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NEXT ISSUE:

**HOW NEVADA
DETERMINES CHILD
SUPPORT**



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ANDRADE LAW_{LLC}



5 Common Myths About the Divorce Process

By Giovanni Andrade, Esq.

Myth #1: *My spouse won't let me get divorced.*

Nevada is a **no-fault divorce state**. This means that even if your spouse doesn't want a divorce, you can still get one. If you and your spouse are incompatible in marriage, and at least one of you meets Nevada's residency requirements, then you can get divorced in our state.

Even if your spouse threatens not to participate in divorce proceedings, the Court can still grant a divorce so long as there is proper service of the Complaint and the Divorce Decree is properly drafted.

Myth #2: *What's mine is mine and what's yours is yours.*

This old adage doesn't quite hold true in the eyes of the law. Nevada is a **community property** state, and this means that subject to a few exceptions, property acquired during marriage generally belongs to the community--both husband and wife.

For example, a car purchased during marriage and titled in only one spouse's name doesn't mean that the car belongs to that spouse alone. Property distribution is not about whose name is on the title, but is decided according to law.

Some exceptions to community property have to do with whether the property acquired was a gift, was inherited, or was owned prior to marriage.

Myth #3: *I can't afford a divorce.*

When there's a large disparity in income between the spouses, Nevada case law provides that a court may award some **attorney's fees** to the lower earning spouse. One reason for this is to allow both parties to have a level playing field in Court.

Myth #4: *My wife can't keep my last name.*

Traditionally, when a couple married, the wife changed her last name to that of her husband. When the marriage is ending, the soon-to-be ex-wife is left with the decision of whether to change her name back to her maiden name.

NRS 125.130(4) states that a Court may include an order to **change the wife's name** to any former name she has legally borne. This decision is the wife's alone; she may want to return to her maiden name as a way of starting fresh or she may have had her married name for so long that the thought of changing it seems unnatural. Whichever the wife decides, the husband can neither force her to return to her maiden name nor force her to keep her married name.

Myth #5: *I don't need to talk to an attorney.*

If your spouse retains an attorney, that attorney will advocate for your spouse's interests—not yours. Without your own counsel, you may not be aware of how to properly **protect your interests**. When children are involved, it's important to know how custody will impact you and your child's future.

When your car breaks down, you go to a mechanic. When your tooth hurts, you see a dentist. When you are getting divorced, you should consult with an attorney who handles family law matters.

Andrade Law, LLC dedicates its practice exclusively to **divorce, custody, and child support** issues. We offer reasonable fees and payment plans. Call to schedule an appointment.

Family is our business. Let us take care of yours.