a divorce professional can advise you as to whether or not you are making a wise decision.

Some of the benefits of mediation include:

- ☑ Shorter time awaiting the divorce
- ☑ Less time in the courts
- ☑ Cheaper divorce
- ☑ The kids won't have to deal with the tension of a court battle
- ☑ You and your spouse can arrive at decisions that are best for your family without deferring to a judge
- ☑ More comfortable and less formal environment
- ☑ High chance of success (90%-95% mediation cases will settle through mediation)
- ☑ Increase control
- ☑ Creative solutions
- ☑ Confidential and more private



HOUSTON CHILD CUSTODY ATTORNEY

PROTECT YOUR CHILD'S FUTURE – CALL (281) 810-9760

our children are the most important people in your life. If you are currently facing a child custody battle, it may benefit you to contact the educated and experienced team at the Law Office of Bryan Fagan, PLLC. Whether your case must be handled through the use of litigation or can be resolved amicably with the use of mediation, you can count on the firm's Houston child custody lawyers to assist you.

Our child custody lawyer in Houston, TX recognizes that no two individuals are going through the same situation and the team ensures that every client is provided with a high level of personalized attention, compassion, and respect. Additionally, the team works to come up with custom solutions, tailored to fit the unique needs and goals of each client.

EXCEPTIONAL MEDIATION, NEGOTIATION, & LITIGATION SERVICES

When it comes to the well-being of your children, you would not want to place your child custody case in the hands of just any lawyer, would you? At the Law Office of Bryan Fagan, PLLC, our child custody attorneys in Houston, Texas understands how emotionally draining and overwhelming child custody cases can be—especially if they involve having to go to court. The team possesses a great deal of experience handling custody cases and they are prepared to assist clients no matter how complicated the situation may be.

The team is passionate about maintaining an in-depth familiarity of the Texas family law system, and founding Attorney Fagan does so by choosing to continue his legal education. Attorney Fagan attends the College of the State Bar of Texas, making him part of the 10% of Texan lawyers that are qualified to do so. In addition, with an A+ Rating by the Better Business Bureau, the team has truly demonstrated their high level of professionalism and legal ability.

TYPES OF CHILD CUSTODY IN TEXAS

Child custody can be arranged in several different ways. Both parents can have equal custody of the children post-divorce, or one parent may have majority or sole custody. Normally, the court arranges this after evaluating the parents and their relationship with their children. Also, the court will need to evaluate whether or not parents could work together in a joint custody relationship.

- ☑ Joint Custody: When both parents have some degree of custody over the children
- ☑ Sole Custody: When one parent has primary custody over the child
- ☑ Legal Custody: Designated for the parent who makes decisions education, medical care, religion, etc.
- ☑ Physical Custody: Designated for the parent that owns the residence where the child lives

The courts can award joint legal or physical custody and may require ex-spouses to split their time with the child equally or in a percentage that is most convenient.

HOW DO I PROVE MY CHILD'S BEST INTEREST?

If the court is responsible for determining child custody in your case, then they will decide the matter in what they conclude to be the best interests of the child.

WHY MEDIATION BENEFITS BOTH PARTIES

The courts in Texas encourage spouses to work through child custody plans together using a mediator. At the Law Office of Bryan Fagan, PLLC, the firm can provide you with a trustworthy and helpful mediator. In mediation, you and your spouse will sit down and calmly work out a custody plan that works best for both of you and one that helps the children. The judge normally adopts the parents' plan unless it is not in the best interests of the child. This can help keep your children out of court and maintain a calm atmosphere in the home.

Regardless of how complicated matters may seem, the team does everything in their power to help clients reach favorable results. Clients always work directly with our Houston child custody attorneys, and the team always strives to go above and beyond what is expected of them.





LAW OFFICE OF
BRYAN FAGAN
— PLLC —

WE'RE HERE FOR YOU

When it comes to your financial future, your peace of mind matters. No matter where you are in the divorce process, we are always available to help you protect your assets and safeguard your future. As a Texas law firm exclusively devoted to divorce and family law, our experienced divorce attorneys will explain your options and support you throughout the process. Please contact us at (281) 810-9760 if you would like to schedule a free confidential consultation

CALL US FOR ALL YOUR FAMILY LAW NEEDS

(281) 810-9760