

OKLAHOMA DIVORCE GUIDE

*Protecting
What Matters Most*

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If you choose not to be with your spouse anymore, you may be having a hard time in many ways. It is emotionally difficult to deal with. It can be so stressful to think about the logistics. You don't have to go through this by yourself in a time where you may already feel so alone. Our Oklahoma divorce attorney, James Murray, can help you through this legal process.

ANOTHER OPTION FOR ENDING THE MARRIAGE

If you do not want to go through the process of divorce and all that it comes with, you can see if you are able to file for an annulment. What annulment means is that your marriage would be void. It is not a divorce per say, it is a null and void marriage. Your divorce may be eligible for annulment if:

- » You or your spouse are under the age of 18 and did not receive consent from a parent or guardian
- » You are related
- » You or your spouse cannot contract the marriage because you are too young or do not understand it
- » Your spouse was divorced less than six months before you got married

You can talk to your attorney about your specific situation and see if you and your spouse will qualify for an annulment.

HIRING THE RIGHT ATTORNEY FOR YOU

If you know that you are in for a difficult legal battle, you may be concerned that you are going to feel a little lost. There are options for you. Make sure you

interview attorneys until you find the right fit. Remember that this could very well be a long process, and you will have to spend some time with your attorney so it is so important that you like your attorney. In addition to liking the attorney that you're going to hire, you should be able to trust them. If you don't think that your attorney is experienced enough, you should keep looking for a new one.

GROUNDS FOR DIVORCE

Going through a divorce can be a very overwhelming and stressful time. An experienced Oklahoma divorce attorney can help simplify this complex process and ease your burden while you prepare to move forward with your life. There are many laws regarding divorce in Oklahoma and disputes may arise that ultimately delay the process. To avoid any conflict, it is best to consult with a well-practiced Oklahoma divorce attorney who will carefully evaluate your case and determine your best course of action.



Fault-Based and No-Fault Divorces

All 50 states allow for no-fault divorces, which means a divorce can be granted without one spouse having to prove wrongdoing on account of the other. Oklahoma is one of the few states where fault grounds can still be enforced, although no-fault divorces are essentially granted due to incompatibility reasons, otherwise known as “irreconcilable differences.”

There are several reasons why a spouse may look to file for a fault-based divorce as opposed to a no-fault divorce. For example, if one spouse is unwilling to agree to a divorce, an at-fault divorce petition does not require the consent of the unwilling party. However, fault still needs to be proven in court, which is why an experienced Oklahoma divorce attorney is necessary to guide you through all legal proceedings. An at-fault divorce may be the only way to get out of an abusive or unhappy marriage.

Another example of an at-fault divorce being more beneficial concerns division of assets and child custody laws. If the other party is found to be at fault, then you may be able to obtain a larger share of marital property along with a more favorable child custody arrangement. However, this all depends on the unique circumstances of your case. If you are having any difficulties when it comes to filing a divorce petition in Oklahoma, seek the advice of a knowledgeable divorce attorney today to guide you toward your best options.

GROUNDS FOR DIVORCE IN OKLAHOMA

If you are pursuing a fault-based divorce, the state of Oklahoma recognizes the following as legal grounds for divorce:

- » Abandonment
- » Adultery
- » Extreme cruelty or negligence
- » Fraudulent contract
- » Habitual drunkenness
- » Impotence
- » Incompatibility
- » Insanity
- » The wife was pregnant with another man's child at the time of marriage
- » One spouse is imprisoned for a felony at the time the divorce petition was filed
- » One spouse petitioned for divorce in another state that isn't valid in Oklahoma

It is important to remember that fault must be proven in court for a divorce of this nature to be granted. Grounds such as adultery, extreme cruelty, gross

negligence, and habitual drunkenness may be difficult to prove without an experienced divorce attorney by your side.

To use abandonment as grounds for divorce, one spouse must have been abandoned by the other for a period of at least one year. Similarly, a spouse must have been institutionalized for five years (with a negative prognosis for recovery) for grounds of insanity to be considered. The court will not grant the divorce until the affected spouse has been properly examined by at least three physicians.

Gross negligence, or neglect of duty, refers to a spouse not providing the other with proper financial and emotional support during the marriage. You may need to provide financial records in order to prove in court that the petition for divorce is justified.

A fraudulent contract entails that one spouse was unwittingly or unwillingly coerced into marriage. For example, if one spouse is unaware that the other was previously or currently married to someone else and was lied to about this information, this would qualify as a fraudulent marriage contract.

Difficulties can arise when attempting to prove fault in court. To make sure you are extensively prepared and well-versed in Oklahoma divorce law, you will need to seek the legal counsel of an experienced Oklahoma divorce attorney.



FILING FOR DIVORCE IN OKLAHOMA

In order to file for divorce in the state of Oklahoma, at least one spouse must be a resident of Oklahoma for at least six months prior to filing for divorce. The petition for divorce must be filed in the county court where either you or your spouse currently resides, and notification must be provided to the other spouse.

Divorces in which there are no children involved may be finalized in as few as 10 days. If you have children, there is a 90-day waiting period before the divorce

can be processed. It is best to consult with a reputable Oklahoma divorce attorney to ensure that all elements of the divorce process are handled correctly.

Distribution of Assets

It is not enough that you are putting a permanent end to perhaps the most important legal and emotional relationship of your life, but you also must deal with the distribution of your marital estate, which is comprised of all of the real properties, accounts, stocks, funds, possessions, and belongings you acquired during the course of your marriage.

Rightly so, most people find the mere prospect of the division of assets to be stressful overwhelming and complicated part of the divorce process. A person needs a trustworthy, empathetic, and experienced divorce attorney with specialized knowledge of Oklahoma's asset distribution laws to help them along the way.

A skilled and compassionate Oklahoma domestic relations attorney will help you gain a clear understanding all of the factors and variables that must be considered to ensure the best possible asset division outcome. Our law office has handled thousands upon thousands of divorces involving asset distribution ranging from highly complex multi-million dollar marital estates, to the most modest of estates containing very little marital property. Regardless of your circumstances, or the dollar value of your marital estate, our office strives to diligently assist our clients achieve the most beneficial outcome that is legally possible. When you meet with us, you will find that we are real people who can personally relate to you and your situation; and unlike other firms, our rates are very reasonable, as we don't believe in gouging our clients, particularly when they are at their most vulnerable.

Too many hard working people make the mistake of hiring attorneys that are either inexperienced in matters pertaining to divorce and asset distribution, or that are purely financially driven, running up exorbitant legal fees, while dragging the case out month after month. Our office is different in that we blend experience and hard work with a genuine concern for our client and their family's long-term wellbeing.

