

The Carol A. Wilson Newsletter

Dear Colleagues:

Once again the Texas Legislature has made numerous changes in the Family Code. Two of the changes will increase the need for these professionals:

- CPAs to assist in tracing and calculating the community property interest in assets; and
- mental health professionals to act as parent coordinators in high conflict cases.

New Asset Tracing Rules - Chapter 3 of the Texas Family Code has added the following provisions:

1) it defines how to calculate the community interest in defined benefit retirement plans (traditional pension plans);

2) it provides that any pre-marriage ownership interest in a defined contribution retirement plans (401k's and similar types) may be traced. This may be very difficult for retirement accounts invested in mutual funds, as many employees invest their plans; and

3) it defines how the community and separate property interest in stock options are determined when the stock option was either granted *before* marriage or during marriage, but would be exercised *after* marriage. Formerly, if you were *not* married when the option was granted, it was separate property; and if you *were* married when the option was granted, it was community property. Now, the percentage of community and separate property interest is calculated with a formula provided in the statute.

Practically, this means you should keep *all* of your account statements from the date of your marriage forward, if you had any retirement accounts prior to marriage.

Parent Coordinators - The goal of a parent coordinator is to help parents learn to communicate regarding their children, and to reduce the number of court hearings in high conflict custody cases. Chapter 153 of the Family code provides that a parent coordinator *cannot* modify any court judgment. Instead, the parent coordinator works with the parents to implement agreed orders through problem-solving and clarification of issues. The statute also provides that the parent coordinator will *not* testify in court, other than to report whether the parent coordinator process itself is working.

The experience requirements for persons appointed as parent coordinators includes a minimum of a bachelor's degree in one of several listed mental health fields, as well as parent coordinator and family violence training. Although many parent coordinators will be licensed mental health professionals, lawyers with undergraduate degrees in mental health, who are experienced in intra-family conflict in family law cases and conflict resolution, may also be appointed parent coordinators.

Practically, this is another means of dispute resolution which clients with custody problems may use to achieve mutually agreeable solutions at a cost lower than most court hearings.

We have experience with numerous professionals in both of these areas. If you, your client, friend or family member has a family law issue, whether it is just a question that can be answered over the phone, or a more complex matter that requires a meeting, please call: 214-303-0142, or visit our website at www.cawilsonlaw.com. We can meet with you in our Dallas, Kaufman or Plano offices by appointment. We strive for excellence in all things, and custom tailor every case to meet *your* needs, the facts and the law.

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