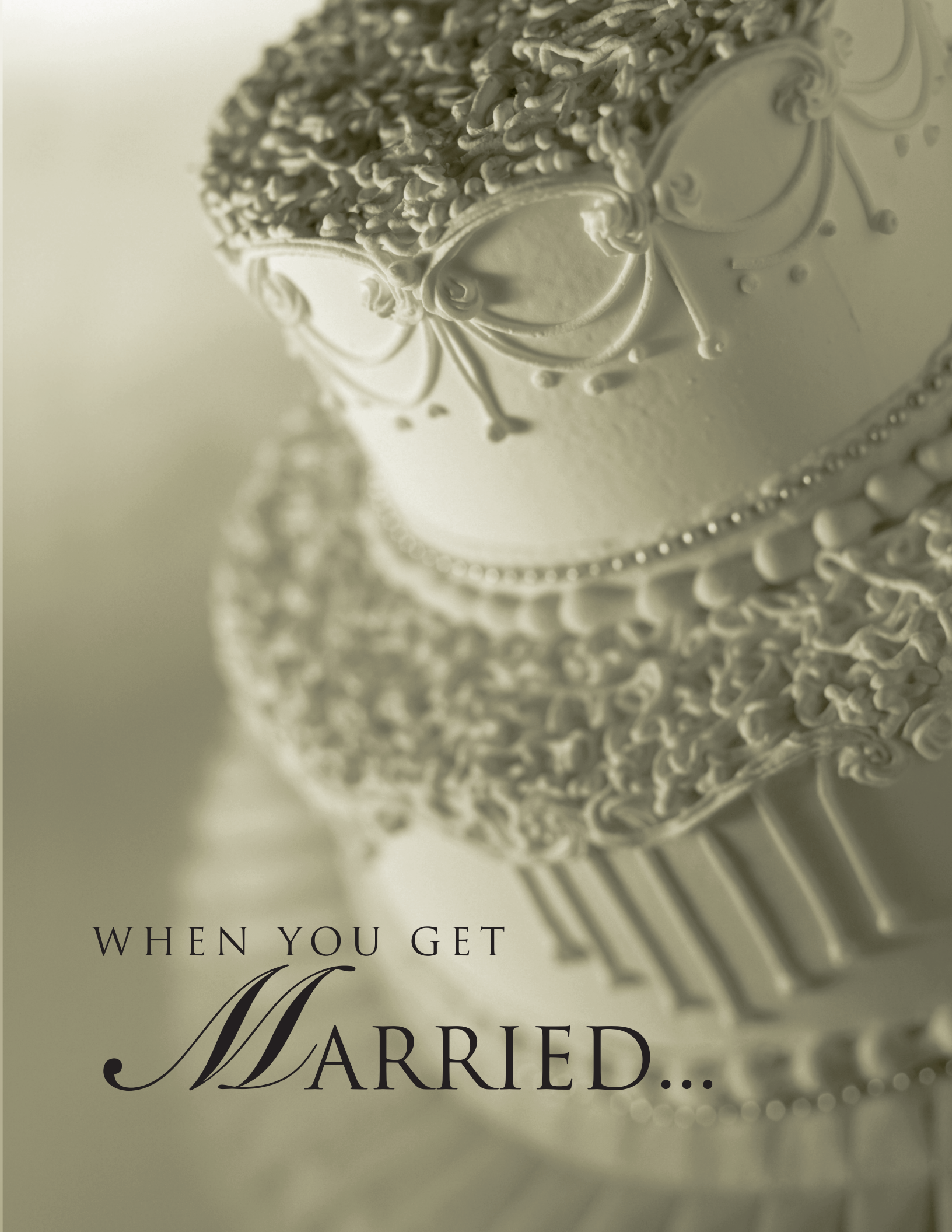

# WHEN YOU GET MARRIED...

## A MESSAGE FROM THE ATTORNEY GENERAL:

Marriage is a great adventure, full of joys as well as challenges. One of the best things you can do to prepare for marriage is to talk in advance about the issues that will probably arise: What are your respective definitions of a good husband or a good wife? What are your views on child rearing? Do you share the same values and personal interests?