Here are some common asset distribution topics that our Oklahoma distribution of assets lawyer regularly addresses as we strive to steer our clients through their divorces:

HOW MARITAL PROPERTY IS DIVIDED IN OKLAHOMA

When it comes to the division of property acquired during the marriage, Oklahoma is an “equitable distribution” state. Equitable distribution means that the court will divide the parties’ marital property in a manner that is “just and reasonable” given all of the legally relevant factors and unique circumstances that pertain to the parties. Courts have repeatedly emphasized that equitable distribution does not mean “*equal*” distribution. Under the “just and reasonable” principles of equitable distribution, the courts divide the marital property in a manner that takes into consideration the parties’ respective contributions to the marriage and the parties’ relative needs going forward following the divorce.

Specifically, courts look to the duration of the marriage, the contributions of each party to the marital estate, the age, health, earning capacity, and employability of the parties. They also take into consideration the amount of alimony a spouse may be receiving, which parent will be caring for the parties’ children, along with any conduct of the parties that increased or decreased the value of the marital estate.

Our Oklahoma distribution of assets lawyer understands just how intimidating the divorce process may appear and just how confusing some of the complex asset division issues can be. We are skilled in answering all of your questions and navigating you through the confusion to get the best possible outcome for you. Call us today so that we can help you with your divorce and the division of



your assets so that you won't be left scratching your head and wondering if you got a fair shake in your divorce.

THE DIFFERENCE BETWEEN MARITAL PROPERTY AND SEPARATE PROPERTY

Prior to the division or distribution of assets, a court must make a determination of what constitutes marital property and what constitutes separate property. Separate property generally consists of property owned by a party prior to entering into the marriage, along with certain gifts and inheritances acquired during the marriage. Separate property is not subject to equitable distribution. On the other hand, marital property *is* subject to equitable distribution and generally consists of all assets acquired and earned during the marriage, without regard to how the property is legally titled.

Disputes commonly arise in situations where the value of separate property increases or appreciates during the marriage as a result of efforts and contributions of the other party, as in the case of an old farmhouse that was owned by one party prior to the marriage and was updated and remodeled during the marriage by the other party, such that it appreciates as a result of the improvements.

If you have a question about whether certain properties should be deemed separate or marital for the purposes of your marital estate, do not hesitate to call us. We provide free initial consultations, so it's no cost to you to get the vital information you need and deserve about your divorce.

HOW MARITAL DEBTS ARE DIVIDED

Just like with the division of assets, courts must first decide whether the debt is marital or separate before its division. After classifying the debt as marital or

separate, courts then generally distribute it in the same manner as they do the parties' assets.

In determining the debt division, courts generally look to which party incurred the debt, the purpose for which the debt was incurred, which party benefited from the debt, and which party is best able to repay the debt. Typically, debts that were incurred by a party prior to the marriage are classified as separate property and stay with the party who incurred the debt. When it comes to secured-debt acquired during the marriage, such as a loan for a car or boat, courts generally hold that the party receiving the asset receives the debt.



HOW PENSIONS, 401KS, IRAS, AND RETIREMENT ACCOUNTS ARE DIVIDED

Generally, portions of pensions, 401ks, IRAs, and retirement accounts earned during the marriage are divisible as marital property, and the court determines what percentage of that marital property each party is to receive. Portions of these accounts that were earned prior to the marriage are not divisible and typically remain with the party who earned the proceeds attributable to the account. The process of valuing each account can be tricky and complicated as a result of the tax benefits and considerations tied to the respective account. When parties wish to divide 401ks and certain retirement plan accounts, a specially drafted Qualified Domestic Relations Order is often required before the account will be legally divided.

If you are going through a divorce where there is investment monies at stake in a pension, 401k, IRA, or other retirement fund, contact us today to help you with the valuation of these assets and the preparation of a Qualified Domestic Relations Order, so that you can be sure to get your fair share of your marital retirement funds.

WHAT HAPPENS TO THE MARITAL HOME?

There are only three options when it comes to the marital home:

- » The party intending to keep the home buys the other spouse out;
- » The parties sell the home and split the proceeds; and
- » The parties own the house together after the divorce.

The first two options are generally the most common of the three. In situations where one party buys out the other's interest, the purchasing party generally must refinance the home to purchase the other party's equity in the home. Issues as to the proper fair market value of the home may arise, forcing the parties to get competing appraisals. In situations where both parties are vying for the home, the decision is left up to the courts. Courts will generally grant ownership and/or possession to the spouse who is to be the custodial parent of any minor children of the marriage.

If you are contemplating a divorce or separation or are going through a divorce with or without children and you have a concern about who will get possession or ownership of the marital home before, after or during the divorce proceedings, do not hesitate to call us today so we can assist you in obtaining your desired outcome as it relates to your home.

Support Alimony

Regardless of how the marriage unraveled, divorces are not only emotionally painful, but can be financially stressful as well. Amid pangs of heartache, anxieties lurk just below the surface about how one will be able to sustain themselves without the financial support of their partner.

Fortunately, Oklahoma law makes provisions for alimony, also called spousal support, to the financially needy spouse, which can help alleviate their monetary

fears as they set forth to begin their new life. However, it is often extremely rare that the party paying the alimony does so without the prompting of an opposing spouse's attorney, or in many cases, a court mandate.

At our office, we encourage couples to try to work out their differences when possible and view divorce as a last resort option only. We also recognize that when divorce becomes the only option, you need a skilled and aggressive family law attorney, sympathetic to your needs that will assist you to ensure that you are armed with adequate financial protection as you move forward with your new life.

We have guided thousands of people through their divorces and are well versed in addressing and handling all spousal support and alimony issues. Some of the most common topics about alimony that we frequently address are set forth below.

ALIMONY IN OKLAHOMA

In Oklahoma, alimony generally consists of monthly payments made by a financially secure spouse to the needy spouse, to provide them financial support during and/or after the divorce. The general aim behind spousal support is to harmonize the parties' incomes to ensure that each spouse is able to live in a lifestyle or manner as they were accustomed to before the separation or divorce. Alimony is not gender specific, as it may be awarded to the husband or the wife, and is also available to same-sex couples as well.

Types of Alimony Recognized in Oklahoma

Oklahoma law recognizes two types of alimony. The first, referred to as "spousal maintenance," is temporary and payable from the time of separation until the final divorce is granted. The second type of alimony occurs post-divorce and is spelled out in the final divorce judgment. It may be short-term or long term.

The goal of short-term alimony is to provide financial support to the needy spouse until that party is able to financially provide for themselves again. It is commonly granted to parties who have been out of the workforce for an extended time period, or to those who need education, or special job training,

that will permit them to earn and provide for themselves. Long-term alimony is most commonly awarded to a disabled spouse or an older spouse who has never been a part of the workforce, or who lacks a meaningful earning capacity.

Alimony is generally satisfied through regular monthly payments for a set amount, but can also be awarded in the form of a lump sum, or a property conveyance, such as the marital home, as well.

