

# UNDERWOOD

## Divorces



Our representation starts with an initial consultation between the attorney and the prospective client. In that initial consultation, we identify the prospective client's goals, the issues the case presents, and a strategy for achieving those goals and addressing those issues. At the end of the consultation, the client and the attorney decide whether to sign a contract for the attorney to represent the client in the divorce. If so, the attorney will identify the documents and other information needed from the client, including the information that will be needed if there is a temporary hearing.

Frequently, a party will want temporary orders at the beginning of the divorce suit. Those temporary orders will determine some or all of the following issues, usually for the duration of the divorce suit:

- Exclusive use of property
- Responsibility for paying debts
- Temporary spousal support
- Interim attorney's fees
- Rights to make decisions for a child, including where the child primarily resides
- Geographic restriction on the primary residence of a child
- Possession (*i.e.*, visitation), including supervised possession
- Child support
- Providing and paying for health insurance for a child
- Sharing the health care expenses of a child not paid by insurance
- Temporary injunctions

After the temporary issues are resolved by agreement or court order, the focus of the case turns to information gathering. That information can include financial records, communications between the parties and others, photographs and video recordings, health and mental health records, education records, and criminal records. The information can also include how the children of the marriage are doing under the temporary orders and how the parties are behaving. Besides obtaining information from the client, we also formally and informally obtain information, including sworn statements, from the other spouse and other persons.

The attorneys at the Underwood Law Firm work as a team. That means that its family law attorneys can call on the expertise of other attorneys in the firm. Those attorneys are skilled in the laws governing areas that can emerge as issues in divorces, such as personal injury, business entities, oil, gas, and mineral interests, real estate, agriculture, tax, and bankruptcy. The firm can also prepare a new will and related documents for a client going through a divorce.

To resolve the divorce, we try to settle all or some of the issues. The vast majority of divorce suits settle. We strongly believe that parties, not judges or juries, usually are in the best position to divide the community estate and to decide what is best for their children. We work with opposing counsel and, if informal attempts do not work, we frequently go to mediation. If all settlement efforts fail, we try the case to a judge or to a judge and jury. We have extensive trial experience and are prepared to go to court when the best offer from the other side is unacceptable to our client.

After the divorce is settled or tried, the critical work of drafting the decree begins. The wording of a decree can make a critical difference as to whether the client actually receives the property the client expected and whether the orders regarding the children are enforceable. Knowing the consequences of a poorly drafted order gives us the insight how to draft a decree that does what it is supposed to do and protects our client.

## Related Attorneys

- Kenneth W. Fields
- Bryan Guymon
- Christopher Wrampelmeier