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## The Top **7** Family Law Myths in Texas

There are many misconceptions within the area of family law. Like most things, you can't believe everything you hear. In an attempt to separate the facts from the myths, we have compiled a top 7 list of false assumptions:

**Myth #1: There has to be a reason for you to get divorced in Texas.**

WRONG! Texas has no fault grounds as well as fault based grounds. No fault basically means the marriage isn't working out and nobody is necessarily responsible.

**Myth #2: You don't need to get a prenup unless you have a lot of money prior to marriage.**

This statement is inaccurate, because premarital agreements can handle many issues, including future earnings, division of debt, and clarify ownership interests. I always recommend premarital agreements, because they help keep divorces amicable and simple in most instances.

**Myth #3: You can legally separate from your spouse without getting divorced.**

Texas doesn't recognize legal separation. You are either married or you are divorced.

**Myth #4: It is impossible for a father to be awarded primary custody of the child.**

NOPE! More and more fathers in Texas are being awarded "primary" of their children. The Court

will consider what is in the best interest of the child, who has been the primary caretaker in the past, and will also sometimes take into account the child's preference.

**Myth #5: You can get "full custody" in Texas.**

There is no such thing as full custody in Texas. Parents are presumed to be "joint managing conservators of the child" and share in the decision making. Oftentimes, there will be a

"primary" parent, who has the children the majority of the time and then the other parent will often have the 1st, 3rd, and 5th weekends of the month.

**Myth #6: A court can order my spouse to pay me alimony in Texas.**

Not exactly – A Court cannot order alimony. Instead, Texas recognizes spousal maintenance, which you have to be married for 10 years and prove you do not make enough to meet your minimum reasonable needs or that you are a victim of family violence that your spouse committed.

**Myth #7: If someone isn't paying child support, they aren't entitled to see their child.**

WRONG, WRONG, WRONG! This is one of the most common myths I hear. Child support and visitation are two separate issues. This means that the non-primary parent is still entitled to visitation even if he or she is not paying the court-ordered child support.

While every family law situation is unique, the law still has to be applied to the facts. By separating true from false, you have a better chance of analyzing your case and having reasonable expectations when going through the process. ■

*Contributed by: Whitney Keltch,  
Attorney at Law, The Ashmore Law Firm, P.C.*

# A Different Kind of SPRING Cleaning

If you are anything like me, spring means tackling chores such as cleaning out my closet and finally getting rid of that bread maker I have NEVER used. During the fall and winter it is easy to let certain things pass by without necessary attention – hello daily trips to the gym – but spring is also a great time for new beginnings.

These new beginnings include taking a close look at your estate planning and financial documents. Even Martha Stewart lists “reviewing insurance policies, contracts, and household inventories” on her Spring Cleaning Checklist.

Additionally, certain life changes can have an impact on whether or not your documents still meet your planning goals and objectives. So, if any of the following changes have happened to you recently, or if they happened a long time ago but you never changed your documents, it is time to consider talking with an estate planning attorney:

1. A New Marriage;
2. A Divorce;
3. The Death of a Spouse, Executor, or Guardian;
4. If you want to change your Executor; or
5. If you want to change the Guardian designation for any minor children.

On the other hand, if you don't have any estate planning documents in place, now is a perfect time to consider speaking with an estate planning attorney to discuss all of your options; especially if you have young children.

I know the last thing you want to think about is what happens to your children or estate should something happen to you. Unfortunately, it is something you need to talk about and is an integral part of ensuring that your children and estate are taken care of. In fact, having certain documents in place gives you the chance to ensure that your children will be taken care of by the people you choose, not the State of Texas.

In the next few months, whether you are shedding shoes, decluttering your garage, or setting up a new nursery, take the time to look over your estate planning documents. If you have any questions, or if you are unsure whether or not you really need a will, contact an estate planning attorney to discuss all of your goals and options. And, let's be honest, if Martha Stewart reviews her important documents every spring, we should all be doing it.

*Contributed by: Morgan Richards,  
Attorney at Law, The Ashmore Law Firm, P.C.*

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# Firm Events



**Above:**  
We had a wonderful time attending the *No Place Like Home* event at Pirch benefiting the Austin Street Center.

**Left:**  
Kimmy Wright had the opportunity to speak at the Preston Hollow Professionals Networking lunch.



19<sup>th</sup> Annual

## REVERCHON ROUNDUP

SATURDAY, MARCH 4, 2017





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**Happy Spring!**



Parker & Graham Foust

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Ms. Wright's skills in negotiation, problem-solving, team-building, group facilitation, and many other applications of dispute resolution and conflict management offer options and alternatives for parties moving forward.

Ms. Wright studied dispute resolution and conflict management at SMU. She focuses her mediation experience in divorce, child support, child custody and visitation, probate, personal injury, and general civil litigation.

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