This handbook, which is provided in accordance with Section 2.014 of the Texas Family Code, will help you discuss these and other important issues. Written with the help of a broad-based advisory committee, this handbook also contains important legal information about shared property and child support. Hopefully you will find it helpful.

Congratulations on your commitment to marriage. On behalf of the State of Texas, we wish you the very best.

Greg Abbott
Attorney General of Texas

## PREMARITAL HANDBOOK ADVISORY COMMITTEE (1999-2002)

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Dickinson

# WHY GET MARRIED?

Love. Companionship. Financial support and the comforts of a shared home. Intimacy. Children.

People marry for different reasons. There are a few things that almost everybody includes if you ask them what they want from their marriage. But it doesn't really matter what others want out of marriage. Different people want different things. What matters is what YOU and YOUR SPOUSE want?

***What is your definition of a good husband?***

His answer:

Her answer:

***What is your definition of a good wife?***

Her answer:

His answer:

***What is your definition of a good marriage?***

His answer:

_____

_____

_____

_____

Her answer:

_____

_____

_____

_____

A husband and wife may expect very different things from their marriage. This is okay. Your marriage can be happy as long as each of you is getting what you consider to be important, even if these are different things.

*Make a list of the things that you want most from your marriage. Then compare your lists.*

***What do you want from your marriage?***

Her answer:

_____

_____

_____

_____

His answer:

_____

_____

_____

_____

You need to know what your spouse wants and what is most important to your spouse. Number your list in order of importance. Then compare your lists again to see what your spouse wants and needs most.

***What does your spouse want most? What does he or she really need to have in order to be happy with your marriage?***

Knowing what your spouse wants is only half the story. You also must know how to provide it to him or her. For example, if your spouse wants to feel loved, you need to know what actions make your spouse feel loved. You need to know how your spouse defines that experience. Another example: for many people, physical intimacy is an important part of marriage. If your spouse gave a high priority to physical intimacy, it is not enough to provide what you consider to be a satisfying intimate relationship. You need to know what your spouse wants.

Each of you should list a few examples of specific behaviors that would give you what you are looking for in your relationship. And for some of those actions, you might want to write down approximately how often you would like it to happen. There is no right or wrong answer to these questions. It's whatever works for you.

*List specific and positive actions that are inexpensive and that your spouse could do often. Examples would be: A hug. A compliment. Make my favorite dessert. Give me flowers. Massage my neck and shoulders. Whatever you want.*

His list:
It makes me happy when you:

_____

_____

_____

_____

Her list:
It makes me happy when you:

_____

_____

_____

_____

It is possible that when you learn more about what your spouse wants from you, you will have some doubts about whether you can or want to provide it. In this case, you have something you need to talk about. This will be a chance for you to practice good communication skills. You will need to work out a way to have a relationship that is satisfying and acceptable to both of you.

You may want to read through this book and talk about the questions that follow. If you are not yet married, give yourself time to think through these issues before you make a final decision. If you are already married, or if you are already sure you are making the right decision, it is still a good idea to learn more about each other and improve your communication skills.

# PERSONALITIES: HOW ARE YOU DIFFERENT, AND HOW ARE YOU ALIKE?

You don't have to be alike to get along. Chances are you are alike in some ways and different in others. You may be quite different. Opposites often attract! Differences are fine if you respect and appreciate the differences between you.

Do you remember what it was about your spouse that first caught your eye? Maybe it was something about the way he or she looked or smiled or laughed. Maybe you liked his polite manners or thought she was easy to talk to. Later, when you got to know each other better, you came to appreciate traits such as honesty, warmth, kindness or generosity. And these are the traits that probably helped you realize you wanted to marry this person—to spend the rest of your life with him or her.

