

VERIFICATION OF NOTICE

The judges in Bell County have entered an order requiring all parties to a divorce action with children involved to attend a class regarding how to cope with divorce. This course must be completed prior to the final court date. A registration form is available at the front desk for your use. Failure to attend this course may result in the delay of your divorce or in the court ordering sanctions(money fine) against you. This class will be beneficial in learning how divorce affects your children and how you can help them in dealing with the divorce.

I, _____, hereby certify that I have been informed about the Children Coping with Divorce Course requirement and understand the potential consequences of my failure to take the class.

CLIENT

The Texas Family Code requires that the judge consider the “best interest of the child” above all else; however, there is a state law that presumes that naming the parents **joint managing conservators** of the children is in the best interests. This **does not** mean equal time with the children, but that the children live with one parent and the other parent has visitation. The Law requires that the parent with primary possession, including the right to determine where the children live, be paid child support by the other parent. The Family Code states that the support will be a certain percentage of the Obligor’s (person paying child support) disposable earnings, which is income before taxes(Gross Earnings) less social security and federal withholding tax at the rate of single with one exemption. The percentage will depend on the number of children as follows:

1 Child	20% of disposable earnings
2 Children	25% of disposable earnings
3 Children	30% of disposable earnings
4 Children	35% of disposable earnings

Additionally, in most cases, the Judge will also order that all payments for child support be withheld from the Obligor’s net pay (a \$15.00 fee is required by the Court to accomplish this form of paying child support). One of the only exceptions to the rule is an Obligor who is self-employed. If the payments are withheld, there is no need for an allotment. If the payments are not withheld, all payments should be made through the clerk of that court as stated in the Final Decree of Divorce.

Note: The Obligor is also required to maintain health insurance on the children. Military personnel must have the children enrolled in the DEERS program and civilian personnel must be prepared to present a health insurance policy covering the children of the marriage.

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Please check the one that applies to your case.

- 1. Who will have primary possession of the child(ren)? Wife _____ Husband _____
- 2. Who will receive the tax exemption for the child(ren)? Wife _____ Husband _____

If both, explain how (i.e. 1 takes 1 child or every other year _____)
(Note: If the Conservator without primary possession receives the tax exemption, an additional form must be filed with the IRS. This form can be obtained from this office and must be signed by the parent with primary custody. A divorce decree is not sufficient for the IRS.)

- 3. Who currently provides health insurance for the child(ren)? Wife _____ Husband _____

4. Who will provide health insurance for the child(ren)? Wife _____ Husband _____

5. Are there any other children not listed here for whom the party who will be paying child support is current obligated to pay support for or for whom you have custody at this time?

Yes _____

No _____

If yes, how many other children are being supported and which party in this action is paying the support?

Do you or have you or your spouse ever started a suit of any kind through the Attorney General's Office in any county? Yes _____ No _____ **If yes, you must provide this office with documentation of any such suit. Failure to provide documentation will delay you divorce.**

In order to calculate child support, please include the following regarding the party who will be paying child support:

Gross wages per month (before taxes) _____ (include a current pay voucher if possible, failure to provide this office with an amount will result in delays.)

If there is an agreement between the parties, please provide. _____

6. If you are the parent who will have visitation with the child(ren), you have the option on Thursday for visitation to be from 6:00 p.m. to 8:00 p.m. or from 6:00 p.m. until school resumes next following morning and on your weekend of possession from the time school lets out until school resumes the next morning. Please indicate below you preference by choosing one from each possession period(failure to check your preference from 6:00 pm to 8:00 pm on Thursday and from 6:00 pm to 6:00 pm on weekends will be inserted in your final paperwork).

THURSDAY VISITATION PREFERENCE:

_____ A time when school is dismissed and 6:00 p.m.

_____ 6:00 p.m. to 8:00 p.m. _____ 6:00 p.m. until school resumes following morning

WEEKEND VISITATION PREFERENCE:

_____ A time when school is dismissed and 6:00 p.m.

_____ 6:00 p.m. Friday until 6:00 p.m. Sunday

_____ School lets out on Friday until school resumes Monday

154.123. Additional Factors for Court to Consider.

(a) The Court may order periodic child support payments in an amount other than that established by the guidelines if the evidence rebuts the presumption that application of the guidelines is in the best interest of the child and justifies a variance from the guidelines.

(b) In determining whether application of the guidelines would be unjust or inappropriate under the circumstances, the court shall consider evidence of all relevant factors, including:

(3) the age and needs of the child;

(4) the ability of the parents to contribute to the support of the child;

- (5) any financial resources available for the support of the child;
- (6) the amount of time of possession of and access to a child;
- (7) the amount of the obligee's net resources, including the earning potential of the obligee if the actual income of the obligee is significantly less than what the obligee could earn because the obligee is intentionally unemployed or underemployed and including an increase or decrease in the income of the obligee or income that may be attributed to the property and assets of the obligee;
- (8) child care expenses incurred by either party in order to maintain gainful employ/
- (9) whether either party has the managing conservatorship or actual physical custody of another child;
- (10) the amount of alimony or spousal maintenance actually and currently being paid or received by a party;
- (11) the expenses for a son or daughter for education beyond secondary school;
- (12) whether the obligor or obligee has an automobile, housing, or other benefits furnished by his or her employer, another person, or a business entity;
- (13) the amount of other deductions from the wage or salary income and from other compensation for personal services of the parties;
- (14) provision for health care insurance and payment of uninsured medical expenses;
- (15) special or extraordinary educational, health care, or other expenses of the parties or of the child;
- (16) the cost of travel in order to exercise possession of and access to a child;
- (17) positive or negative cash flow from any real and personal property and assets, including a business and investments;
- (18) debts or debt service - assumed by either party; and
- (19) any other reasons consistent with the best interest of the child taking into consideration the circumstances of the parents.

STATEMENT OF HEALTH INSURANCE AVAILABILITY

This statement is made in accordance with section 154.181 of the Texas Family Code.

Health Insurance Availability

(PLEASE CHECK ALL THAT APPLY)

- Private health insurance is in effect for the child
Name of insurance company: _____
Policy number: _____
Party responsible for premium: _____
Monthly cost of premium: \$_____
- The insurance coverage is provided through the mother's employment.
- The insurance coverage is provided through the father's employment.
- The insurance coverage is not provided through a parent's employment.
- The child is receiving Medicaid benefits under chapter 32, Human Resources Code.
- The child is receiving health benefits coverage under the Children's Health Insurance Program under chapter 62 of the Texas Health and Safety Code.
- The cost of the premium is \$_____.

Date: _____ .

(Signature)

(Printed Name)