FOCUS ON FAMILY LAW

Legal matters to consider when faced with the difficulty of divorce

Choose the right attorney for you…

There are a few important factors to look at when choosing an attorney. First, do you get along with them? Divorce is emotional. Divorce is hard. Can the two of you communicate well? Second, do they know what they are doing? How many years of family law practice do they have? Have they represented clients like you? Have they argued before higher courts? Have they taught legal education classes? Do they know your community? Most importantly, can they help you get set for success after the divorce is done?

Andrew L. Rochester, Esq.
Morgenstern & Rochester

Gather all your documents…

When meeting with your lawyer, it is helpful to have as much information as possible so that a realistic overview of your matter can be provided. For example, if available, a client should bring three years of tax returns (including the backup or supporting information for the returns if available), three years of bank statements (or as many as you have available), investment/retirement account statements, existing trust documents, any written agreement that may exist as to any issue and any prior court orders. All of this information will allow your attorney to engage in an informed discussion with you regarding the issues of support and equitable distribution assets. However, if the documents are not readily available, a client should not panic. All necessary information can and will be obtained through the discovery process as the matter progresses toward resolution or trial.

Stephanie J. Zane, Esq.
Archer & Greiner

Living arrangements…

If you are going through a divorce, both spouses have the right to live in the marital home until the divorce is finalized, absent a finding of domestic violence by the court. However, both spouses continuing to reside in the marital home could increase the stress and animosity of the situation. If you feel that you must leave the marital home during the pending divorce proceedings, it is important that you first consult with your attorney to discuss the potential impact the move could have upon your matter, particularly if custody and parenting-time-related issues are unresolved.

Michael Weinberg, Esq.
Weinberg, Kaplan and Smith

Child custody…

The focus of any custody order is to ensure the best interests of the children involved, and because what is in the best interest of a child can change, courts generally consider several factors, including where each parent lives, how the parent is going to provide for the children and the children's current physical and emotional needs, before deciding upon a custody arrangement. Child support guidelines are also established, but will not account for every expense, including college tuition. The courts have the discretion to decide how to allocate who should pay college tuition and expenses. Generally, the responsibility is divided between the parents, although the division is not always 50-50.

Amy Smith, Esq.
Weinberg, Kaplan and Smith

Why and when mediation is a good option…

A mediator educates and facilitates so that both parties can make informed decisions together because it's their family. It's not one partner talking to one attorney, the other talking to another attorney and they never talk to each other.

Carmela DeNicola, co-owner
Advanced Mediation Solutions

It's the importance of being educated and understanding all of the effects that divorce has for each party, whether they're financial or otherwise, and taking that into consideration. Both parties have to be able to come together so the mediator can move both of them forward in coming to an agreement that works.

Roseann Vanella, co-owner
Advanced Mediation Solutions

How social media can affect divorce proceedings…

Social media can certainly affect your case in a multitude of ways. For example, one party claims poverty, yet posts pictures of themselves on a cruise; or another party states they are not in a relationship but their social media is full of pictures of the individual with their children, or even when a person takes to social media to vent over their legal issue. Social media often plays a large role as the basis for the divorce by spending excessive time online to infidelity and online affairs.

AllynMarie Smedley, Esq.
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