***What was it that originally attracted you to your spouse?***

She says:

_____

_____

_____

He says:

_____

_____

_____

***What was it about your spouse that led you to want to marry him or her?***

Things about her (he says):

_____

_____

_____

_____

Things about him (she says):

_____

_____

_____

_____

***Name some ways you think you are alike:***

How she says we are alike:

How he says we are alike:

***Name some ways you think you are different:***

How he thinks we are different:

How she thinks we are different:

Sometimes differences can be strengths. Discuss: What are some ways that your different strengths work together? How do you react in a crisis or emergency? Is one of you calm while the other gets excited? How can you use your strengths to help each other?

Compare some of your ways of reacting and showing feelings. How do you act when you are angry—do you clam up or do you raise your voice and argue? When you are hurt, do you withdraw, lash out or cry?

# CONFLICT AND COMMUNICATION

Conflicts are inevitable. The important thing is how you handle them. Fighting doesn't help, but talking does. Here are some steps as well as some DOs and DON'Ts for resolving conflicts in marriage.

Talk about conflicts at a time and in a setting where you are both relaxed. Explore ideas together. Most problems have more than one possible solution. If you cannot remain positive and friendly, stop the discussion and try again some other time. Don't give up. Most problems will not go away if you ignore them.

Agree to take turns talking and not to interrupt. Explain your point of view as honestly and respectfully as possible. Answer your spouse's questions as truthfully and completely as possible. Listen to your spouse's point of view and then try to repeat what your spouse said in your own words. Ask if you understood and successfully articulated his or her point of view. Ask questions, and listen respectfully to the answers. Sometimes an apparent problem will be resolved or even disappear once you fully understand each other.

Avoid "blaming" your spouse for the problem. When you need to explain how you feel, use the word "I" rather than the word "you."

***DO***

- ***Do talk about areas of conflict.***
- ***Do explain your point of view thoroughly and honestly.***
- ***Do listen respectfully to everything your spouse has to say.***

***DON'T***

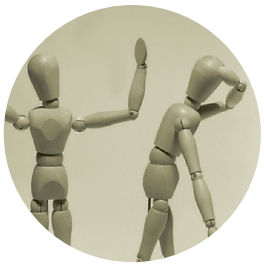
- ***Don't continue the discussion if it ends up in an argument.***
- ***Don't give in to anger, sarcasm, name-calling, verbal abuse, threats or accusations.***
- ***Don't agree to a solution that you cannot sincerely and willingly accept.***

Ask yourself, "What is the issue?" Then, explain your view of the issue and see if you can agree on the problem. Next, examine the facts. State your opinion about those facts. In the process, share your emotions. Last, try to establish a clear goal.

Brainstorm about solutions. Think of any and all ideas that might help resolve the problem. Consider all solutions with an open mind, even if you think some sound silly or will not work.

Make a list of choices and see if you can find some that you are both willing to try. There isn't a "right" answer. Sometimes the answer is that you agree to disagree. You just need to find an answer you can both accept. Every solution has a positive side and a negative side. Which solution has the most advantages?

***Have you resolved a problem in your relationship yet? What was the problem and what was the solution you found? Did you do the "DOs" and avoid the "DON'Ts"? Was it a good solution that was okay with both of you? Was there a better solution that you can think of now?***



_____

_____

_____

If you have not had a conflict yet, sooner or later it will happen. It's human nature. At some point, a minor thing might irritate you. Or, one of you will want to do one thing when the other wants to do something else. It's Saturday night, and one of you wants to go to a movie when the other wants to stay home and watch football. One of you wants to shop at the mall while the other would rather go to the lake. Try working through the conflict so you find a solution that's fair to both of you.

If at some point in your marriage you find you have a conflict that is especially hard to resolve, consider seeking help. A professional may be able to help you work through a difficult time. You can contact the Texas Association for Marriage and Family Therapy at (800) 270-4320 or www.txmft.org for the name of a qualified therapist. Or, for faith-based guidance, you can call the church or synagogue of your choice. You can also consult your local telephone directory under "Marriage and Family Therapists," "Psychologists," "Social Workers" or "Psychotherapists."

