

Trey Yates, The Guide to Good DivorceSM: Children with Special Needs in Divorce in Texas, 1/5/24

Hello, my name is Trey Yates. I'm a family law attorney practicing here in the Houston metropolitan area. I've been getting divorced every day of my professional life for the past 40 years. And for about the past five years at our firm, we've had a particular focus on moms and dads going through the transition of divorce or a custody issue when you have a child with special needs.

There are specific provisions in the family code that address either going through a divorce or some type of custody issue when you have a child with special needs. And that's critically important that you work with a family law practitioner that has the knowledge and can navigate with you between the world of a guardianship over an adult disabled child and/or where the family court may retain jurisdiction on issues of child support or possession or access.

It's critically important to have an all-encompassing plan when you have this order put together because it could be in place for the duration of your child's life. We talk specifically about special needs trusts; about the amount of child support, factoring in all of the special needs and therapies that your child may require; trying to find the money sufficient to fund for them to receive all of the education or living opportunities to maximize their development; the intersection between a guardianship and what are your rights and duties, as opposed to what we call a Suit Affecting Parent-Child Relationship.

So, you can see, just in this brief few moments we've been together, that it can be extremely complicated, and we encourage you to work with other experts so that you have a coordinated approach in terms of a life care plan to establish what the financial needs will be for your child. Someone who works with putting together special needs trusts because you want to make sure that that child support is paid to you and not have an adverse effect on either Social Security income and/or Medicaid. Also, periods of possession or access who gets to make those decisions with regard to therapy etc.

I invite you to visit our website at treyyateslaw.com where you will find additional information that hopefully will guide you through the process.

Thank you.