

**SMB**  **SCOTT M. BROWN  
& ASSOCIATES**

# NEWSLETTER

[SBrownLawyer.com](http://SBrownLawyer.com)

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## Parents Who Never Married: A How-To Guide for Navigating Child Custody Issues

Divorce is difficult, learning to live separately again as you cut ties from your once partner. On top of that, there's the sticky mess of child custody. But what do you do if you never married and now you're stuck trying to make sense of who gets custody?

Well, worry not. We've put together a simple, yet informative guide on how best to navigate child custody issues if you never married the parent of your child/children.

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Scott M. Brown was selected for inclusion on the Texas list of Super Lawyers Rising Stars from 2012-2014 (a Thomson Reuters service).

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For married parents in Texas, when a baby is born the law automatically recognizes them as legal parents of that child and nothing further must be done. However, for unmarried parents, the law does NOT recognize the biological father as the legal parent. Thus, the father does not have legal rights until he chooses to become the legal parent by establishing paternity.

By establishing paternity, the benefits to the child are endless - the child knows who their father is, there is a legal bond to support the emotional bond, and the child has a rooted sense of identity and connection to not only the father, but to the extended family as well. The mother also receives a benefit because the father is now accountable for the child legally, i.e. through child support, insurance benefits, etc.

Following this, the court will look at a variety of factors to determine what is in the child's best interest. Such factors include the relationship with each parent, the child rearing skills of each parent, the best home environment, which parent has the most suitable character and temperament, emotional ties with either parent, financial status of each parent, apparent motive for seeking custody, and the list goes on.

Typically, if no instances of abuse or neglect are

## Family Law Q&A

**Q: How is property divided in a Texas divorce?**

**A:** Texas is a community property state. Texas classifies property as either community property or separate property. Community property is defined as all property that was acquired during the marriage, including income from employment earned during the marriage. Separate property is all property that was owned prior to marriage or that was acquired during the marriage by gift or inheritance. In a Texas divorce, only the community property is subject to division. Many clients mistakenly believe that community property must be divided 50-50. However, Texas law only requires that the community property be divided in a way that is "just and equitable." Therefore, a 50-50 division of community property is neither guaranteed nor required.

**Q: How much child support will I receive or be required to pay?**

**A:** The amount of child support a court will order depends on a number of factors including the needs of the children, the payor's net resources/income and the number of children the payor has a duty to support. In most cases, child support is calculated using a formula contained in the Texas Family Code. Under the Family Code, the following amounts are

present, the court will lean towards dual parenting, allowing both parents the opportunity to play an active role in raising the child. If possible, it is best to retain a sense of amicability even though the romantic side of things has ceased, for the benefit of the child.

Ideally, a child custody agreement is preferred so that you and your ex have a set list of guidelines to follow. If an agreement is what you seek, but talking to your ex is out of the question, then child custody lawyers are an easy fix. A good child custody attorney will bridge the gap between you and your ex allowing both of you to put the child first without aggravating one another.

If you are an unmarried parent seeking to gain full or joint custody of your child/children, [Scott M. Brown & Associates](#) are the answer. Scott M. Brown & Associates have an impressive amount of experience dealing with child custody issues of ALL kinds. Although we can't guarantee the result, we can guarantee the effort. We won't take ANY shortcuts when it comes to you and your child. We know how important family is, so trust in us to protect the precious time you have with them. Money can be replaced, but time with your children can't. We are here now to answer your questions. Call today at (979) 319-5388 or (800) 729-9142.

considered in the best interest of the child/children:

**One child:** 20 percent of the payor's net resources

**Two children:** 25 percent of the payor's net resources

**Three children:** 30 percent of the payor's net resources

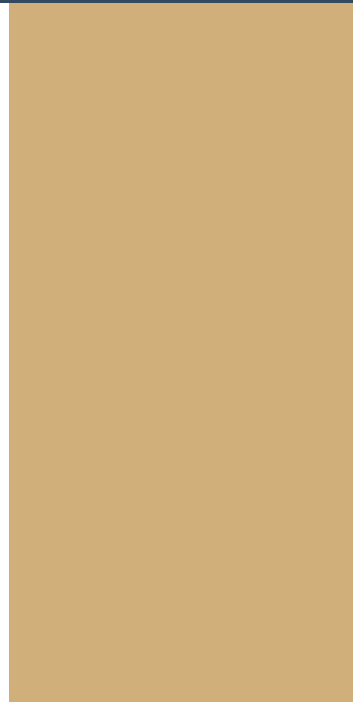
**Four children:** 35 percent of the payor's net resources

**Five children:** 40 percent of the payor's net resources

**Six or more children:** Not less than 40 percent of the payor's net resources

**Q: When is my divorce final?**

**A:** The divorce is finalized when the judge approves and signs a document called the Final Decree of Divorce.



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### Meet the Attorneys



Scott M. Brown



T.J. Roberts



Blair Renee Parker

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**[Contact](#) Scott M. Brown & Associates today.**

Our team of experienced attorneys and professional staff is looking forward to helping you with your legal issues.

***"The Law Firm Devoted to Family Law and Criminal Defense"***

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