

2015 Texas Legislative Update: Changes to the laws dealing with divorce and parent-child relationships

By Trey Yates, Board Certified Family Law Attorney

Every other year, Texas legislators gather in Austin to make changes in the area of family law. The 2015 legislative session has now come to an end, and while there were a record number of changes made to the Texas Family Code, only a limited number will have a significant impact on existing laws dealing with divorce and parent-child relationships.

The Texas Family Code is divided into various "Titles," so I will list the 2015 changes to the code under the titles to which the change corresponds.

Title 1: The marriage relationship

The scope of prohibited actions that might be taken by parties in the process of divorce has been expanded to bring this section of the law into the 21st Century. Spouses may now be prohibited by court order from communicating and threatening each other by electronic voice transmissions, video chat or electronic messaging (emails, social media, etc.).

Additionally, spouses may now be prohibited by a court order from damaging, tampering with or destroying intellectual property, or electronically stored or recorded information of a spouse, causing economic loss or inconvenience to a spouse during a divorce.

Title 4: Protective orders and family violence

The changes under this title make it clear that trafficking activities amount to family violence.

Additionally, there is a new legislation that creates a legal presumption of family violence if a spouse has a previous conviction for family violence or received deferred adjudication for family violence.

Title 5: Parent-child relationships

There are now new requirements regarding a court appointing a child custody evaluator.

Also, the court may order the implementation of dental insurance coverage for a minor child during a divorce or lawsuit affecting parent-child relations. However, this change will not take effect until September 1, 2018.

While the decision in *Obergefell v. Hodges et al.* was from the United States Supreme Court, it has already had a direct impact on Texas law. All states are now required to license marriage between two people of the same sex, and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed in another state.

Preparation for divorce is still vital

The divorce process is stressful no matter how well you prepare and plan. But engaging in the process and doing your homework will help. Seek legal advice early and schedule a confidential consultation with a Board Certified Family Law Attorney to discuss your case. If you go into the meeting with a good knowledge base, you can ask pertinent questions that put you closer to a satisfactory settlement outcome.

Safeguard your digital information during divorce

By Patricia Barrett, CFP, CDFIA

If you are separated from your spouse, or considering separation or divorce, take steps now to protect your personal online and electronic information, especially with regard to your finances.



In many of today's marriages, couples share a variety of online-accessible accounts and devices such as home computers/laptops, gaming consoles, social media, wireless networks, tablets, email, utility accounts and more. They may also share passwords that allow access to all of the above. This could become problematic if the divorce becomes contentious.

The first step in protecting your finances is know what you have. The divorce process will require you to identify all marital assets, debts, income and household expenses. I have found that the spouse who has not had access to, or paid attention to family finances is at a disadvantage in a separation or divorce. So, it is critical for this spouse to quickly get up to speed on the family's finances, particularly before the separation takes place and important documents are "misplaced" or "disappear." Keeping apprised of all family finances includes knowing online access logins and passwords for life insurance policies, brokerage accounts, mortgages, bank accounts, past tax returns, retirement accounts, deeds, wills, stock certificates, etc.

Gathering and copying as much financial information as possible is vital to a fair and equitable settlement, even before discussing separation or divorce with a spouse. I recommend retaining a certified divorce financial analyst who has experience assisting with this process.

Let your attorney and your financial analyst know immediately if you believe your spouse's electronic devices contain evidence relevant to the divorce. They can guide you

on how to prevent "accidents" or "thefts" of such devices, or in protecting the valuable electronic information they may hold. Using legal means, it's also a good idea to electronically backup any and all hard drives of all computers, USB drives and communications devices in your home. This is relatively easy and inexpensive using external backup hard drives. Then, store these hard drives in a safe place until needed.

Stored information like this can provide a treasure trove of financial (and other important) information since many people use their personal computers for sensitive accounting information and tax preparation.

Secure a credit report on yourself and your spouse before or early in the divorce process. A credit report can offer details on accounts you may be unaware of, or debts that should be included in the divorce process.

Learn to be tech-savvy

If you suspect your spouse of wrongdoing, consult your lawyer to protect yourself and ensure that any electronic evidence gathered will be admissible in court. Know that federal and state laws protect individuals from illegal interception of e-mails, text messages and other electronic communications. It's best to let the professionals use the latest tools of the trade to uncover and document a spouse's misconduct.

Now is a good time to purchase new computer equipment, set up individual financial accounts and create new passwords. When setting up a new computer, be sure to purchase security software that protects it from malicious software or other attacks. Remember, do not destroy your old equipment or delete information while your divorce is pending.

Change all your passwords and do not use information that your spouse may know about you. If your spouse purchased your existing cellular plan, obtain new service for yourself and buy a new phone.

Avoid using an employer-provided e-mail account for personal communications. Get a new e-mail account for communicating with your attorney, financial experts, family and friends.

Never open attachments from unknown sources, and be skeptical of requests for personal information. And don't leave your computer, smart phone, tablet or laptop where others can access it.

Limit use of social media

Your spouse can easily use your “posts” on Facebook, Twitter, LinkedIn, Pinterest, YouTube and other social media sites against you. The best advice is to reduce or stop social media activity during the divorce process. If you already have a social media account prior to divorce, deactivate, but do not delete, the account.

Review your social media privacy settings and current content posted on your profile pages. “Blocking” your spouse will not prevent him or her from seeing your posts through mutual “friends,” or “friends of friends.” Also, do not change your Facebook relationship status (i.e., from “married” to “single”) until your divorce is final. (You are married until you are not.)

Cyber stalking and electronic spying is increasingly easy, inexpensive and difficult to detect, so take steps to protect yourself and your identity during this time as well.

Technology can save time and money, but it can also cause problems and great heartache if used improperly or unwisely during divorce. Consult your attorney and financial analyst to make sure you are using technology to your best advantage.

Resources on our website

Please visit our website at <http://www.GuideToGoodDivorce.com> for helpful information you can use to help navigate the divorce process. In our [**Resources**](#)

section, we have free booklet downloads from the American Bar Association, past issues of our Guide to Good Divorce eNewsletters, articles on divorce law in Texas and divorce financial planning, a recommended reading list, and testimonials from women who share their divorce experiences and advice.

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[Divorce Manual: A Client Handbook](#)

from the American Academy of Matrimonial Lawyers

This handbook was produced to generally explain what people throughout the United States face when considering or going through divorce. The laws and procedures of most states are taken into account, but this is not a guide to the law of any one state. A glossary of commonly used terms can be found at the back of the book. This handbook is no substitution for legal advice and is intended to help you and your lawyer work together more effectively.