Factors That Determine an Alimony Award

There is no pre-determined formula that guides a court's decision to award alimony. Nor is there a formula instructing the court how much to award. And courts only step in if negotiations between the parties fail and they cannot agree upon the terms or amount of alimony to be paid. Oklahoma case law delineates several factors and considerations to be weighed in determining the type and amount of alimony a party must pay. In many instances, the duration of the parties' marriage will be the guiding factor in that determination. However, courts also consider the party's needs, financial means, age, physical health, educational background, earning capacity, manner of living to which the party was accustomed during the course of the marriage, the other party's ability to pay, property distribution, and premarital property held by each spouse prior to the marriage.

Most notably absent for consideration is fault or misconduct that occurred during the marriage. This means that factors such as spousal abuse or adultery are not factored-in by courts in making an alimony determination.

Can an Award of Alimony Be Modified?

Alimony awards may be modified. In order for a modification to occur, a party must petition the court for a modification and then demonstrate a "material change" in circumstances, which drastically decreases or increases the income or living expenses of one or both of the parties. Losing a high paying job or acquiring a permanent disability may be found to satisfy this standard. But remember, every case is unique and discretion is left in the hands of the court as to whether a specific circumstance amounts to a "material" change such that the original alimony award should be altered.

Ending Alimony Payments

There is no hard and fast rule as to when alimony will expire, apart from the death of either party or the remarriage of a receiving party. In cases where the party paying the alimony dies, the receiving spouse has a 90-day window to petition the estate to pay any unpaid back alimony that is then due and owing. If a spouse who receives alimony remarries, they have a 90 window to petition the court not to terminate their alimony and must demonstrate good cause as to why their spousal support should continue.

There are a myriad of factors and circumstances that go into the determination of whether or not a party receives alimony, how much they are to receive, and how long it will last. Absent an agreement by the parties, alimony is never a guarantee if left up to the courts. If you are contemplating a divorce or already in the process, call us today so that we can address your alimony concerns and ensure that you get the best possible outcome that you deserve.



CHILD CUSTODY

Every parent has the right to be involved in their child's life. Unfortunately, agreements over child custody and visitation schedules are often hard to reach following a separation. These types of legal issues should always be handled carefully and with the child's best interests in mind. To ease the burden during this difficult time, it is best to hire an Oklahoma child custody lawyer. Consulting with a well-practiced child custody

lawyer will help ease your burden so you can reach a peaceful resolution.

Types of Child Custody in Oklahoma

If you are in the process of getting a divorce in Oklahoma and are concerned about the well-being of your child, it is important to have a good understanding of the various legalities regarding child custody. Child custody laws vary from state to state, so it is best to seek the advice of an experienced Oklahoma child custody lawyer before moving forward.

Until a court order has been mandated, both parents have equal entitlement to physical custody of their child. When a parenting agreement cannot be reached, child custody is determined in court. The state of Oklahoma recognizes several different types of child custody: joint custody, sole custody, split custody, and birdnesting.

1. Joint Custody

If a court awards joint custody, then both parents will have a role in the physical and legal custody of their child. Physical custody refers to where the child will live, while legal custody concerns the child's decision-making. Choices regarding education, religion, and medical treatment are all aspects of legal custody.

Parents who seek joint custody are required to submit a parenting plan detailing the childcare responsibilities of each. The court will usually accept any joint custody arrangement that has been mutually agreed upon so long as it keeps the best interests of the child in mind.

Joint custody in Oklahoma does not necessarily mean an equal 50-50 split. One parent may receive full physical custody of the child while the other will retain visitation rights. The court determines this based on several factors, including parental relationships and well-being of the child.

2. Sole Custody

Sole custody means that one parent is awarded exclusive control of any decisions regarding a child's upbringing. This means they will have both physical and legal custody of the child. The noncustodial parent is still allowed "reasonable" visitation, which is determined by the court. Sole custody is often awarded when the parents live far apart or have shown an inability to effectively communicate.

3. Split Custody

When separated parents have more than one child, the court may award split custody. Split custody is an arrangement in which each parent has custody of at least one child. For example, two children may live with one parent while the other parent has custody of the remaining children. Just like with other forms

of custody, split custody is awarded as the court sees fit. The most important determining factor is whether it is in the best interest of the children.

4. Birdnesting

Birdnesting is a divided custody arrangement in which the children live in one place while the parents take turns rotating in and out. This is a relatively rare form of child custody that requires extensive cooperation. The parents' rotating schedule is determined by the court.

HOW IS CHILD CUSTODY IN OKLAHOMA DETERMINED?

In the state of Oklahoma, the court always determines custody arrangements based on what is best for the child. The court will examine several key components to inform their decision, including whether the parents have a history of domestic violence, substance abuse, or mental health issues. These factors play a strong part in determining who will be given custody, and what type of custody arrangement will be issued.

Custody may be determined based on which parent is most suited to provide for the child's needs. However, the court will also examine the relationship each parent has with the child, along with the parents' relationship with each other. For example, sole custody may be awarded to the parent who is more likely to allow visitation rights to the noncustodial parent.

In some cases, the child's personal preferences may be considered. Under Oklahoma law, the court allows the preferences of a child over the age of 12 to be taken into consideration. It then must be determined whether this is an "intelligent preference." However, the court will usually base their decisions around the child's best interests rather than the child's desires.

Once issued, child custody arrangements cannot be modified unless a substantial change in circumstances occurs. The parent requesting the custody modification carries the burden of proof as to why the change would be necessary. A court isn't likely to modify a child custody arrangement unless the child would

significantly benefit from the change. If you are having issues with a current child custody arrangement and would like it modified, you will need the assistance of a knowledgeable Oklahoma child custody lawyer.

CHILD SUPPORT

Pursuant to Oklahoma law, all noncustodial parents have a legal obligation to provide financial support for their children, regardless of whether or not those children were born out of a marriage. This means that custodial parents are entitled to receive child support from the noncustodial parent regardless of whether the couple was married.



Oklahoma law establishes statutory Child Support Guidelines, largely predicated upon the joint gross incomes of the parties, along with several other factors that determine the exact amount owed by the noncustodial parent each month.

Notwithstanding Oklahoma's predetermined Child Support Guidelines, most parties go through the child support process blindly without a meaningful understanding of how payments are calculated or what factors can be taken into consideration in determining the exact amount of the child support payment that is owed.

This fundamental misunderstanding of the child support system results in frequent injustices to both the custodial and noncustodial parent. A noncustodial parent may find themselves paying too much child support, while a custodial parent may find that they are entitled to higher monthly payments or additional child support benefits given their circumstance.

An experienced and compassionate Oklahoma child support attorney will help you gain a clear understanding all of the factors and circumstances to be considered in order to ensure that your children receive all of the necessary child

support benefits to which they are entitled, assuring them their best possible standard of living.

Too many hard working people make the mistake of hiring attorneys that are either inexperienced in child support matters, or purely financially driven, sending their clients exorbitant bills, which never seem to end as they drag their client's case out month after month.

