



LAW OFFICE OF
BRYAN FAGAN
— PLLC —



DIVORCE IN HOUSTON, TX

WORK WITH A HOUSTON ATTORNEY

CALL US FOR ALL YOUR FAMILY LAW NEEDS (281) 810-9760

INTRODUCTION

Thank you for downloading our special report: about Divorce, 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

TOP-NOTCH DIVORCE REPRESENTATION IN HOUSTON, TX

CALL THE LAW OFFICE OF BRYAN FAGAN, PLLC AT (281) 810-9760

Are you seeking the assistance of an attorney in Houston? Whether you have started the divorce process or you are just filling out the preliminary papers, you may benefit from contacting the Law Office of Bryan Fagan, PLLC. The team is devoted to helping individuals get through divorce in a manner that is as smooth and pain-free as possible. In fact, the firm commits 99% of their practice to family law. This allows the team to stay centered on what they know best, come up with the most effective solutions, and maintain an extensive understanding of all matters pertaining to the Texas family law system.

While the firm has extensive experience in law, they also know that no divorce case is the same. What worked for one client may not work in your case. For example, some clients are able to achieve an amicable and fast divorce through the method of mediation. Other couples have to go through the courts because they are involved in a contested divorce. Regardless of if your divorce calls for mediation, negotiation, or litigation, you can be confident that the team has the skills, knowledge, and tools necessary to assist you from the beginning of your case until the resolution.

WHY CHOOSE THE LAW OFFICE OF BRYAN FAGAN, PLLC:

- ☑ Aggressive and compassionate advocacy
- ☑ Experienced representation
- ☑ Effective solutions in and out of court
- ☑ Individualized and customized counsel
- ☑ One-on-one attention with your attorney
- ☑ A+ Rating by the BBB®

WHAT ARE GROUNDS FOR DIVORCE IN TEXAS?

There are several grounds a spouse can use when filing for divorce in Texas – both no-fault and fault grounds.

A no-fault divorce in Texas is filed under “insupportability”, which means that the marriage can no longer be supported because of an unresolvable conflict of personality between the spouses.

The fault options for divorce include:

- ☑ Separation without cohabitation for three years or more
- ☑ Mental hospital confinement for three or more years with an unlikely recovery
- ☑ Cruel treatment
- ☑ Intentional desertion for one year or more
- ☑ Convicted of a felony
- ☑ Proven adultery

CONTESTED VS. UNCONTESTED DIVORCES

In a contested divorce, both spouses cannot agree and cannot come to conclusions about property division, spousal support, child support or child custody on their own. In such cases, the courts are required to get involved. The attorneys at the Law Office of Bryan Fagan, PLLC can help advocate for you in the courts in hopes of communicating your best interests in



a favorable way. If your divorce requires going to court, the team is prepared to aggressively and compassionately represent you.

In an uncontested divorce, the spouses do all of the decision-making themselves. Sometimes, the spouses will ask a mediator to come work with them to help reach logical and sound legal decisions that will not be struck down in court. With the help of the firm's Houston attorneys, the clients have the ability to peacefully decide the terms of their divorce, and get an idea of how their lives will be once the process is complete. Even once the divorce is complete, the firm is prepared to assist clients who wish to modify an existing divorce decree. No matter what you need assistance with, you can be confident that you have a team backing you that genuinely cares about helping you achieve favorable results efficiently and effectively.

- ☑ Frequently Asked Questions in Texas Divorce Cases
- ☑ 49 Best Texas Divorce Advice Tips
- ☑ I Divorce You, I Divorce You, I Divorce You - Islamic Divorce and Spring and Houston, TX

TEXAS DIVORCE FAQs

Texas family law courts do not have a process for legal separation. If a couple would like to legally separate without officially ending their marriage, they can create their own separation agreement. This would function as a contract and be enforced as such. The family law courts would not enforce the contract.

Is there a waiting period for divorce in Texas?

While the length of a divorce can vary widely depending on its complexity, there is a minimum waiting period of 60 days after the divorce petition is filed before any decree can be made.

