



Carol A. Wilson

Board Certified Family Law.
Texas Board of Legal Specialization



DIVORCE | CHILD CUSTODY | PATERNITY | GRANDPARENT ACCESS | PREMARRITAL AGREEMENT | ADOPTION



Carol Wilson is presenting at the Dallas Bar on 7/20/12 on the topic of marital agreements. View event details here.



Carol Wilson is focused on helping good people in difficult times. Click here to learn more about our practice.



How can you make sure your family property stays in the family? Click here to read our article and learn more.

Making Sense of Maintenance

In Texas, maintenance is a synonym for court ordered alimony. It is one of the more challenging issues in family law. Maintenance is difficult for many divorcing couples to understand and is also hard to obtain. There are limits on how long you can receive maintenance and certain factors may cause the court to cancel maintenance payments.

According to recent amendments, Texas family law requires the court to consider the following guidelines before awarding maintenance.

1. The marriage must have lasted at least 10 years or the spouse ordered to pay maintenance must have been convicted of or received deferred adjudication for an act of family violence against the other spouse or the other spouse's child. The offense conviction must have happened within two years before filing for divorce, or while the divorce suit is pending.
2. The spouse seeking maintenance must be unable to earn "sufficient income to provide for minimum reasonable needs" because of an incapacitating physical or mental disability.
3. The court may consider situations where the spouse seeking maintenance is caring for a child of the marriage of any age who requires special care because of a physical or mental disability that prevents the spouse from earning a reasonable income.
4. The spouse seeking maintenance is also expected to have started working or job training during the period of separation and while the divorce is pending.

If the Court does order maintenance, the maximum amount will be \$5,000 a month, or 20 percent of the payor spouse's average monthly gross income, whichever is smaller. Maintenance can be ordered for up to 10 years, depending on the length of the marriage, except in the case of permanent mental or physical disability of the spouse receiving maintenance. In the event of disability maintenance lasts as long as the disability prevents the recipient from earning their minimum reasonable needs.

The Court can also modify or terminate maintenance if the circumstances determining the original order change. For example, if the recipient of the maintenance remarries, or even moves in with a romantic partner, a judge can terminate payments.

If you have a concern about receiving or paying court ordered maintenance or any other family law question, call the law offices of Carol A. Wilson to discuss the specifics of your case and how to best protect your rights and interests.

Thank you for all the hard work you have done for my baby girl. We have praised God for all he has given us. We truly believe that you are one of his gifts that we will always cherish.

A Former Client

Presentation Available

If you, your employer or your professional organization would like to know more about separate property, court-ordered maintenance, or fiduciary duties and their impact on family law issues, including divorce and property issues, contact my office to schedule a free one-hour lunch-and-learn continuing education presentation.

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