Our office is different in that we blend experience, compassion, and hard work with a grounded concern for our client and his or her family's long-term well-being. We believe that going through a divorce or custody battle is hard enough in itself, and that no one deserves to be raked over the coals at a time when they are particularly emotionally vulnerable. Rather, they deserve an advocate that is not only experienced, aggressive, and competent, but one that is also empathetic to their emotional and financial circumstances as well.

Here are some of the topics our office regularly addresses as we strive to assist our clients:

Amount of Child Support Owed

The amount of child support owed under Oklahoma's Guidelines varies in every case, meaning no two cases are ever the same. Some of the primary variables taken into consideration include the gross monthly income of each parent, the number of children to be supported, the number of nights per year each child resides with each parent, the monthly expenses related to health insurance and child care, and the number of other children residing with each parent who are not the subject of this child support action.

Additionally, apart from the Guidelines, courts are granted great discretion to factor other benefits and expenses into the formula such as health insurance, daycare, private school tuition, as well as other costs relating to the child's extracurricular activities.

Each of the considered factors impacts the total amount of monthly child support owed differently. And while some of these variables may be relatively easy to compute, others are not. For example, the calculation of a party's gross monthly income can be challenging or problematic in situations where

that parent is self-employed or works on a commission basis. In these cases, income amounts are likely to fluctuate from month to month.

Our office understands how confusing some of these factors can be and we are skilled in answering all of your questions and navigating you through the confusion to get the best possible outcome for you and your children. Call us today so that we can help you compute the correct and accurate amount of child support that you should be paying or receiving.

Unhappy with the Amount of Support

A common scenario occurs when the parties reach an agreement among themselves as to the amount of child support owed. In such cases courts will generally approve the agreement, however if the amount deviates from the amount established by Oklahoma's Guidelines, the court must deem the agreed amount to be "in the best interest" of the child. Courts will strike down all such agreements that appear unreasonable and inequitable, and do not approve such agreements unless each party is represented by an attorney.

We would strongly urge you to contact us if you and your partner are planning to submit to an agreed amount of child support that deviates from the Guidelines so that we may assist you so in getting your proposed child support payment structure may approved by the courts.

Modifying an Agreement

A prior child support order may be modified or amended if the moving party is able to demonstrate to the Court that there exists "material change in circumstances" between the parties since the entry of the existing child support order. Some circumstances that constitute a "material change in circumstances" include an increase or decrease in either party's gross income, or a change in the children's' needs.

As child support in Oklahoma is predicated upon income, rather than expenses, a parent's claim of increased expenses will seldom entitle them to a modification of a prior child support Order. Additionally, it is important to note that child support orders may only be amended prospectively and not retroactively,

meaning that it is important for a party seeking a modification to do so as soon as reasonably possible.

If you have experienced a material change in your circumstances since the entry of your standing child support order that is leading to a possible overpayment or underpayment in child support, call us today so that we can help you establish the correct child support payment in light of your altered circumstances. It is important that you do not wait because courts cannot retroactively apply the new adjusted amount that you should be paying or receiving.

When Do Child Support Obligations Cease in Oklahoma?

Generally speaking, a child support obligation ceases when the child turns 18 years old, or if the child is still in high school, child support is owed until the child graduates or turns 19 years old, whichever is shorter.

In situations where child support is owed for more than one child, the obligation for the other children likely changes. A party must petition the Court for a modification for the support owed to the remaining children. When the obligation to pay child support ceases, child support is no longer owed to the custodial party unless there exists an arrearage for past due support.

Call us today if you believe that the amount of child support should be adjusted to reflect a change that has occurred as a result of a ceased child support obligation.

Enforcing Child Support Payments

One of the most common questions we are asked is how to enforce a child support order when the other party is habitually delinquent or refuses to make payments all together.

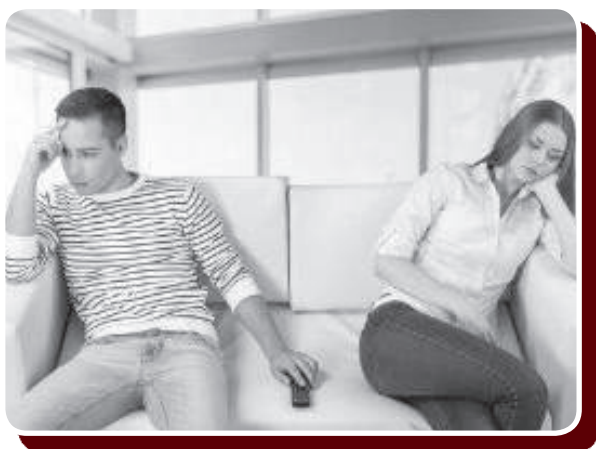
The primary means of enforcing an award for child support are through wage assignment or wage garnishment. In such situations, the amount of child support owed is automatically deducted from the obligor's paycheck and forwarded by the state to the custodial parent.

However, wage assignments and garnishments can become tricky if the owing party is self-employed or jumps from job to job, or if he or she has a noncompliant employer. Two of the more extreme measures to compel payment are contempt of court proceedings and license revocations.

With regard to holding the obligor in contempt of court, the custodial parent can petition the court for a contempt order finding that the owing party is in violation of the existing child support order. Upon a showing that the obligated party knowingly and willfully failed to comply with the existing child support order, the non-paying party may be held in contempt of court and the judge may sentence that party to up to six months in jail and subject them to fines as well.

Another tool a court has at its disposal is the revocation of any state licenses held by the non-paying party, including professional licenses and drivers' licenses, upon a petition filed by the custodial parent.

If you are having trouble enforcing an existing child support order, call us for a consultation today so that we may take immediate steps to see that your child support order is enforced and that your child or children receive the financial support to which they are entitled under the law.



FREQUENTLY ASKED QUESTIONS | OKLAHOMA DIVORCE GUIDE

How do I prepare for a divorce?

There's a time that comes in marriage when you know things are in trouble. You know that divorce is going to be inevitable. The question is, what can you do to get ready? A lot of times there are children involved. A lot of times there's debt. A lot of times one spouse has the other spouse locked out of all the money.

When you find yourself in these situations, you need to think of a couple of things. One is, how are you going to survive financially with no money? Somehow you have to start preparing for that. Somehow you have to start saving money, or convince your spouse to give you access to money. A lot of spouses control the other spouse with money. You have to worry about how to independently live once you leave the house or the other spouse leaves.

The other thing is with child care and child custody, that's a tough deal. A lot of times you can prepare a little bit by being very devoted to your children and spending a lot of time with them, preparing them for what's coming. It's a wakeup call and shocks kids when their parents no longer live together. If you've been a parent who's been aloof, and not spending any time with the children for some time, you need to probably refocus yourself and focus on your children and do what's in their best interest. It's tough to put them in the middle of these things, but sometimes they are.

You can spend the time needed to reestablish or establish a stronger bond with your children. Probably the best way to prepare for divorce is contacting an experienced trial lawyer who does divorce trials, who understands the intricacies and all the problems associated with it. By doing that, you can take the time to prepare so you can be proactive instead of reactive. Many times in divorces, we react. If you can take the time to plan, you can be proactive and avoid a lot of problems.