**No one should ever hit you or threaten you or your children, your family or your pets with physical harm. If you are not yet married and you have any concerns that your future spouse could be violent toward you, stop and take some time to reconsider. If at any point you fear for your own safety or that of your family, children or pets, call the National Domestic Violence Hotline at (800) 799-7233, (TTY ) (800) 787-3224 or your local domestic violence shelter.**

# CHILDREN

Will you have children? When, and how many? How will you raise them? Who will make the decisions about them? Who will take care of them? Who will discipline them and how?

Many couples dream of having children and look forward to starting their own families. Children are often one of the most positive and valuable outcomes of marriage, but they can place new strains on your relationship and introduce new conflicts and difficulties that you didn't expect. Your first child may be the first serious test of your ability to communicate and solve problems together. Here are some examples of issues you may need to work through:

ISSUE: SHARING RESPONSIBILITY. Babies are a 24-hour responsibility. For all the joy that you may experience while caring for your new baby, there may be times when you struggle with losing free time-time for yourself, time for leisure activities that you used to enjoy and romantic time with each other. You will also have to determine how the responsibility for child care will be divided between you. If the mother is at home all day caring for the baby, she may think that it would only be fair for the father to take a turn when he gets home. If he has been working hard all day and he is the sole breadwinner, he may think he deserves a little rest, not a shift of child caring. Or maybe both parents work and each thinks the other should help more with child care. How will you resolve these issues?

***How do you think you will share the responsibility for caring for a baby? Talk about who will do each of these tasks, how often, and when.***

- ***Feeding the baby during the night.***
- ***Changing the baby's diapers.***
- ***Giving the baby a bath.***
- ***Staying home from work when the baby is sick.***
- ***Playing with the baby.***

ISSUE: MANAGING A NEW FINANCIAL RESPONSIBILITY. If the wife works outside the home, she will need to spend at least some time away from her job when the baby is born. If her job does not provide paid maternity leave, this may mean a loss of income. If one of you gives up your job to stay at home and take care of the baby, it will mean an extended loss of income. If you both work outside the home, some form of child care will be necessary, and this is a significant expense for many couples. There are other expenses too, of course: baby food, clothing, diapers and many other things you might want or need to provide for your baby. When you take all these factors into consideration, quite a few couples can expect to feel the impact of reduced income and/or increased expenses.

FACT: According to a recent study, a two-parent family spends anywhere from $6,000 to $12,000 on a child in the first year. Estimates show that it costs $200,000 to raise a child from birth to age 18.

***Questions for discussion:***

- ***The father should discipline the children: agree, disagree or undecided?***
- ***A mother should not work outside the home unless her children are in school: agree, disagree or undecided?***
- ***Children should never be spanked: agree, disagree or undecided?***

As a parent, unless a court order has been issued affecting your parental rights, you have certain rights and responsibilities. You have the right, for as long as your child is a minor, to determine where your child will live, make legal decisions for your child, guide your child's education, give consent to your minor child's marriage or enlistment in the armed forces, make choices about medical care, and direct your child's religious and moral training.

You have a legal duty to support your child. You are required by law to provide food, clothing, shelter, education, and medical and dental care. You also have a duty to protect, control and reasonably discipline your child.

If you fail to meet these responsibilities, your rights as a parent may be terminated. You also may be held liable for the cost of caring for your children.

In some circumstances, you can be held liable for property damage caused by the delinquent conduct of your children, if their conduct is a result of your failure to control and reasonably discipline them.

## IF YOU ALREADY HAVE A CHILD

If you or your spouse has been married before, do either of you have children? Is it possible that one of you has a child anywhere outside of marriage? If so, you will both need to be aware of the financial responsibility that you still have for your children from a previous relationship or your spouse's children from a previous relationship.

Your children from the previous relationship will need your emotional support too, and they still need to spend time with you. When will you spend time with your children? Will they visit you? How often and for how long? Will they spend holidays with you? Is this okay with your spouse? What if your child wanted or needed to come live with you?

