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LAW GROUP PLLC  
Excellence In Family Law



# TEXAS PRE-DIVORCE SURVIVAL CHECKLIST



*If you are a Texas resident and are researching divorce strategy, then you have come to the correct place. There are several items you will need to consider before embarking on the divorce process. Completing the following tasks and keeping the advice in mind will help create a solid foundation from which to mount your divorce strategy, should you end up filing for divorce.*

- 1** Hire a knowledgeable and competent attorney. Even if both parties are in total agreement on all issues, the divorce process can be complicated and requires knowledge of legal theory and deadlines. Documents such as an original petition for divorce, final decree of divorce and potentially others will be required. A divorce attorney will help guide you through the process and assist in all facets of the divorce litigation. The sooner you hire counsel, the easier it will be on you when navigating the divorce process.
- 2** Consider where you will file. If the parties have already separated and are living in different counties (or even different states) then there could be different options as to where the original petition for divorce can be filed.
- 3** Decide how litigious your divorce may get. If the parties are in total agreement, then an uncontested divorce may be an option. An uncontested divorce can be affordable, quick, and relatively painless. It's best to determine before filing if a possible agreement can be reached to save all involved time and money.
- 4** Strategize and prioritize your goals. Have an honest discussion with your attorney (or yourself if you have not hired an attorney yet) about what you want to achieve from the divorce. Address both child issues, including rights and duties, possession schedule, and child support and property division.
- 5** Start planning a budget now. The transition from two incomes to one income can be brutal so it's best to be realistic about necessary expenses and create a budget before the divorce is even filed.
- 6** Avoid big purchases. Some purchases are required, for example, sometimes a new car is a necessary evil. But if given the choice, avoid making any large purchases if you believe a divorce is on the horizon. Property and debts can complicate the divorce settlement process, so rethink purchasing a new house or vehicle or recreational vehicle.



**7** Change passwords to all accounts. When a divorce gets messy, the last thing a person wants is a soon to be ex-spouse having access to financial accounts or social media. Even if you are unsure if your spouse knows a password, it's best to go through all social media, email, financial, and any other account with a log-in and change the password. Don't lock your spouse out of a shared account, but accounts in your sole name should have their passwords updated for optimal privacy.

**8** Gather financial documents while you still have full access to all accounts. This will help to obtain a snapshot of what all the community assets and debts were prior to the date of filing for divorce. This can be helpful in proving an account's existence or what was in the account should any shady transactions occur after the divorce has been filed.

**9** Think before you tweet (or use other social media). Anything you post can be used against you as evidence in court. Be careful about venting or posting anything negative. If you wouldn't want your divorce court judge to see what you are posting, then don't post it.

**10** Remember the children. Texas family law courts are very concerned about the impact of divorce on children. Often injunctions are in place prohibiting the parties from discussing the litigation in front of the children or making disparaging remarks about the other party to the children. Divorce affects all aspects of home-life but do everything in your power to avoid discussing it front of the kids or using them as a pawn in fighting with the other side.

**11** Collect personal government documents. Make sure you have your birth certificate, social security card, driver's license, passport, marriage license and other government documents. Things tend to get lost once a divorce begins so it's important to keep those items in a safe place.

**12** Itemize property in the home. While you don't need to catalog every fork and spoon, it is helpful to go through and make a list of all items of value, whether actual value or just sentimental. This can include jewelry, artwork, firearms, electronics or anything you may want evidence of its existence. If you have receipts for those items then it's important to collect those as well.

**13** Get clean. Divorces and custody battles can be nasty and alcohol or substance abuse can be used against you. The court will often also order injunctions that will prohibit the parties from drinking or using in the presence of the children. It's best to clean up any bad habits before the divorce process starts.

**14** Open new accounts. If you share all financial accounts with your spouse and are concerned about having financial independence, you should open a new bank account in your sole name. Then you have a safe place to deposit your income that your spouse cannot access. You could do the same for a credit card (but keep in mind all money and debts are still a community asset).



**15**

Be mindful of what you say. Texas is a one-party consent state for recording. This means that you can be recorded during nasty fights with your spouse without your knowledge or consent. Don't make threats or say anything you will regret being shown to the court.

**16**

Don't date. A Texas divorce can be granted upon fault grounds, including adultery. Since there is no legal separation in Texas, any romantic relationship prior to the divorce being finalized is considered adultery. Don't begin any new romantic endeavors until the divorce is finalized.

**17**

Gather evidence. If you have any evidence of the other party's negative facts (adultery, abuse, etc) then be gathering that to give to your legal team. Photos, screenshots, recordings and more can all be admissible at court. Gather those items as they are obtained and keep them all in a safe place.

**18**

Run a credit check. This will help you assess your credit score should you need to refinance or purchase a new residence after the divorce. It will also help spot-check for unknown credit cards or loans that your spouse may have applied for without your knowledge.

**19**

Think about health insurance coverage. Look into your employer's coverage options if you are on your spouse's plan or price private plan coverage. It's federal law that all adults and children be insured. Often a court will require the existing health coverage remain in place during the divorce but best to be prepared and research all your options.

**20**

Focus on your mental health. A troubled marriage with a looming divorce can be very difficult. Reach out to friends or family who can be a source of support. Don't engage in harmful behaviors and be mindful of when you need support.

The above is not an entirely comprehensive list of items that will help prepare you before embarking on a Texas divorce however it is a great starting place. The most important step will be consulting with a licensed family law attorney who can help you navigate the steps necessary to prepare for filing for divorce in Texas. Even if you do not anticipate filing for divorce in the immediate future, meeting with an attorney can give you helpful tips and help you lay the foundation for a good start, should you decide to file in the future. The legal team at Ramos Law Group, PLLC is happy to help discuss your options.