Is there a residency requirement to file for divorce in Texas?

Yes, in order to meet the residency requirements, at least one of the spouses must be a Texas resident for 6 consecutive months before the couple can file for divorce in the state. Furthermore, the spouse must also be a resident in the county where the divorce is going to be filed for 90 days or more.

WHY CHOOSE THE LAW OFFICE OF BRYAN FAGAN, PLLC?

Individualized Attention. Professional Service. 100% Focused on You.

At The Law Office of Bryan Fagan, PLLC, you will receive individualized attention from a professional attorney. The team is committed to quality representation and understands that there is no one-size-fits-all solution for a divorce. Instead, your particular set of circumstances will result in a tailor-made course of action.

The Law Office of Bryan Fagan, PLLC will respect your needs and goals as the team works to arrange a satisfactory solution in your case. The firm is accredited by the Better Business Bureau, proving the legal team's honesty and ensuring that you will be working with a firm upon which you can rely.

ALL THEY DO IS FAMILY LAW

At The Law Office of Bryan Fagan, PLLC, 99% of the practice is devoted to family law. The firm understands how to deal with a wide variety of situations that you may face in the family courts.

They can help you with:

- ☑ Divorce
- ☑ Child custody
- ☑ Mediation
- ☑ Paternity actions
- ☑ Modifications
- ☑ Child support
- ☑ Alimony



MEMBER OF THE COLLEGE OF THE STATE BAR OF TEXAS

The founding attorney, Bryan Fagan, is a member of the College of the State Bar of Texas, where he is furthering his education in order to become a more effective lawyer. He is striving for the highest level of legal knowledge and skills through frequent participation in classes at the college. Less than 10% of all lawyers in Texas qualify to become members of this organization.

FREE INITIAL CONSULTATION WITH A HOUSTON FAMILY LAW ATTORNEY

At the Law Office of Bryan Fagan, PLLC, your case won't be passed off to a paralegal or assistant. At the initial case evaluation, you will be able to discuss all of your concerns with a professional lawyer. The firm will then explain how they can help you, at which point you can choose whether or not to retain their services. Initial consultations at the firm are always free.

THE DIVORCE PROCESS

UNDERSTANDING THE TEXAS DIVORCE PROCESS

Counsel from a Houston Lawyer

While the divorce process looks different for everybody, there are certain legal principles that apply to all cases. The Law Office of Bryan Fagan, PLLC can take the general rules of Texas divorce and relate them to your unique divorce situation to make sure you get a legal and sound Texas divorce.

Preliminary Qualifications

Prior to divorce, it is important to confirm that you or your spouse has resided continuously in Texas for 6 months prior to the filing. The state will not allow you to file unless you meet this requirement. Also, spouses must have been in the county where he or she chooses to file for a continuous 90 days prior to filing.

Filing the Divorce Papers

Your first step in the divorce process is to file a petition for divorce in the Texas family law court of your choosing. The person who files this document will be known as the petitioner. The spouse who does not file and receives notice of the filing is known as the respondent.

After the papers have been filed, you are required to serve your spouse a notice of the divorce. Normally, a police officer or a court official serves these documents; however, you do have the option of asking another individual to do this for you.

Opting for a Fast Track Divorce

There is a very quick way to get a divorce in Texas. The state allows some couples who are on good terms and agree with the statements in the divorce decree to complete the divorce process in 60 days. In this case, the spouses create a divorce agreement together with designated, agreed-upon terms. They must wait 60 days to file. If the judge accepts the plans in the divorce decree, the divorce will be granted.

Contentious Divorces

Unfortunately, many spouses are not on good terms and cannot opt for the fast track approach to divorce. Instead, our attorneys can help you work through your divorce, from serving the papers all the way to the final divorce decree. The respondent spouse has the right to file a counter-petition with different terms if he or she does not agree with the way that the spouse wrote the terms of the divorce.

After the petitions have been filed, attorney and client can discuss all the different terms of divorce in detail. You will need to gather all financial documents and other relative documents for property division.

