



LAW OFFICE OF  
**BRYAN FAGAN**  
— PLLC —



# UNCONTESTED DIVORCE IN HOUSTON, TX

WORK WITH A HOUSTON ATTORNEY

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## INTRODUCTION

Thank you for downloading our special report: about Uncontested 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

## UNCONTESTED DIVORCE IN TEXAS

### SPEAK WITH A SKILLED HOUSTON ATTORNEY TODAY

Some couples brace themselves as they enter the divorce process because they believe it will be a complex, contentious, emotionally fraught procedure. Sometimes, this may be the case, but not always. Some couples who meet certain requirements may qualify for an uncontested divorce in Texas, which offers an array of benefits for all parties involved.

Want to learn more about your eligibility for an uncontested divorce? The Law Office of Bryan Fagan, PLLC offers trusted, insightful, and reliable counsel in all family law matters. Attorney Fagan is an experienced Houston lawyer who is a member of the College of the State Bar of Texas, a distinction that can only be claimed by roughly 10% of all Texas attorneys.

- ☑ Frequently Asked Questions About Uncontested Divorce
- ☑ Uncontested Divorces in Texas
- ☑ The Simplified Process for an Uncontested Divorce in Texas

### QUALIFICATIONS FOR UNCONTESTED DIVORCE IN TEXAS

Uncontested divorce is reserved for couples who agree on all the terms of their divorce. That means there is no need for courtroom intervention to settle matters like alimony, child custody, property division, and so on.

### THERE ARE ALSO A NUMBER OF OTHER REQUIREMENTS FOR AN UNCONTESTED DIVORCE:

- ☑ The spouses must not be in the middle of a bankruptcy
- ☑ The spouses must not be seeking alimony (spousal maintenance)
- ☑ The spouses must not jointly own real estate
- ☑ The spouses must not have retirement funds to divide
- ☑ The spouses must have no current children together under the age of 18

Generally speaking, uncontested divorces are quicker, less expensive, and far more amicable than other divorces. If you and your spouse meet these requirements and are mutually ready to end your marriage, then an uncontested divorce may be possible. Call the Law Office of Bryan Fagan, PLLC to start exploring your options today. It is advised that even in an uncontested divorce, both parties retain their own counsel to ensure that this process is completed as thoroughly and efficiently as possible.

## UNCONTESTED DIVORCE IN TEXAS

The attorneys with the Law Office of Bryan Fagan, PLLC help clients across southeast Texas with divorces that do not involve going to court or multiple year disputes over property.

These types of divorces are known as uncontested divorces- situations where the parties to a divorce have already come to agreement on all issues of their case and just need a lawyer to type the agreements up into an order that a judge will be able to sign.



Uncontested divorces work well for people who want to avoid spending a lot of money on their legal matter and would prefer to allocate their time and energy to their families. Despite what TV, movies or your neighbor may tell you divorces do not have to be expensive.

Those same sources of information may tell you also that family law attorneys want to delay your case's conclusion just to run up the bill. This too is false- attorneys are just as busy as you are and if I could help settle your case in a day or two I would take that deal and run with it.

It may seem like an uncontested divorce could be done without the assistance of a lawyer and in some cases, that may be true. However, I would like to put forth a few reasons why hiring a lawyer is a good idea even if the framework for an agreement is already in place prior to filing for the divorce.

### **DIVORCE LAWYERS CAN PROVIDE ADVICE AND HELP WITH DRAFTING**

As stated in the opening of this blog post, an attorney can draft the Final Decree of Divorce which contains all of the agreements that you and your spouse came to in your discussions on the case.

An attorney can also help you walk through the process of what a judge will be looking for to ensure that all of the legal requirements are met. There are certain aspects to these Decrees that only family law attorneys deal with on a day to day basis.

If you draft your decree incorrectly a judge may ask you to go home and re-write it which can cost you time away from work and family. A worse situation occurs when a judge accepts the document as is and there are mistakes which then become a court's order upon the judge signing the Decree.

### **HELP MAKE SURE WHAT YOUR AGREEING TO IS FAIR OR REASONABLE**

A family law attorney can help you review the agreement to make sure that what has been agreed to in principle will actually be fair and just in practice. In many marriages one spouse is the one who has gone out into the world and earned a living for the family while the other spouse stays at home to care for the children or just generally run the household.

There is not one role that is superior or more important than the other, but on a practical level the spouse with more legal or business experience may have the upper hand in conceiving of and arguing the case for a certain provision for the divorce.

