

DIVORCE—PLAIN AND SIMPLE



Having practiced Family Law for 30 years, I have learned that there is a lot of predictability in what I do. The questions and issues presented usually are not legally unique but rather are emotionally unique. The hard part of the divorce is not the legal component but the emotional component. I have the easy job. As a person contemplating divorce, you have the hard job. Compounding this difficult decision is that proceeding with a divorce feels as if you must learn a new language—the language of divorce. My goal is to help you understand that language without feeling overwhelmed.

As I said, there is a lot of predictability in divorce. The issues arise if either party does not accept that predictability. Meeting with an experienced attorney offers you a road map of how a divorce will proceed. With this knowledge, if you and your spouse can resolve the economic issues, you may save yourself thousands of dollars in legal fees.

The process usually begins with the filing of a Divorce Complaint. It does not matter who files first. It does not give you anything more or anything less if you are the Plaintiff (the initiating party) or the Defendant (the responding party).

Once the Complaint is filed, it must be “served” on the other party. This can be done by way of first-class mail or certified mail as long as the receiving party

acknowledges receipt of the paperwork. At this point, you are in a holding pattern. In Pennsylvania, you cannot be divorced until the economic issues are resolved. The economic issues include spousal support, alimony, and equitable distribution of all assets and liabilities of the marriage. If there are no economic issues between you and your spouse, you can move directly for a divorce.

After the filing for divorce, the next step is establishing the Grounds for divorce (the legal basis). The Grounds for the divorce can occur in three different ways. The first is by Consent. Ninety days after service of the Divorce Complaint, you can each sign a consent agreeing to move the divorce along. This is referred to as a “cooling off” period.

The second basis is one year of separation. In this situation, you do not have to wait the 90 days to move the divorce along. You would sign an Affidavit that you have been separated for one year or more, which allows you to move the divorce forward immediately.

The third basis legally available to establish the Grounds for a divorce is fault based. This is the only time that fault is relevant in a divorce action. Being “at fault” does not mean that you get more or less of the marital estate—it is just the basis for divorce.

Once the Grounds have been established, you can move to court to resolve the economic issues. This is the division of all assets and liabilities accumulated during the marriage. In the ideal situation, you and your spouse come to an agreement and the terms are written up in a contract called a Property Settlement Agreement. With a signed contract, there would not be any reason to proceed to court. Everything is done by paperwork. However, if you and your spouse cannot

agree, the court system is there for you.

During the pendency of the divorce, you may be entitled to Spousal Support. This exists if one spouse earns more than the other spouse. It is income versus income. Spousal Support is the same as Alimony except Spousal Support is before divorce and Alimony is after divorce.

Alimony is also resolved as to amount and length of time prior to divorce. For some reason, many people think that Alimony does not exist in Pennsylvania. That is not correct—Alimony does exist. The most important factors that effect Alimony are the income of the parties and the length of the marriage. It is income versus income. It is predictable.

This is just an outline of the issues that you may confront. For more information on

each of these issues, please schedule a consultation with an experienced family law attorney. Liebmann Family Law, in Newtown, offers a free initial consultation.

Liebmann Family Law in Newtown was founded in 2008 and is one of only a handful of firms in Bucks County that focus exclusively on family issues: contested and uncontested divorce, child custody and visitation, child support, spousal support and alimony, prenuptial and post-nuptial agreements, division of property, wills and estates, grandparents’ rights, and adoption.

The Liebmann Family Law team includes three full-time attorneys: Jeffrey A. Liebmann, David Sowerbutts, and Mindy Snyder, as well as four legal assistants. The firm has created an atmosphere in which any one

of the attorneys can step in and handle any emergency, and each has the ability to answer any questions that arise throughout a case.

As an experienced litigator, Mindy Snyder has represented clients in Bucks, Montgomery, and Philadelphia Counties, as well as throughout New Jersey. As part of her practice, Mindy has handled complex trial issues and negotiations in divorce matters, child and spousal support, alimony, equitable distribution, pension issues, and adoption matters. She also represents clients in New Jersey for all family law issues.

*Please contact the office to schedule a free initial consultation.
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