How do I choose a divorce attorney?

You need to find someone who's experienced in divorce law, someone who is familiar with the local jurisdiction, the judges and opposing council where you will be filing for divorce, as well as someone who you can feel you're comfortable with and trust, because this may be the most stressful and traumatic experience of your life. You need someone who will be able to navigate those rough waters and be able to provide comfort and concise advice during this time of need. In doing so, you need to contact an experienced divorce attorney.

What mistakes should I avoid?

Time and time again when we meet with clients, we tell them what they should do and what they should not do during divorce. What they should do is be

excellent examples to their children. What they should do is obey the court orders. What they should do is put their children ahead of themselves.

When you're faced with a situation, you can give the spouse a little more time than allowed, sometimes you need to do that to show the court that you're willing to make the tough decision and put your children's needs first. If you get in a tit for tat situation with the kids, that looks poorly on both parties. The other pitfalls are if you send text message with angry and derogatory comments, you email bad things to people, or put bad things on your Facebook accounts about the spouse. These things just come back to haunt you.

Do not put anything on social media or texting or emails that you don't want to have thrown in your face at trial. It will all come back to you, I promise. What makes an experienced divorce attorney upset and frustrated is when we have to spend more time defending our clients' actions than be their champion. We ask all of our clients to be exemplary in their life, their language, and be appropriate with all your communication with the other spouse.

What is the divorce process?

Once you reach that moment in life that you are going to have to file for divorce, it's imperative that you find an attorney who is experienced in divorce actions. There's going to be documentation requested of you that will play a factor in any sort of debt and asset division that will be forthcoming in the case as well as any sort of issues with child support or child custody that may exist. It's very important that at this critical stage in life, you find an attorney that you mesh well with that you believe can lead you through this process confidently and form a bond of trust with you over time. It will be a lengthy process at times, and so it's imperative that you feel comfortable.

What do I need to bring to a divorce consultation?

You don't really need to bring anything. You just bring yourself and bring the information about what your situation is and what is significant to you. The experienced divorce attorney will be able to parse through that and deal with you on an individualized basis about what is significant to your case, what your needs are, and how to best address those. After that meeting, if you feel comfortable

enough and familiar enough to hire that attorney, they will then likely give you homework to bring back certain documentation to proceed on with the case.

What are the grounds for divorce?

The other day, I received a phone call regarding a divorce consultation in which the client was very concerned that their spouse had been cheating on them. In the state of Oklahoma, adultery, no matter how significant to the individual, which we understand it very much is, it is not a substantial grounds for divorce. The state is generally a no-fault state, which involved incompatibility arising from irreconcilable differences as the grounds for the divorce that will be filed. The fact that adultery has been committed, as significant and traumatic as that can be to the spouse that is on the receiving end of that adultery, is not a factor in the course of decisions regarding custody, child support, or visitation provided that there are some extenuating circumstances if the child was exposed to any of that. Otherwise, it is a no-fault state, which means the case will be filed as incompatibility arising from irreconcilable differences. There are fault bases available, but those are extenuating circumstances that will have to be discussed on a case-by-case basis, which can be done during a detailed consultation with our office.

What is no fault divorce?

It's important to know that it is the cheapest, quickest, and easiest way to get through the divorce process and that would be because both parties know what they're getting. They're in agreement as to all issues that are involved in a divorce process. It's going to depend on whether there are children involved.

Do the parties have an agreement as to how they're going to divide custody, visitation, and whether child support will be ordered, and in what amount? Furthermore, if there are debts and assets that have been acquired during the marriage, have they agreed to how they will be divided? Who will take what property with what debt? If those are all agreed to, it makes the process much more streamlined because a judge is not dealing out who is taking what asset, who is taking what debt, who is getting the children for custody, and who is getting what visitation. In addition, if there are support alimony requests, that could be

divided either by a judge or through an agreement. If all issues are agreed to in the divorce process, it will be a much quicker, easier, and predictable process.

How does mediation work?

Divorce mediation is a process where a neutral third-party mediator will oversee the parties and their attorneys at a mediation. Both parties get to air their position as to the issues at hand, whether there's custody issues, debt and asset division, or support alimony as an issue. Both parties will get to discuss those, and present their issues to the mediator.

The mediator will then attempt to reach a mutually agreeable and satisfactory resolution for the parties and their counsel. It is generally required in the state of Oklahoma that the parties attend a mediation prior to the court setting a trial date, the idea being that if the parties can reach an agreement where they both are satisfied with what they're receiving and what their obligations are, it is better for everyone. You need to contact an experienced divorce attorney to discuss any other concerns you may have about whether mediation will be an appropriate measure for you.

What is equitable distribution?

When you're going through a divorce in Oklahoma and property and debts need to be divided, the courts look at what's called an equitable division process. Equitable division is sometimes confused with equal division, which is not the case. The Oklahoma law is very clear that it considers many factors involving the particulars of your divorce case in determining what an equitable division is. You'll need to contact an experienced divorce attorney to consider those factors that are particular to your case to determine what an equitable division is.

How do we divide property during divorce?

When you're going through the divorce process, there's frequently one home that the parties have purchased and either are currently paying a mortgage on or own outright. The question becomes. how is that going to be divided? The general process is that one party will likely result in keeping the home, or the alternative is if the home could be put up for sale, the proceeds will be divided

equitably between the parties. You need to contact an experienced divorce attorney to determine what will best suit your case.

What happens to our marital home?

If you're going through a divorce process or will soon be going through the divorce process and you've purchased a home prior to the marriage, you need to determine whether it's a separate or marital asset. In doing so, there are some circumstances where it will be separate if you've purchased it outright prior to the marriage and no improvements were done during the marriage. If there are other cases that arise where there has been some appreciation or payments have been made during the marriage, it may be considered at least in part a marital asset subject to division. You need to contact an experienced divorce attorney to go over the facts particular to your case to determine what will be considered.

What is marital versus separate property?

When you file for divorce or your spouse has filed for divorce, you need to consider what is marital property and what is separate property in order to divide that equitably. Marital property generally in Oklahoma is considered anything acquired during the marriage with some exceptions that will need to be discussed with an experienced divorce attorney. Otherwise, every piece of property that's been acquired prior to or after the date of separation can be considered separate with some exceptions. It's important that you contact an experienced divorce attorney to assess your situation and determine what the proper analysis of marital versus separate property is.

What should I know about social media during divorce?

I tell my clients every time they come in, don't send a text message, don't put anything on Facebook or Twitter about the divorce unless you want to see it in the courtroom. Often, clients will put things on Facebook and send text messages that come back to haunt them. It proves the other side's case. My recommendation to all my clients is if you're going through a divorce or a paternity

action or a motion of modified custody, these are emotional issues. These are emotional hearings. You do not want to post anything on Facebook.

