



## **GETTING PREPARED FOR TEMPORARY ORDERS**

*The Courts look to maintain the status quo during the pendency of the temporary orders, especially as to finances.*

### ***Allocation of Finances During Temporary Orders.***

While you are in transition and trying to set up two separate households, the Court will look to allocate the income and any other resources to keep all of the necessary bills and living expenses paid for both parties. This is usually done by ordering the spouse with the larger earning capacity to pay temporary spousal support while the parties are in transition during the Temporary Orders.

The Courts focus on keeping rent, mortgage, and vehicle payments timely paid. Unsecured credit cards or debt are a last priority, and if there is not enough to go around, you may have to stop payments until you get on your feet. In order to salvage your credit, if you are unable to make the regular payments, you may want to contact the credit card company and make alternate arrangements for payment during this time.

### ***Protecting Yourself Financially***

If your spouse has had the primary responsibility of handling the financial matters during your marriage, you may be unfamiliar with the general concepts and basic practices of general everyday accounting relative to running your household. Indeed, you may not even have any checking accounts or credit cards in your name only. This is a situation that should be remedied as soon as possible.

If you do not have your own bank account, select a bank with which to do business, and start your own bank account.

It is important that you establish credit in your own name. Your bank officer can be of assistance to you by paving the way for you to obtain a MasterCard or Visa through the bank where you have your newly established accounts. Be sure to make all payments on the date specified. Prompt payments, as well as late payments, will be reflected in your credit report.

If you remove funds which you may have from various community checking accounts and savings accounts, place these funds in a separate account designated as community property funds, **but do not spend any of this money** unless the judge or your attorney advises you otherwise. The transfer of funds in these circumstances is to prevent the possibility of your spouse "cleaning out the family savings". Even so, you should be very careful not to cut your spouse off from access to funds for living expenses, and you should be careful to leave enough in the account to cover all outstanding checks. **We do not advise that you move any funds without first consulting with us.**

### ***Prepare for Your Financial Future Now***

If you are the spouse with the larger income, make plans to support your spouse and children pending the finalization of the divorce. Cut down on unnecessary expense. You must realize that the income that you both lived on before must now support two separate households and therefore, your standard of living will change.

If you have been a stay-at-home parent or spouse, you need to start making arrangements immediately to become employed. Unfortunately, when the case comes to a conclusion you will have to take care of yourself for the most part. Texas has recently allowed alimony **under very limited circumstances**: In a nutshell, you have to have been married for at least ten years and then you have to prove to the court that you are incapable of making a minimum living. Even if the Court awarded alimony, they could only order it for three years at a maximum amount of \$2500.00 per month. In other words, don't count on it.

### ***One of You will have to Leave the Home***

Rarely will the Court find it appropriate to order the parties to continue to live in the same residence while the divorce is pending. If you plan to leave the home, take as many of the items and personal possessions you will want to have now. Do not clean your spouse out. Be reasonable and fair. If your spouse objects to the items you are taking, leave them there and we will deal with it through the courts. DO NOT CREATE A SCENE.

If you are the party that is going to live in the residence, let your spouse take his or her personal items and any items that he or she may need while the divorce is pending. Be fair-minded, and consider that each of you must establish a new separate household.

### ***Follow the Court's Temporary Orders to the Letter***

When a temporary order is entered in your case, follow it to the letter. For example, if you are told to pick up your child at 6:00 p.m. the first Friday of the month this does not mean 5:50 p.m. or 6:15 p.m. If you have any questions concerning the meaning of the Temporary Orders, please contact your lawyer at once. If you are ordered to pay child support, or temporary spousal support, it is essential that you make those payments on the date specified. If you are the party receiving child support or temporary spousal support, notify your lawyer if your spouse falls behind for three weeks or more.