***Write out your plan for when the children will visit, where they will stay in your house and how long they will stay.***

_____

_____

_____

_____

***Have you talked to your children about your new spouse and your decision to remarry? How did they react? How do they feel? Do they like your new spouse?***

_____

_____

_____

_____

Here are some special questions and answers that you might need to consider if you are getting married and you already have a child.

***This is my second marriage. My new spouse and I plan to start a family. How will this affect my responsibilities to my children from my first marriage?***

Parents have both a legal and moral obligation to support and care for all of their children, including children from previous relationships. Getting married again does not release you from the legal requirement to support children born before your new marriage. It also does not affect your visitation rights.

Child support is normally paid to the parent who has primary custody of the children. In determining the amount of support to be paid, the court follows a formula set by law. The formula is generally based on the number of children involved and the paying parent's income. The court also orders payment of medical expenses and the cost of health insurance for the children. The court orders that the child support be automatically withheld from your paycheck.

***My future husband's former girlfriend had a baby, which she claims is his child. He did not agree to having a baby and says the baby is not his child. Can she cause trouble for us after we are married?***

Regardless of whether your future husband "agreed" to get his former girlfriend pregnant, he is financially responsible for the child if he is the father. The attorney general or a court can order a paternity test that will establish whether or not he is the biological father of the child. He can be named the legal father by default if he refuses to take the test. If he is named the legal father, he will be ordered to pay child support. If he fathered the child, he is legally responsible for that child.

***My former spouse is also getting remarried and has custody of our children. Will I still have to pay child support? Will the amount be lower?***

You are still required to pay the full amount of child support ordered by the court. In fact, the court is not allowed to consider how much the new spouse makes when calculating how much you owe.

***I can't afford to pay the child support I owe. What should I do?***

Only the court can change the amount of child support you must pay. The amount may be altered if there has been a material and substantial change in your circumstances or those of your children, or if it has been three years since the last child support order took effect and your current monthly payments vary from the legal guidelines by at least 20% or $100. You may request a review of your child support order by contacting the Office of the Attorney General or a private attorney.

***What will happen if I do not pay the child support I owe?***

A child support order can be enforced and the payments owed can be collected by the Office of the Attorney General, your local county Domestic Relations Office, or a parent or their attorney. A variety of methods are used to collect the child support obligations, including:

- requiring your employer to deduct the child support from your paycheck;
- intercepting your federal income tax refund check or state lottery winnings;
- filing a lien against your property;
- seeking to have your driver's, professional, and hunting and fishing licenses suspended; and
- reporting the delinquency to credit bureaus.

In addition to these measures, the court may be asked to enforce the child support order. The judge may sentence you to jail for contempt of court and enter a judgment for past due child support if you fail to make your court-ordered child support payments.

***I send my child support checks on time, but my former spouse refuses to let me see my kids. What should I do?***

Child support and visitation rights may seem like interrelated personal issues, but they are separate legal issues. You and your former spouse must obey all court orders related to both of these issues. In other words, a parent cannot refuse to pay child support because the other parent is refusing to allow visitation. At the same time, the custodial parent may not deny visitation to a noncustodial parent who fails to pay child support.

Some Texas counties have visitation enforcement programs. You may also hire a private attorney to represent you in custody or visitation cases. If you cannot afford an attorney, there may be a Legal Aid program in your area which provides free legal services in matters such as these. The Family Law Hotline, at (800) 777-3247, is a nonprofit organization specializing in family law. The State Bar of Texas also has a program called Texas Lawyers Care to assist people who cannot afford a lawyer. Texas Lawyers Care can be reached by calling the State Bar at (800) 204-2222. The Office of the Attorney General is not authorized (by federal law) to intervene in the matter of visitation.

***Are there any free or low-cost resources where I can learn more about child support services?***

Some child support services are provided by the Office of the Attorney General at a minimal cost. If you would like further information, visit the OAG website at www.texasattorneygeneral.gov for the nearest child support office. Your county may also have a Domestic Relations Office which may be able to help you with child support and visitation services.