I would go Facebook silent, Twitter silent and only put things in text messages to your spouse or the other parent of your child that you absolutely have to. Do not get mad. Do not post things in haste. Do not say bad things or poor things about the other parent online in any form or fashion. It makes you look foolish, and we spend more time defending you on the things you put on Facebook and social media and text messages than we do being your champion in court. It takes a lot of self-control because this society is so much into social media, but social media only causes you problems in contested family matters.

How should I act during the divorce?

When people start the journey going through divorce, the conduct of each party is really important. Poor conduct could hurt your case. Good conduct can make it a better experience for you. I know that being alone and not belonging to somebody is a strong, powerful feeling, probably the strongest I've ever felt. What happens when people are like that, is sometimes they make poor decisions.

They decide they want to go out and have a good time. They want to forget everything. They go out to a bar. They go out and have drinks. One thing leads to another and the weekend or the evening turns into disaster, either from a DUI or a car wreck. They get involved with someone they shouldn't have been involved with and that creates new problems.

It hurts them and their display to the judge about what kind of character and morals and values they have. My counsel to people is, when you're going through a divorce, remember one thing; everything you do is under a microscope. Every time you do something you need to ask yourself, what will this conduct look like to a neutral third-party person? Will this help me or hurt me? If they don't know me and if they don't know anything else about me, what will this conduct say about me?

If you have this attitude and you ask yourself that question, you can avoid a lot of the problems. A lot of times, people don't follow our counsel. For instance,

don't bring your kids around another significant other during the divorce process. It confuses the children.

Let them have a chance to mourn the loss of their family. Judges look dimly on people that do not consider their children's feelings. If you don't know what to do, contact your experienced divorce attorney. He can help you. We take great pride in being accessible to our clients to help them navigate through these tough and difficult decisions. If you have any doubt, don't do it until you talk to us.

What if my spouse has hidden assets?

If you or your spouse have filed for divorce and you're concerned that your spouse may be attempting to hide assets of the marriage, that is something that an experienced divorce attorney can deal with to uncover. What happens is in Oklahoma, the discovery code allows the parties to request certain asset and financial information that is required to be provided by the party under oath under penalty of perjury that this is a true and correct answer. If, in fact, you believe the assets are still being hidden, that you knew them to exist, a forensic accountant will be able to uncover those through this divorce process. You need to contact an experienced attorney to help guide you through this.

What is the cost of divorce?

It will vary depending on your case. Your case if it's one that is uncontested will be quicker and it will be cheaper.

On the flip side if, it is a highly contested issue, which oftentimes these are since it's a highly emotional stage of life, and there are children involved, substantial debts and assets, it will cost more money because there will be more thorough work that will be involved. It could involve family law if there are children involved, which another attorney will be appointed to represent the children's interest. There are also other issues that may come up requiring appraisals of property. Those will require experts that cost more money as a total package for the case. You would need to consult with an experienced divorce attorney in order to determine what your case is likely to cost.

What if I'm denied marital funds?

If you're considering filing for divorce, but you believe you've been locked out of certain marital bank accounts by your spouse, then you need to find out what the best options to remedy that situation are. An experienced divorce attorney can help walk you through that process by filing certain motions, and getting in front of the judge. That is a situation that you are entitled under the law to have equal access to. If you are considering locking your spouse out of accounts when a divorce is pending, our advice is to not do that. That will not set the tone well for you. Likewise, if you've been locked out of certain marital joint accounts, you need to contact an experienced attorney to help walk you through this process.

What happens to money that I inherited?

Under Oklahoma law, an inheritance is considered separate property, although there are certain circumstances in which it can become comingled. It can transform into a marital asset if you are providing a pooling or resources, so to speak, with your spouse in purchasing other assets with the inheritance and with marital funds. It's something that we advise that you keep separate as much as possible if you think a divorce is looming or is already pending. You need to contact an experienced divorce attorney to help you consider whether or not it will be separate property or whether it has potentially become marital property.

Can my spouse pay the divorce fees?

Many times, if a party is thinking of filing for divorce, they run into an issue of not having sufficient funds to pay an attorney to file for divorce on their behalf. You may be wondering if you can receive support to file for divorce. In Oklahoma, you can file a request for attorney fees or for suit money to fund your process to hire an attorney and get through the divorce process. You will need to consult with an experienced divorce attorney to determine whether that is an appropriate measure that you can pursue.

How do I minimize divorce expenses?

Well, the best way to do that is to be able to come to agreements with your spouse regarding all major issues of divorce, which could be custody of children, debt division, and any support alimony that may be requested. In doing so, you'll be able to minimize the amount of time the case takes, which will in effect minimize the number of hours that are going to have to be billed by the attorneys working your case. If you have any questions about how to minimize your cost in divorce and how long the process generally takes, contact an experienced divorce attorney.

Should I move out of the marital home?

It's generally a better idea if you and your spouse can get along well enough to stay in the marital home until the case can reach a conclusion. If it's unavailable as an option because there may be some abuse or issues that are toxic to the children if you have children in the marriage, that's something where you need to get out of the home.

We would recommend that you contact an experienced divorce attorney to deal with your fact-by-fact situation. Contact one and determine whether that's an appropriate move for you.



Are there residency requirements for divorce?

The answer is possibly yes. In Oklahoma, you would need to have resided here for a period of six months prior to filing for divorce. In a period of 30 days prior to filing for divorce, you'd have to reside in the county in which you are filing for divorce. If there are children involved in the divorce, it can become a little bit more complicated. That will need to be assessed on a case-by-case basis where you would come in and speak with an experienced divorce attorney.

Can I divorce my spouse if they're missing?

Oftentimes the question arises, can I get divorced if I cannot locate my spouse? Under Oklahoma law, there are measures and procedures in place which would allow you to finalize a divorce action even if you cannot find them and serve them personally with a divorce action.

What happens is, Oklahoma allows for a publication of the notice of the pending divorce. It must be court approved. It will need to be published in a newspaper in the local county where your case is filed for approximately one day per week for three consecutive weeks. There are some other nuances that may be involved in your case, so you would need to contact an experienced divorce attorney to determine the best course to proceed.

How long will this divorce take?

In the state of Oklahoma it could be done in approximately a month's time or less if it's an agreed matter where both parties are in full agreement as to all issues. If it's a contested matter where there's either substantial assets and debts of the marriage or there are children, it could potentially take up to a year or even longer. In this, case it's something that you want to assess with a competent divorce attorney. Once you assess that with them, they can provide you a more tailored timetable for your specific case.

How is alimony calculated?

If one party in a divorce has made a request for alimony, the question often becomes, how are alimony payments going to be determined? In Oklahoma, it's generally a factual issue, where the party requesting alimony says they have a need for the financial support, and the other party that would be paying is stating whether they have the ability to pay that financial request. In doing so, the court will assess all of the factors, and it's important that the party that is requested to pay alimony prepare a budget that will show whether they have the ability to even pay the requested amount. Likewise, the requesting party should prepare a budget of what their monthly expenses are, what their monthly income is, and how this requested amount will help transition them into a state of independence after the divorce proceeds on.

