



LAW OFFICE OF
BRYAN FAGAN
— PLLC —



CONTESTED DIVORCE IN HOUSTON, TX

WORK WITH A HOUSTON ATTORNEY

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INTRODUCTION

Thank you for downloading our special report: about Contested 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

CONTACT AN AGGRESSIVE HOUSTON LAWYER TODAY

Texas courts give all divorcing couples the opportunity to decide on the terms of their divorce themselves, such as child custody, property division, and other critical matters. When a couple cannot agree on these terms, however, the court must step in to assess the couple's circumstances and decide on the terms for them. This is known as a contested divorce in Texas.

If you are facing a contested divorce, it is highly advised that you speak with legal counsel immediately. At the Law Office of Bryan Fagan, PLLC, Attorney Fagan is well-versed in the Texas divorce process. He and his team of compassionate and knowledgeable Houston attorneys know what it takes to aggressively pursue favorable solutions for their clients in the courtroom and ensure that their interests compellingly put forth before the judge.

WHAT IS THE CONTESTED DIVORCE PROCESS?

In Texas, the divorce process begins when one member of the couple files a Petition for Divorce with the court. When that happens, the other spouse can receive legal notice several different ways. The non-filing spouse can then provide an answer expressing that they do not agree with the terms of the divorce and wish to contest them.

- ☑ What are the Steps of a Contested Texas Divorce,
- ☑ and How can I Prepare for Them?
- ☑ Explaining the Contested Divorce Process in Texas

Once a divorce petition is contested in Texas:

- ☑ The court may issue a temporary order considering child custody, alimony, etc. for the duration of the divorce.
- ☑ The couple enters a discovery phase, in which they receive each other's financial information and other relevant documentation.
- ☑ The court will require an attempt at mediation to settle all disagreements over the divorce terms.
- ☑ If mediation fails, there will be a trial where a judge will assess the couple's marriage and make a ruling on the divorce terms.

These are just the broad strokes of the contested divorce process. For a better understanding, call the Law Office of Bryan Fagan, PLLC today. Their team is ready to hear your story and diligently pursue your post-divorce goals throughout every stage of this process.

WHAT ARE THE STEPS OF A CONTESTED TEXAS DIVORCE, AND HOW CAN I PREPARE FOR THEM?

WHAT IS A CONTESTED DIVORCE IN TEXAS?

In Texas, a contested divorce is when the spouses don't agree on all the matters related to their divorce. This includes items such as property division, child custody, child support, and more. In a contested divorce, each spouse will need an attorney to represent their interests during the process of the divorce.



Unless you and your spouse have resolved all issues in a divorce, your divorce will more than likely be considered "contested". This doesn't mean that there is going to be a full-on assault to you, your sensibilities and your bank account, but that isn't necessarily ruled out either.

The Houston divorce attorneys with the Law Office of Bryan Fagan, PLLC represent people in all sorts of divorce cases in Texas, including contested divorces. What are the steps of a contested divorce, and how can I prepare for them? Read on to learn more about contested divorces in the State of Texas.

CONTESTED DIVORCE STEPS

Filing an Original Petition for Divorce and specifying your reasons for asking for a divorce, the relief you're requesting from the court and specifying any temporary orders that you need from the court is the first step.

The court will receive the documents, submit them to the court for a judge's signatures (if you've requested a temporary restraining order) and prepare any additional papers to be served on your spouse. A citation tells the receiving party the details of what's been filed and what is expected of them in terms of filing a response.

Another document that often accompanies the Original Petition is a precept. A precept is a type of legal notice provided by the court if a hearing is set and a judge is ordering you to appear at a certain time and place in order to attend.

SERVICE

A process server, constable or other law enforcement member can retrieve the documents from the court in order to serve your spouse at whatever location you request. Once your spouse has the Petition, the law in Texas is that they have until the first Monday at 10:00 a.m. after the expiration of twenty days in which to file an Answer to your Petition. An answer typically includes a general denial of the allegations presented in the Petition.

If your spouse has any independent claims to assert against you they may do so in a document called a counterpetition. A contested divorce typically means that your spouse will also hire a Texas Divorce attorney. This can be a good thing, in that attorneys can remove a lot of the emotional aspects of the decision making that can be inherent in a divorce and can help clients to make more objective decisions about their lives and that of their children.

TEMPORARY ORDERS

A temporary orders hearing is typically the first major event of a contested divorce. These hearings are thought of a mini-trials, in that evidence is presented, witnesses are called to testify and a judge issues decisions on issues ranging from child custody to child support.

Temporary orders are intended to help maintain the status quo for the family so that bills continue to be paid, children are able to see and spend time with both parents and other issues of immediate importance are dealt with by the court. Preparation for this event is crucial. Attorneys and clients spend time honing questions and anticipating the strengths and weaknesses of the opposing party.

NEGOTIATION

Even in a contested divorce, there are elements of negotiation and compromise that are apparent. In most divorces, the case will come to an end during a process called mediation. Mediation as a concept is pretty straightforward, the two sides pick an attorney (who is independent and has no relation to either side) who assists the parties in settling the case on all outstanding issues.

The sides will meet at the mediator's office where they remain in separate rooms for a pre-determined length of time (typically three to four hours) and the mediator will walk back and forth between the sides to help facilitate conversation and hopefully agreement. Clients can be skeptical heading into mediation, but their typical reaction upon leaving is that they are happy to have entered into the process.



Mediators typically will help both sides see their strengths and weaknesses heading into a trial. The end result often is that both sides see the benefit to not having a judge make a final say, but rather engaging with the other side on a settlement that suits all parties better than a court mandated order.

TRIAL

The last stage of a contested divorce, if settlement has not occurred, is a trial. A trial is the culmination of weeks (maybe even years) of time spent on a Texas divorce case. Evidence is presented, arguments are made and a judgment is rendered by the Court as to the issues that the parties were not able to settle on. If your case makes it to this point, it is among a statistical minority of those cases that do not settle at some earlier point.

It is this author's opinion that it is typically best to settle your case outside of court rather than leaving it up to a judge to make a decision. This is due to the fact that a judge will only have an opportunity to get an idea about the case based on a relatively short trial where perhaps not even all of the evidence can or will be presented. It is typically tough to gauge how a judge will rule in cases where the facts don't necessarily favor either party by a dramatic margin.

In a contested divorce, having experienced representation is crucial to your success. The attorneys with the Law Office of Bryan Fagan, PLLC are able to assist you with your divorce case. Please contact our office today in order to learn more about our services and how we stand ready to help you and your family.





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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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