In order to ensure that what has been agreed upon is actually fair from a legal standpoint an attorney can be consulted with to at least review the agreements and advise you if everything is appropriate.

### **SAVE YOU TIME**

Efficient use of time is the third benefit of hiring an attorney for your uncontested divorce that I would like to share with you. In many Texas counties if you are not represented by an attorney you must first check with the court staff where your divorce is assigned to schedule a final or "prove up" hearing to go before the judge and present your proposed order.

The court's attorney will review your Order and let you know if it is in a presentable format for the judge. If it is not, you will be told to go home and make corrections so it can pass muster. By hiring a family law attorney, a person with experience and specific knowledge of divorce law will draft your Order so that you can ensure it is correct and in the format your judge needs it to be in.

In addition to saving time in drafting the Order, your attorney can work with the Court to have you present the Order in as little as sixty-one days after your divorce was filed, saving you potentially months of time compared to representing yourself.



## CAN I GET AN UNCONTESTED DIVORCE IN MY SITUATION?

What I always tell clients when they come to me saying their divorce is uncontested is that a divorce is uncontested until it's not. Meaning- an uncontested divorce means that 100% of all issues of the divorce have been agreed to fully.

The moment that there is an issue (or even a sub-issue) that you and your spouse have not agreed to then your divorce goes from uncontested to contested. This doesn't mean that your divorce will turn into something out of Court TV, but it does mean that a bit more leg-work will be required to resolve the case.

As a general statement, divorces where you and your spouse have no children and own no property are the most likely candidates to be uncontested. As you might have imagined, children and money are the two biggest sticking points to any divorce negotiation (by far). Removing those factors from play removes a majority of the subject matter people tend to argue over in a divorce.

Again, an attorney can help you identify where problem areas may arise and in doing so can assist you in negotiating with your spouse to resolve a small issue before it turns into a much bigger one that requires the Court to intervene and play tie-breaker.

## THE SIMPLIFIED PROCESS FOR AN UNCONTESTED DIVORCE IN TEXAS

Television and movies paint a picture of all divorces being full of acrimony and strife. Husbands and wives battle it out to determine who gets the kids, the house and the pride of knowing they got one final "win" over their soon to be ex-spouse. To be sure- the scenario just laid out is a costly one not only in terms of money but emotional output.

The attorneys with the Law Office of Bryan Fagan, PLLC see potential clients come in to meet with us to discuss a divorce and they will typically arrive with a sense of unease because they believe that divorcing their spouse is going to be as bad as our media would make it out to be.

## YOUR DIVORCE CAN BE AMICABLE

Fortunately for many parties that are divorcing the fact is that divorce is not everything it's cracked up to be- in a good way. Simply put- most people do not enter into a divorce with the intent to do whatever it takes to get whatever they want. For starters, a lot of couples talk to each other about the divorce before one or the other actually files in court.

This can be important in that the couple can discuss what they both feel they need to achieve in a divorce and chart a course of action to get there.

## THE WAIVER DIVORCE

From personal experience, I can say that everyone involved in a divorce wants to get the process over with as soon as possible. This goal can be achieved early on through an uncontested divorce process by signing a Waiver of Service/Citation rather than having to wait on a process server to serve someone personally.

A Waiver of Service is just that- a statement that a responding party can make agreeing to receive their spouse's divorce petition directly from them or their spouse's attorney. This saves money because a process server does not need to be hired and it saves time because the parties don't need to wait the extra time for the court to prepare the documents for service. Extra expense is saved because the waiving party will typically not hire an attorney as well.

Once the waiver of service is signed and filed, it is up to the parties how to proceed. The attorneys with the Law Office of Bryan Fagan, PLLC will assist clients in:



- ☑ compiling a list of assets,
- ☑ debts, and
- ☑ other financial information that needs to be divided and accounted for

## MEDIATION

An agreement between the parties is best ratified in mediation. This is where an independent attorney acts as an intermediary between the spouses to help craft a final agreement that both parties can receive a judgment by from a court. This agreement is binding and cannot be revoked. The courtroom scenes that I touched on briefly at the outset of this blog post are a more costly, more time intensive and more antagonistic alternative to the cost-effective and efficient use of a qualified and experienced mediator.

While a simple divorce is not in the cards for every pair of divorcing spouses, it is a great solution for a lot of people. The attorneys with the Law Office of Bryan Fagan, PLLC will always work to better the lives of clients by assisting and advocating to achieve their goals. Please contact our office today for a free of charge consultation where you can learn if an uncontested divorce will be an option for you.





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## **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

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