In addition, you will need to decide on:

- Child support
- Child visitation



- ☑ Spousal support
- ☑ Child custody

In some cases, spouses can agree on these things with the help of their attorneys, resulting in a settlement. The Law Office of Bryan Fagan, PLLC isn't afraid to go to court with you if you and your spouse cannot agree.

The Declaration of Divorce

After all terms have been decided upon by the spouses or the court, the judge will declare the dissolution of marriage and the marriage contract will be void. At this point, spouses no longer have to fulfill marital responsibilities. The court will regulate any child custody, child support, spousal support or visitation requirements that are a result of the divorce.

I DIVORCE YOU, I DIVORCE YOU, I DIVORCE YOU - ISLAMIC DIVORCE

Not too long ago a news article by Jake Reiner caught my attention on Facebook, "High-profile \$100 million divorce case plays out in Houston court." Out of curiosity I clicked on the article.

The case involved a Husband and Wife battling it out in the 312TH Judicial District Court in Harris County, Texas. Twist in the case is that they are citizens of Pakistan and may already be divorced under Pakistan law. In Pakistan a Husband can divorce his wife simply by saying "I Divorce You" three times. This according to the article is called "Talaq" in Islam. In this case while in Pakistan the Husband divorced his wife then they both moved to Houston. His wife then sued him in Houston for divorce.

The relevant question then becomes what impact does a Pakistan divorce have on the current Divorce Proceedings in Houston. Wanting to know more I decided to look up the divorce with the Harris County, District Clerk.

In reviewing the filings on the district clerk website the Husband had filed to register foreign Pakistan divorce Judgment and that filing had ended up in the 245TH Judicial District Court in Harris, County while the wife's Divorce action was ongoing the 312th. In the husband case the husband is asking the Court to recognize the Pakistan Divorce. The wife filed asking the court to deny the relief requested by the husband as well as to transfer the matter to the 312th where here case was ongoing.

In the wife's case filed on June 25, 2015 she is asking the 312th District Court for a divorce. Her basis is that she meets the residency requirements. Her divorce pleadings also ask the court to find the divorce in Pakistan to be void because she was not provided with proper notice.

The issue regarding the validity of an Islamic divorce from another county reminded me a case that was discussed at an Advanced Family Law Seminar I attended in San Antonio in August of 2015. The case was *Ashfaq v Ashfaq*, 2015 Tex. App. Lexis 4305 (Tex. App. – Houston [1st Distr.] April 28, 2015 (Cause No. 01-14-00329-CV).

The *Ashfaq* case also involved an Islamic Divorce out of Pakistan. Husband and Wife were married in late 2009. Eight days later the Husband decided to divorce his wife by performing the Talaq he notified the Union Counsel in Pakistan and had a decree of divorce delivered to the wife's brother who acknowledged receipt. The Wife then returned to the United States.

Husband married another women and moved to Fort Worth, Texas and lived with her there. Wife then filed for divorce in in Harris County in October of 2011. Husband responded and asked that the case be dismissed on the basis that the parties were already divorced in Pakistan in 2009. In trial expert testimony was given that Husband had met all the requirements of a Pakistan Divorce. It was ruled by the 246TH District Court in Houston that Husband had met all the requirements of a divorce and that portion of the suit was dismissed. However, the 246TH District Court also ruled that the couple's property should still be divided and should be treated as a post-divorce division of property.

The Court of Appeals upheld the 246TH Judicial district Courts ruling. The Court of Appeals made specific note that the wife had received proper notice in Pakistan of the Divorce. In the current case ongoing in the 312th one of the things that has been alleged is that the wife did not receive proper notice. However, if the 312th follows the ruling of the 246th even if there is a valid divorce under Pakistan law the wife may be entitled to a post-dissolution of property.

The Spring, TX divorce Lawyers at the Law Office of Bryan Fagan, PLLC will help equip you with the information you need so that you are prepared and know what to expect with regard to divorce involving a foreign divorce decree.





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