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Divorce More Prevalent in the Month of January Compared to Other Months

Texas Legal Advises Texans Considering Divorce Seek Legal Counsel

Austin, Texas—The new year is here, and January typically marks an increase in divorces across the state. While divorce is never expected, the reality is that 40-50 percent of all first-time marriages in the United States end in divorce, and approximately 75,000 divorces occur in Texas each year. Texas Legal, the statewide nonprofit legal insurance plan founded by the State Bar of Texas and the Texas Legislature, advises Texans who are considering divorce to seek legal counsel early in the process to protect their assets and other interests.

In Texas, 68,371 family court cases—including divorce cases—had a plaintiff or petitioner who represented themselves during the 2015 fiscal year.

Getting divorced is a complicated process. Attorneys attend school for years to understand all that the legal system encompasses. While *pro se* legal representation is an option—advocating on one’s own behalf, rather than being represented by an attorney—it is advised to seek legal counsel before filing for divorce.

Rashelle Fetty, a Texas Legal participating attorney, recommends Texans consider the following issues before filing for divorce:

- **Lengthy Process:** In Texas, a divorce is not final for at least 60 days after a petition is filed. It typically takes about six months to one year or longer to finalize a divorce, depending on the complexity of the issues and the degree of conflict.
- **Legal Separation:** Texas does not recognize legal separation. This means that even when you are living apart from your spouse, all of the property you or your spouse acquire is community property—regardless of the way it is titled—and all debt you or your spouse acquire is community debt. Simply put, you are married until you are legally divorced.

- **“No-Fault” Divorce:** Texas law allows for “no-fault” divorce, which means the spouse filing for divorce does not have to prove any fault, wrong doing or marital misconduct on the part of the other spouse. However, a judge may take fault into consideration when determining what is a fair division of the parties’ marital property.
- **Child-Centered Divorce:** When children are involved, divorces become more complex. It is important not to discuss the details of the litigation with the children, and to stress the problems are between the parents, and the children are not to blame.
- **Staying Objective:** While most people would like to have an amicable divorce, this is not always possible. Emotions can run high, potentially clouding one’s ability to reach the best settlement. An attorney can be your voice during the divorce process and communicate your wants and needs effectively.

Before moving forward with legal counsel, it is important to research attorneys. Make sure you meet with the attorney before hiring them and ensure they understand your needs and what you would like to accomplish.

Typically the cost for legal representation paid privately—without legal insurance helping to defray the cost—can cost thousands and often tens of thousands of dollars depending on what is involved. Having legal insurance coverage provides access to legal assistance at no cost beyond reasonable monthly premiums (subject to plan limitations) and will help protect plan members.

Texas Legal membership covers legal expenses much like health insurance covers medical expenses. A low monthly fee gives members access to a network of over 500 qualified attorneys throughout the state. To learn more about Texas Legal or to become a member, please visit www.texaslegal.org.

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About Texas Legal

Formerly known as Texas Legal Protection Plan, Texas Legal is a statewide, nonprofit legal insurance plan that was founded by the State Bar of Texas and the Texas Legislature in 1972 as an effort to better serve the legal needs of Texans. Texas Legal is the preferred provider of the State Bar of Texas. The nonprofit offers plans for companies, groups and individuals. For more information, please visit www.texaslegal.org.