How long does alimony last?

When there's an alimony award that one spouse pays another support for a period of time, it is not a clear cut determination about how long that will last. It's a case-by-case factual assessment that we'll have to assess with your case specifically. What happens is the court needs to at least set what's considered a sub-certain amount, which will be paid out in a monthly amount, for a period of however many months, as the court orders to conclude with a final, total number. Again, it will be dependent on financial resources and requirements of both parties to the case.



What if my ex is not paying owed support?

If your ex-spouse has been ordered to pay you support alimony payments but fails to do so, the question becomes, how can you get them to comply with that order? Your attorney can file what's called an application for contempt citation against them, alleging they failed to pay alimony as ordered by the decree. In doing so, the case will either result in the spouse paying the alimony or you'll have a trial, where the court may determine them to be found guilty and in contempt of court, and that can potentially result in jail time of that ex-spouse. You have to hire an experienced divorce attorney to see what your options are.

Can I request that alimony be paid?

Sometimes when parties are going through a divorce, the question becomes, is support alimony going to be ordered, or is it something that can be requested? Support alimony in the state of Oklahoma is intended to allow one party to transition economically and cushion that economic impact to a state of independence, where they're going from having been married and potentially financially dependent on the spouse, to a period where they need to be financially independent. Alimony can be awarded to allow that transition to be a little easier. In doing so, the court will consider a number of factors, including the need of the party requesting it and the ability of the other spouse to pay that requested

amount. Then there will be a factual evidentiary finding to determine whether any amount should be ordered.

Will I have to pay alimony?

If you're concerned about whether support alimony will be ordered in your divorce action, whether you'll be receiving it or whether you'll be required to pay that alimony, there's no set formula in the state of Oklahoma. It's going to be an analysis based on the financial resources available to both parties, unlike child support, which will be set through a child support calculator guideline table. You'll have to consult with an experienced divorce attorney to determine whether you will be required to pay support alimony or whether you will be entitled to receive support alimony.

Is an unemployed spouse entitled to alimony?

Oftentimes in a divorce action, there's a request for alimony that one spouse pay the other a monthly maintenance amount for a certain period of time. That can last months. It can even last years. The amount to be determined will be contingent on financial resources of both parties, as well as a list of factors that the court will consider that's been enumerated in various case law. The question is if the other spouse requesting alimony hasn't worked or doesn't work, are they entitled to receive alimony? Well, it'll be a case-by-case basis, where you will have to assess the factors surrounding why the party doesn't work that's requesting alimony. Oftentimes, it's been a situation where a mother has been a stay-at-home mom or a father has been a stay-at-home father caring for the children. In that case, that won't prohibit that party from receiving alimony just because they don't hold employment. Again, that's something that you'll have to assess with an experienced divorce attorney to determine whether it is an appropriate claim for you to make.

How is custody determined?

All divorce cases and family matters deal with children. What's most important to the courts and to all lawyers involved is what's in the best interest of the children, and that's a slippery slope. Everyone looks at things differently. Everyone has their perception. One thing we can start with is this: your children

will always be your children, and parents need to work together for what's in the best interest of them.

There are reasons why one person thinks the other person shouldn't have custody – I understand that – but when it comes right down to it, both parents love their child. I tell people all the time be careful the positions you take and the battles you want to fight because you could win the battle and lose the war. I always take time with my clients, to analyze the situation with them and help them understand what their thoughts are about what their best interests are and why. I help them evaluate to make sure they're sincere and they're not more to punish the other parent. What it all comes down to, at the end of the day, is the court's worried and concerned about what's in the best of the children, and the parents should be too.

Who decides on custody?

At the trial, there will be evidence and testimony presented, and the judge is supposed to evaluate that based on what will serve the best interest of the minor children in which parent receives custody. In doing so, you'll need to contact an experienced divorce attorney to assess what your facts are that will best serve your case in making a claim for custody.

How do you calculate child support?

If you're going through a divorce process or even a paternity action, if you're the noncustodial parent of a minor child, you may be required to pay child support. In that case, the question is about how the state of Oklahoma determines what your child support amount is. It's determined in a monthly amount based on your monthly adjusted gross income and the other parent's monthly adjusted gross income. There are some factors included with how many overnight periods you have the minor child for, your visitation, and some other miscellaneous factors, including whether there are child care costs, or health insurance for the minor child's coverage being provided by you or the other parent.

In doing so, the numbers are all put into a calculator, which is considered the Oklahoma Child Support Guidelines Calculator. In doing so, the formula comes out with a final number of what you will be obligated to pay per month for your

child's maintenance. If you have any questions about that, you need to contact an experienced divorce attorney to assess what factors will be considered in calculating your adjusted gross income.

Does my child have a say in custody?

If you're going through a divorce process and you believe that your child wants to live with you, the question becomes, do you believe that the child can voice that opinion? Likewise, if they want to stay with your spouse, can the child voice that opinion? This depends. In Oklahoma, the age of preference that a child can voice their opinion which parent they want to reside with is the age of 12. At that point, the court will listen to the child's preference, does not have to follow it, but Oklahoma law is pretty clear that it is a strong presumption that the child's preference may be followed.

Can I change a support order?

If you're faced with a situation where custody of your child has changed from your spouse to you and you need to change your child support obligation that you were previously paying, you'll need to contact an experienced divorce attorney who will be able to file a motion to modify your child support obligation that will remove your obligation, most likely, and it may actually impose an obligation on your spouse to pay child support to you for the benefit of your minor child.



Can I change a custody order?

A lot of times, parents who have gone through a divorce process wonder if they can change a custody agreement. The answer is maybe. It's going to depend on whether you qualify under Oklahoma law. There's a standard in which there needs to be a substantial permanent and material change of circumstances that directly affects the best interest of the minor children. Your request to change custody should be serving those best interests for the minor child's temporal, mental, and moral welfare. That's something that we assess on a

case-by-case basis. If you believe you have a viable condition that's occurred that results in a modification of custody in your favor, you need to contact an experienced divorce attorney to review those facts.

Can my spouse relocate with the children?

If you're dealing with a situation where you've had a divorce and you're the non-custodial parent – let's say your spouse has sole legal custody of your minor children – the question sometimes becomes, can that spouse relocate with your children? The answer is, it depends. There's a certain procedure in place in Oklahoma that requires you receive notice, at least 60 days in advance, subject to some exceptions. In doing so, you will then have an opportunity to file an objection of record, and potentially have a trial on the issue of whether the relocation should be permitted by the court. You need to contact an experienced divorce attorney to review your situation.

How do I collect child support?

