



DEPALO LAW FIRM

**HANDLING ALL OF YOUR FAMILY MATTERS
BECAUSE FAMILY MATTERS!**

Considering a Divorce?



Considering a Divorce? By DePalo Law Firm

If you are considering a divorce, or if you are in the process of a divorce, you are facing a life changing event which will affect you emotionally, physically and financially. If you have children the stakes are even higher. At such a time in your life, you need to have the support and legal advice of an experienced matrimonial attorney.

The first step is to seek counsel, and determine what process is right for you. During your consultation, your attorney should explain the different methods available to resolve your divorce. The following are the different ways an attorney can assist you in obtaining a divorce:

- 1.) Collaborative Divorce consists of both spouses and their attorneys working together toward the sole goal of reaching an efficient, fair, and comprehensive settlement of all issues. The attorneys are specifically trained in the collaborative model; having learned how to effectively deal with conflict. All participants pledge not to go to court.*
- 2.) Mediation is the settlement of a dispute or controversy by setting up a session with a trained certified mediator with both spouses present. The mediator is not an advocate for either spouse.*
- 3.) Uncontested Divorce is a situation where an attorney merely drafts an agreement and the uncontested paperwork or the uncontested papers with no agreement for their client and the other spouse is usually not represented.*
- 4.) Contested Divorce is when the parties cannot agree on some aspect of the divorce and court intervention is usually required.*

In choosing your divorce attorney the first question to ask is if your attorney is able to accommodate you in the process you choose. The next important aspect of representation is the attorney's experience and whether they specialize in divorce. Then ask yourself if during the consultation you felt the attorney listened to, your needs and concerns were answered, the attorney was honest about the process, and the law was sufficiently explained.

Additional questions to ask are as follows: Does the attorney have a support staff? Divorce is a very labor-intensive specialty of the law and because of the emotional impact of the issues involved, you need an attorney who will be available to you. The attorney and their staff should be able to answer questions, prepare papers and make sure your divorce is given attention. What is their availability? Do they have night or weekend hours? It is important you have a clear understanding of the fees involved and how you will be billed.

Perhaps most important of all is to ask yourself if you have a good chemistry and felt comfortable with your prospective attorney? You will be working together and you must be able to communicate and work well with the attorney you choose to represent you.

Since the institution of no fault divorce, the grounds for divorce itself is never an issue. An individual can seek a divorce on the grounds of irretrievable breakdown of a marriage for a period of six months or more, and there is no longer any fighting about grounds or whether someone is “entitled” to a divorce.

The disagreements and disputes occur with regard to the terms of the divorce. This can be anything from custody, visitation, child support, spousal support, who will reside in the home, or the distribution of assets and liabilities, called equitable distribution.

There have been changes in the law regarding spousal support effective January 2016. Spousal Support is determined by the salaries of both spouses and how long the parties were married. The statute is not mandated but is to be used as a recommendation; the court can deviate in their discretion. If they do so, they must state why.

Child support is a statutory calculation and determined by a percentage of the parents combined adjusted income. The deductions subtracted from the gross income are Social Security, Medicare, Local Taxes, and mandatory union dues. If the combined income is over \$143,000, the court must state that it is considering income over the statutory cap. The percentage for one child is 17%, two children is 25%, and both three children and four children are 29% The percentage is multiplied by the combined income, and the non-custodial parent pays their pro rata share.

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The most difficult and emotional of the issues regarding divorce are custody and parental access. The law has developed and continues to evolve based on the psychological and sociological studies of children and divorce. Children need and have a right to have a relationship with both parents. Children who spend time with and see both parents regularly without interference and animosity fair best. The considerations that come into play in terms of access schedules is the availability of both parents, stability, and what will be in the child's best interest.

The stakes are high in divorce. Your children, your finances and your future are at risk! It is like finding yourself in the middle of a perfect storm. Shouldn't you stack the deck in your favor and hire an expert to help navigate you safely to shore?

For more information:

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