

IS THIS THE TIME FOR A DIVORCE?



The **Liebmann Family Law** Team includes three full-time attorneys: Jeffrey A. Liebmann, David Sowerbutts, and Mindy Snyder, as well as four legal assistants. Each of the attorneys has more than 30 years of Family Law experience, and each is known for special skills, as well as handling cases with a great deal of care and compassion. The firm has created an atmosphere in which any one of the attorneys can step in and handle any emergency, and each of them has the ability to answer any questions that arise throughout a case.

As an experienced litigator, Mindy Snyder has represented clients throughout 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 matrimonial issues.

Please contact the office to schedule a free initial consultation. 4 Terry Drive, Suite 4, Newtown, Pa 18940, (215)860-8200. www.Liebmannfamilylaw.com.

The decision to proceed with a divorce is obviously not solely based on the legal issues but is more of an emotional choice. However, in order to help make that decision, you should be aware of the legal issues that you may confront. You should know your rights, entitlement and obligations. Typically, there are three topics: Custody, Support and Divorce.

CUSTODY – There are two components to custody. There is **legal custody** which is the obligation to consult one another for all major medical, educational and religious decisions. This is usually shared. Each parent has a right to know what is going on with his/her child. Then there is **physical custody**—who has actual possession of the child. The parent who has more overnights in a calendar year has primary physical custody, and the parent who has less of the overnights has partial physical custody. The parent with primary physical custody does not have any more rights than the other parent; it only means that he/she has more of the overnights. Another option is shared physical custody where the overnights the child spends with each parent are equal.

SUPPORT – This includes child support and spousal support. As to **child support**, the parent who has partial physical custody pays child support to the parent who has primary physical custody. Pennsylvania and New Jersey have in place Child Support Guidelines which determine how much support one parent pays to the other. Even with a shared physical custody arrangement, if one parent earns more than the other, there still may be a child support obligation. This issue also includes contribution for

child care, health insurance and extra-curricular activities.

As to **spousal support**, if you are married and one spouse earns more than the other, the other spouse may be entitled to spousal support. This is based upon many factors, but the main points are the length of the marriage and the income of the parties.

DIVORCE – There is a lot of predictability in divorce. You may not like what you hear or you may not accept it, but the benefit of meeting with an experienced attorney is to offer to you a road map of how a divorce will proceed. If you and your spouse are able to discuss the economic issues, you may save yourself thousands of dollars in legal fees.

A divorce process typically begins with the filing of a Complaint. It does not matter who files first. This is a formal document filed with the Court advising that you are proceeding with a divorce. The next thing to occur is the grounds or legal basis for the divorce. This 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. The second is one year of separation. And, third, there are fault grounds. This is the only time that fault is relevant in a divorce action. It does not mean that you get more or less of the marital estate; it is just the basis for divorce. This is a miserable way to proceed and not one that I would recommend.

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 can come to an agreement with the assistance of counsel. Therefore, there would not be any reason to proceed to court. If, however, you and your spouse cannot agree, the court system is there for you. It is at this time that the amount and length of time for alimony is also resolved. For some reason, many people think that alimony does not exist. That is not correct. It is alive and kicking in Pennsylvania. Again, this depends on many things, the most important of which is the income of the parties and the length of the marriage.

Once these issues are resolved, you will be divorced. You will not be divorced until the economic issues of your marriage are resolved either by agreement or court order.

I recognize that I may have raised more questions than answers for you. However, this is just an outline of the issues that you may confront. That is why I suggest a consultation with an experienced family law attorney. At **Liebmann Family Law**, we offer a free initial consultation. We do this because making the decision to proceed and choosing an attorney are not easy. You must find someone who

knows the law and someone who you feel comfortable will protect your interest. With the legal answers, you are better equipped to make the emotional decision whether to proceed or not.

Mindy Snyder is an attorney with Liebmann Family Law in Newtown. Each of the attorneys in the office has over 25 years' experience in handling these issues. We appear in Bucks and the surrounding counties, including New Jersey. Please contact our office to schedule the initial consultation to make this decision easier. (215)860-8200. www.Liebmannfamilylaw.com.

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