# MONEY

Who handles the money? And how? How have you handled financial difficulties in the past? How many bank accounts will you have? Who will control them and who will have access to them? Who will balance the checkbooks? Who will pay the bills?

Money is a notorious source of conflict in marriage. As with any other conflict, you will have to practice good communication and problem-solving skills. This means talking through issues at a time when you can both remain calm, listening to each other's point of view, and working together to come up with mutually satisfactory solutions.

In addition, for your mutual benefit, it will help if you both practice good money management skills. This means planning ahead, keeping track of where your money goes, and setting realistic spending limits.

***If you currently have separate finances, each of you should write out your current budget. Write down how much you make and how much you spend, so that you account for where all your money goes.***

| | His | | Hers |
|---|---|---|---|
| Income: | $_____ | | $_____ |
| Necessary expenses: | | | |
| _____ | $_____ | _____ | $_____ |
| _____ | $_____ | _____ | $_____ |
| _____ | $_____ | _____ | $_____ |
| _____ | $_____ | _____ | $_____ |
| Optional spending: | | | |
| _____ | $_____ | _____ | $_____ |
| _____ | $_____ | _____ | $_____ |
| _____ | $_____ | _____ | $_____ |
| _____ | $_____ | _____ | $_____ |
| What's left: | $_____ | | $_____ |

***What do you do with the money that's left?***

| His | Hers |
| --- | --- |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

***Do you have any debts? Credit card balances? Student loans? What is your plan for paying them off?***

| His debts/assets: | Her debts/assets: |
| --- | --- |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Many couples pool their financial resources. Even if you decide to keep your money separate, you will have shared expenses. If you have not yet worked out a plan to share necessary living expenses, you should.

## Our Budget

Necessary expenses:

| | |
| --- | --- |
| Rent/Mortgage | $_____ |
| Payments on debts | $_____ |
| Groceries | $_____ |
| Clothing | $_____ |
| Electricity | $_____ |
| Gas | $_____ |
| Water | $_____ |
| Telephone | $_____ |
| Car payment | $_____ |
| Car insurance | $_____ |
| Gasoline | $_____ |
| Health/life insurance | $_____ |
| Medical Expenses | $_____ |
| Dentist | $_____ |
| Pets | $_____ |
| Other regular necessary expenses: | |
| _____ | $_____ |
| _____ | $_____ |
| _____ | $_____ |
| TOTAL: | $_____ |

*Will you combine your income to meet your joint expenses? Contribute equally? What is your plan?*

*There are plenty of other things to talk about: Which expenses are really necessary and which are optional? How much will you save? Will you tithe or give to charity? Will you need to financialy help or support other members of either spouse's family? If you have anything left over at the end of the month, what will you spend it on?*

*How much do you think you need to have in the bank for a "rainy day"? Can you think of a time when you got caught short by an unexpected expense? What happened? What did you do? What could happen to you now, and how would you handle it?*

*More questions for discussion:*

*What are your career plans for the future? Does either of you expect to go back to or continue school? Do you think you will need to move because of a job?*

*It is important to place financial security ahead of having good times with friends or the family: agree, disagree or undecided?*

*Husband and wife should have separate bank accounts that they each individually control: agree, disagree or undecided?*

*The person who makes the money should have the final say about how it will be spent: agree, disagree or undecided?*

*You may agree that each of you should have an "allowance"—a certain amount of money to spend as you please. How much?*

*Suppose you see something that you want or that you would like to buy for both of you. What amount of money would you spend without consulting the other first? $20? $50? $100?*

# LIFEstyle

Chances are, your relationship was built on shared interests and time you spent together doing things you both enjoy. Good times and good conversation helped make your marriage happen. They can help make your marriage last.

When you were dating, you had fun with one another and enjoyed each other's company. You probably noticed what your spouse liked to do and talk about. You probably learned about those things and showed an interest in them.

Over time, your interests and your spouse's will probably change. You can grow and change together if you take the trouble to learn about and appreciate each other's interests, the way you did when you were getting to know each other.