If you're faced with a situation where you have custody of you and your spouse's minor child and your spouse is court-ordered to pay child support, but is failing to do so, the question becomes what can you do to get him or her to pay? In that case, you need to contact an experienced divorce attorney who can guide you through the process, which would involve filing an application for contempt, alleging that your spouse is failing to abide by the court order by not paying the child support. In doing so, the case will either be resolved by the spouse purging themselves by maintaining the payment in full that is back-due, or you'll have to go to trial and the judge will then render a decision. If found guilty, the spouse can potentially even serve time in jail for noncompliance. You need to, again, contact an experienced divorce attorney who can guide you through the process.

How do we handle extracurricular activities for the children?

If you and your spouse are going through a divorce process and you have minor children, oftentimes those minor children are involved in extracurricular activities. Those extracurricular activities can sometimes become very costly and

quickly add up. You need to account for that expense in your divorce decree or your joint custody plan, if that's applicable in your case. In doing so, you'll avoid any further financial surprises down the road in who is going to be responsible for what portion of those activities. Contact an experienced divorce attorney to properly account for that in your divorce action.

Does the court favor mothers?

I had a consultation recently with a father. He was going to be going through a divorce and there were minor children resulting from the marriage. He was concerned about getting a fair shake at custody, and the court system favoring the mother. In Oklahoma, there's actually a law that states that there is supposed to be no preference regarding whether it's a mother or father; there's no presumption about who is more fit and preferred to have custody. Knowing that moving forward, that may ease someone's mind if you're a father going through this process.



Can I still get support if my spouse lives out of state?

If you're considering filing for divorce and you have your minor children in the state of Oklahoma, but your soon-to-be ex-spouse resides in another state, are you going to have to be concerned with whether you will be able to receive child support if the court orders him or her to pay? The answer to that question is no. There are certain acts in place that require uniform collection for child support orders and that will prevent any sort of issue in you receiving your court-ordered child support. You'll have to contact an experienced divorce attorney to make sure that happens.

Do I have to pay support if I am not receiving visitation?

If you're going through a divorce process, or you've already gone through the process, and you're obligated to pay child support, sometimes the questions

arises, “Do I have to pay the child support if I’m not receiving the visitation I’m ordered to receive?” The answer to that is yes, you do have to continue to pay that. They are considered two mutually exclusive orders and you cannot cease payment just because you’re not receiving the visitation as ordered. There are other forms of relief that you can seek, which would be enforcement of your visitation rights through a motion that your attorney can file on your behalf, but you will be found in contempt for not paying child support if it is a court order. The advice is to always maintain currency on your child support obligation as ordered by the court and contact an experienced divorce attorney if you have any questions about a situation similar to what I’ve just explained.

What is shared parenting?

If you’re going through the divorce process and you have minor children, you’re probably most concerned with how much time you’re going to get to spend with the kids. There’s something in Oklahoma called shared parenting, which allows the parties to have equal time; both parents, mother and father, get equal time with the kids. Oftentimes, it can be week-to-week alternating. It’ll just depend on factors specific to your case – how far apart you guys reside, what the ages of the children are, and so forth. It’s something where you have to review that situation with an experienced divorce attorney, to assess what the options are.

Can I get sole custody?

In Oklahoma, there are two broad categories; there’s going to be sole custody and there’s going to be joint custody. The parent receiving sole custody will have the unilateral right to make decisions that affect the child’s life, including but not limited to medical decisions for major medical procedures, educational decisions for the child or children, and extracurricular activities even can be decided unilaterally by that parent. Sole custody vets that parent with a lot of authority over the children’s lives, so it’s important to contact an experienced divorce attorney to determine whether it’s your right to receive sole custody or whether the other parent is likely to receive that.

Can I end child support?

If you're a parent that's having to pay child support per a court order, the question becomes, "How long do I need to pay that?" The Oklahoma law requires that you pay your child support obligation until the child reaches the age of 18, or if the child is consistently and currently enrolled in high school or secondary school, you're required to make that payment either until the child graduates from high school or the child turns 20 years of age, whichever case is sooner.

How do we make visitation schedules?

If you're going through a divorce process and you have minor children, you're probably concerned with how much time you're going to get to spend with them. In doing so, visitation comes up and that topic is subject to a number of ways in which you can divide how much time the mother and father will get with the children. If you come to an agreement with your spouse, as far as how much time you'll receive with your children, that's probably the best, most secure way to know what you're going to receive. If you're unable to, there are other factors that will come into play and you will want to consult a divorce attorney who's experienced in child custody in order to determine what your options are.

Can I waive child support?

It kind of depends. There needs to be a finding by the court that it serves the best interest of the minor children, given the financial resources of both parents, and the financial needs of the minor children. You need to contact an experienced divorce attorney to assess your situation.

CALL OUR DIVORCE LAWYER TODAY

At Murray Law Firm, you will find that you will be our priority. We want you to feel supported and in good hands. Do not hesitate to give our office a call today for a free consultation to meet with our experienced attorney James Murray.



ABOUT THE AUTHORS

James Murray

When James Murray was 15 years old, he watched President Richard Nixon’s Watergate scandal unfold before him. The corruption displayed by the White House and in politics in general during that time inspired James to pursue law so that he could make a positive change and a real difference in the country. To reach his goal, he attended undergrad — and later, law school — at the University of Oklahoma. In 1985, James was admitted to the Oklahoma Bar Association and his career as an attorney began.

As a personal injury lawyer, Attorney Murray enjoys helping people. “It’s easily the most satisfying part of my job and it’s what drives me to come in to work every day. Those whom I help are real people with real problems, not walking ATMs that come in to my office to spit out money for my services and then leave. In personal injury, it’s important to remember that clients are more than just clients. I always make sure that I do.

“Through my cases, I can truly help the people who need it. For instance, when a car wreck killed the parents of two young children, our attorneys were able to settle the case on behalf of the now orphaned children for a figure in the mid-seven figures. No amount of money can bring those children their parents back. However, through the work we did, we were able to ensure that the children will be taken care of financially for the rest of their lives.

“When I’m not in the office, I spend time with my wife, who I love very much, and volunteer at my church. I also work extensively with the Boy Scouts of America because I truly believe in the importance of instilling great values in our nation’s young men. It’s no wonder that all six of my sons are Eagle Scouts. Between the six of them, I have 11 wonderful grandchildren, and I watch with pride as my sons pass those same values on to them.”

Education

- » JD - University of Oklahoma
- » BS - Oklahoma State University, double major in Accounting and Agriculture Economics

Professional Association & Membership

- » Oklahoma Bar Association

Community Involvement

- » 2000-2007 President of Oklahoma Assisted Technology - Non-Profit
- » Scoutmaster Troop 822 - current
- » Chairman of the BSA-LDS Oklahoma Encampment 1997 and 2007
- » Eagle Scout & Duty to God Award
- » Past President of Payne County Bar Association
- » Chairman of the Law Day Committee of the Payne County Bar Association



Thomas Swafford

Attorney Thomas Swafford has been practicing law in the state of Oklahoma for over seven years. His core areas of practice are divorce litigation and criminal defense.

