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Grounds For Divorce

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Every divorce filed in the state of Texas must declare the grounds in which the divorce is to be granted. These reasons fall into two basic categories, fault and no-fault. In either case, the grounds for divorce must be substantiated with evidence or testimony.

What is a fault-based divorce?

A fault-based divorce is one in which a spouse blames the other for the failure of the marriage. The party filing for divorce has to prove some type of spousal fault in order to obtain the divorce. Examples of the legal wrongs that can be cited include adultery, physical or mental cruelty and alcohol or drug abuse.

A fault-based divorce is usually pursued if the couple cannot agree on a settlement concerning child support, custody or property division and at least one party wants the court to consider the conduct of the other party when deciding any of these issues.

What is a no-fault divorce?

A no fault divorce is a marital termination proceeding where the divorce is granted without either party being required to show fault. This option can significantly simplify the divorce process
In a no fault divorce, either party can obtain a divorce simply because one of the two wants to dissolve the marriage. This is based on a concept called the insupportability of the marriage. This means one of the spouses can no longer live in the marriage with the other spouse. A no fault divorce can also be granted if the couple has been living apart for three years.

The exact terminology of the statute requires one of the parties to declare that the marriage has become insupportable because of discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation. Once this is done, the marriage will be dissolved even if the other spouse does not want a divorce.

The above does not constitute specific legal advice.
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