You know you have to communicate about important, practical and emotional issues in your marriage. But you need to enjoy each other as well. No matter how busy you are, take some time to talk to your spouse about fun things that you know he or she likes and cares about.

Arrange to spend enjoyable time together on a regular basis. It is okay to have some separate friends and activities. But you need to have fun together too. As your responsibilities increase and your family grows, it may seem harder to find the time and money for a "date." But it is worth the effort.

A "date" can be: Taking a long walk together. Renting a movie. Cooking out at the park. You can go bowling or dress up and go out for dinner. Visit a public garden. It can be anything you both want to do. The important thing is, you are doing a lot of things right at this point in your relationship. You really enjoy each other's company. Whatever you are doing right—don't stop doing it!

***What are your husband's or wife's top three personal interests?***

His:

_____

_____

_____

_____

Hers:

_____

_____

_____

_____

***What are the three things the two of you most like to do together?***

_____

_____

_____

_____

***Do you know what your husband or wife did today at home or at work when you were apart? If not, ask and listen.***

Here are some more suggestions you may find useful in building a positive relationship with your spouse:

- ***Listen for some interest that your spouse might have in something new. Then find out more about that thing and talk about it.***
- ***Go somewhere together, and talk while you're there.***
- ***Leave a sweet note, buy a little gift, do a favor or give flowers.***
- ***Look for an opportunity to do something the other person's way sometimes. Give in now and then. Apologize.***
- ***Do something for others together. Volunteer your time to make a contribution to your community or to someone in need.***
- ***Encourage, support, praise and comfort your spouse. Be on your spouse's side.***
- ***Talk about your shared faith and values. Talk about your relationship. Share memories of good times you've had together.***

# FAMILIES

What do you think of your spouse's parents and family? Which family will you visit during holidays? Do you have their blessing to get married? What role will they play in your lives? How often will they visit you and for how long? When you visit your parents, will you both go?

Something to talk about:

- ***In-laws should be consulted about important decisions that affect your marriage: agree, disagree or undecided?***
- ***Grandparents should be consulted about how to raise the children: agree, disagree or undecided?***

# FAITH AND VALUES

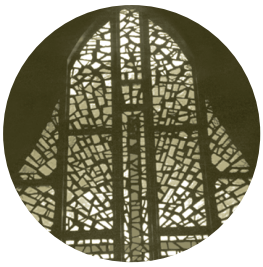
***What are your religious or moral beliefs? Do you share the same faith? What role will your faith play in your lives? Will you go to religious services? The same religious services? Where, and how often? For many couples, faith is an integral part of their relationship and their daily lives. It can be part of what binds them together in marriage. Other couples may not share the same faith. What about you?***

***Discuss your faith and moral beliefs.***

_____ We have the same faith.
_____ We share many basic moral beliefs.
_____ We agree on some things, not others.
_____ We have different beliefs.
_____ Not sure.

***List your highest moral values:***

| His list: | Her list: |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |



***Will you go to religious services?***

(circle one) He says: Yes No Not sure She says: Yes No Not sure

***How often and where?***

He says: She says:

Where?

_____ _____

_____ More than once a week _____ More than once a week

_____ Once a week _____ Once a week

_____ Occasionally _____ Occasionally

_____ Never _____ Never

***What faith will your children be taught? Will they go to religious services? What religious services?***

If faith is very important to either or both of you, and you have different beliefs, then it is extra important that you are respectful of each other's views. Showing respect for your spouse's opinions is important in any case, but where differences in faith are involved, it is absolutely essential.

# MARRIAGE AND THE LAW: Q & A

***Am I required by law to support my spouse?***

Under Texas law, each spouse has a duty to support the other. If you fail to meet this responsibility, you may be held financially liable to any third party who provides your spouse with food, shelter or other assistance necessary for daily living. This law applies equally to both husband and wife.

***Is Texas a "community property" state?***

In Texas, all property acquired by a married couple is presumed to be community property, which means both husband and wife own all of their property together. Under the law, husband and wife are partners in the marriage, and each has an interest in all community property. The idea is that both spouses contribute to the marriage, so both should have an interest in any property purchased or obtained during the marriage.

