

AFTER GOING THROUGH QUARANTINE TOGETHER, I WANT A DIVORCE



The world has changed. People have changed. The decision to proceed with a divorce is obviously not solely based on the legal issues but is more of an emotional choice. However, to help you make that emotional decision, you should first be aware of the legal issues that you may confront. You should know your rights, entitlements, and obligations. There are three topics to consider: Divorce, Custody, and Support.

DIVORCE – There is a lot of predictability in divorce. You may not like what you hear or you may not accept what you hear, 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 may sign a consent agreeing to move the divorce along. The second is one year of separation. The third is 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 alimony is also resolved as to amount and length of time. 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.

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 or 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 parent 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 that 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 childcare, health insurance, and extra-curricular activities.

As to **spousal support**, if you are married and one spouse earns more than the other, you 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.

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 is not easy. You must find someone who knows the law and someone 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 and other related issues. We appear in Bucks County, the surrounding counties, and also in 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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