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**2601 East Seventh #102
Austin, TX 78702**

GROUNDS FOR DIVORCE

The statutory grounds for divorce are:

- Insupportability;
- Cruelty;
- Adultery;
- Conviction of a felony;
- Abandonment;
- Living apart for three years; or
- Confinement in a mental hospital.

As a practical matter, almost all divorces are based on contentions of insupportability; that is, the marriage is insupportable. The purpose of this ground for divorce is to abolish the necessity of presenting sordid and ugly details of conduct on the part of either spouse before obtaining a divorce.

OTHER REQUIREMENTS

Domicile. You must have domiciled [*lived*] in Texas for the six months preceding the filing of the divorce petitions and a resident [*slightly different requirements but generally the same as "lived"*] of the county in which the suit is filed for the 90-days preceding the filing of the suit.

Jurisdiction. Some district courts are designated as family courts. Depending upon the county in which you reside, the general district courts may have jurisdiction.

Notice. Generally, each spouse must be notified of the pending divorce action. If you can't find your spouse, there are procedures for notifying that person through alternative means but the rules are technical and require careful documentation.

Filing the suit. Filing the suit is much the same as it would be in any other civil lawsuit. The pleading must, however, contain allegations of the grounds upon which the suit is based and the grounds for relief being sought.

Children. The parent of the child has a right to physical possession of the child and to establish the child's legal residence. If both parents want to maintain conservancy—known as possession to most people—absent unusual circumstances, the courts will usually follow what is known as a standard possession order; what most people know as an “every other weekend” type of possession order.

Property. Texas is a community property state. With some exceptions, property acquired during the marriage is owned equally by both husband and wife. Property brought to the marriage by either spouse may remain separate property. This can be a highly technical area of law; one that is subject to precise circumstantial consideration.

THE ADVICE OF AN ATTORNEY IS IMPORTANT WHEN IT COMES TO DIVORCE. FURTHERMORE, BECAUSE MATTERS OF COMMUNITY PROPERTY, INCOME TAX, AND SEPARATION OF ASSETS ARE ALSO IMPORTANT, THE ADVICE OF A CPA ALSO BECOMES RELEVANT.

AS AN ATTORNEY AT LAW AND CPA, WE ARE ABLE TO CONSIDER BOTH ASPECTS OF YOUR INTENDED INVESTMENT.

GIVE US A CALL.

NAVARROLAW, P.L.L.C.

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