Community property can include the couple's homestead, other real estate, cars and other vehicles, savings, insurance and other assets such as furniture, a boat or appliances. Investments such as retirement funds, IRAs, annuities and employee stock option plans are also generally considered community property. However, an investment may have specific rules that limit your spouse's interest. Debts and other liabilities are also shared.

It does not matter whether only one spouse purchased the property - both spouses may have an interest in it. Even when only one spouse is listed as the owner of the property, it may still be considered community property jointly owned by the couple.

***Is our income considered "community property"?***

Yes. In most marriages these days, both spouses work and bring income to the household. Under Texas law, if the husband and wife mix and combine their earnings and merge their finances, they share responsibility for the management and control of the income.

If only one spouse works and is the sole source of income for the household, the earnings and everything bought with those earnings are still considered community property. Both spouses share responsibility for deciding how to use it.

***What if I already own a house or car before we marry?***

Any property owned by a spouse prior to the marriage, or acquired by gift or inheritance during the marriage, is considered separate property. Also, if one spouse recovers money or property for personal injuries that happen during the marriage, that money or property is considered separate (except for lost wages or earnings). In some situations, property purchased after marriage with separate funds may be considered separate property. People who plan to marry may also agree in writing to consider some or all of their holdings as separate property through what is commonly known as a premarital agreement.

***Can my spouse sell our car or other property without my consent?***

Community property may not be sold without the consent of both spouses. This is true even if the title to the property is in the name of only one spouse. However, in some circumstances separate property under the sole management and control of one spouse may be sold, mortgaged or given away without the consent of the other spouse.

***What about selling our homestead?***

A homestead may not be sold or mortgaged without the consent of both husband and wife. This is true even if the homestead was one spouse's separate property prior to or during the marriage, or if title to the property is in the name of only one spouse. A spouse can file a sworn petition in court asking the court to grant an exception and allow the homestead to be sold without the spouse's consent if the spouse is missing, abandoned or separated.

***What if we buy property, such as a vacation home, in another state?***

If a married couple living in Texas buys real estate outside of the state, its status as community or separate property is governed by the law of the state, territory or country where the property is located. However, the judge in a Texas divorce case generally has the authority to divide out-of-state real estate as part of the property settlement.

***I am a widower who plans to remarry. My first wife left me some family property and heirlooms that should go to our grown children. How do I ensure that this will happen?***

It is important that both you and your new spouse have an up-to-date will after you marry. This will ensure that there is no confusion over how financial matters will be resolved and property distributed if either of you should die. If you do not have a will, Texas state law will dictate how your assets are divided between your spouse, your children and your other heirs. You should also check each retirement fund and insurance policy that you have to make sure your choice of beneficiary is up-to-date. A premarital agreement can be used to specify which property will be shared or kept separate, how living expenses will be paid, and so forth. If you have any questions about your will and financial arrangements, consult a private attorney or financial planner.

***If I die, what happens to the property we own?***

If you have a will when you die, your share of the property will be divided as you instruct in the will. If you do not have a will when you die, half of the interest in the community property will pass to your heirs (for example, a child from a previous marriage). The other half of the community property is held by your surviving spouse.

# CONGRATULATIONS!

One last exercise: How do you picture yourselves many years in the future? What is your shared vision? Where will you be in ten years? What will you look back on in twenty years? What will your reward be when you grow old?

## AS TIME GOES ON...

You may want to review these questions and your answers periodically. People change over time, and also your understanding of your own needs and feelings may change. It is a good idea to ask each other every so often, "How am I doing? Are you happy? Are you getting what you need from me?"

You are setting out on a wonderful adventure. You know that there will be times when you and your spouse don't see eye-to-eye. This can be a source of great strength, as long as you listen to each other, combine your wisdom, and work together. ***Congratulations!***

*Name of Bride*

*Name of Groom*

*Wedding Date*

ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

REV 09/11