



CONNECTICUT GUIDE TO

# *Divorce*

E-BOOK

Stanger  
Stanfield 

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Any reference to particular rules, laws and or cases may not apply as they are simplifications of what may be different or more complicated in any situation. They may not apply and may may be changed by a court or legislature. Contact a knowledgeable lawyer with your specific situation.

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## Introduction

The divorce process can be emotionally draining, especially when children are involved. At Stanger Stanfield Law of Hartford County, our family lawyers have the extensive experience, skills, and compassion to help you resolve your divorce matters as cordially as possible. If you don't already have legal representation, want a second opinion, or are looking for a new attorney, we'd be happy to help. Many people call looking for a new attorney. We often advise that their current attorney is doing fine, and essentially it is a second opinion.

We guide clients through all family law matters and provide advice at every stage, including:

- Division of property
- Child custody
- Child support or spousal support
- Complex division of assets or property in high net worth divorce

We also assist clients with finding low-cost divorce options, such as mediation, if the traditional divorce route seems too costly. However, this requires the cooperation of both spouses.



## Grounds for Divorce

Connecticut allows for both “No-Fault” and “Fault” divorces. Either options is chosen by the Plaintiff spouse when filing the Divorce Complaint. A “No-Fault” complaint simply states the reason for the divorce is an “irretrievable breakdown” of the marriage. Therefore, no blame is assigned to either party. A “Fault” divorce, on the other hand, lays blame. The other spouse can up the heat and tensions by filing for his or her own divorce claiming fault.

Nine categories of fault are enumerated in the Connecticut General Statutes § 46b-40(c). These categories reflect the following circumstances:

- Because of compatibility issues, the spouses have lived separately from one another for a continuous period of at least 18 months before the service of the Divorce Complaint, and it is unlikely that they will be able to reconcile;
- Adultery;
- Fraudulent conduct;
- Intentional desertion for 12 months with complete neglect of marital duty;
- Seven years’ absence, throughout the entirety of which the absent party has not been heard from;
- Ongoing intemperance;
- Intolerable cruelty;
- Sentence to prison for life, or the commission of a crime involving a violation of conjugal duty and punishable by imprisonment of more than 12 months;
- Legal confinement in a hospital or similar institution as a result of mental illness, for a sum period of at least five years during a six year period preceding the date of the Divorce Complaint.



## Residency Requirements

Not just anyone can file for a divorce in the state. Commonly, at least one spouse must have been living in Connecticut for 12 months prior to filing a Divorce Complaint, Notice of Automatic Court Orders, and Summons. There are a few exceptions, however. In some instances, the 12 months may include the entire divorce process instead of the filing of the Divorce Complaint. This is significant because in Connecticut the divorce process typically takes at least four months. Some divorces may take substantially longer, particularly if there are disputes regarding child custody or support, and the division of the spouses' assets and liabilities.

A second exception is when a couple marries in Connecticut, then: 1. one or both spouses move out of state and 2. they move back to Connecticut with the intent to remain indefinitely prior to filing the Divorce Complaint or issuance of the Court's decree.



# Connecticut Divorce Timeline

In Connecticut, the traditional divorce process typically takes anywhere from a few months up to several years. Some divorces take significantly more time, depending on the factors at play. The following timeline explores the key junctures in the Connecticut divorce process.

## 1. Paperwork Begins the Divorce Process in Connecticut

In Connecticut, either spouse can elect to file for divorce. To do so, one must first complete a Divorce Complaint with the State of Connecticut Superior Court. The Divorce is also known as a “Dissolution of Marriage.” The form first requires the Plaintiff (the spouse filing for divorce) to provide basic information such as the spouses’ names, birthdates, the date of the marriage, and the town, state, or county where the marriage took place. Next, the form requires the Plaintiff to identify the spouses’ ties to the state of Connecticut. Ties include living or having lived in Connecticut at any time during the marriage, from its inception to its dissolution. The Divorce Complaint then requires that the Plaintiff spouse cite the reason for seeking a divorce. The reason may be as simple and as vague as an “irretrievable breakdown.” In other words, the marriage is broken beyond repair. Other reasons may be stated as long as they are enumerated in the Connecticut General Statutes § 46b-40(c).

After a reason for the dissolution of the marriage has been stated, the Plaintiff spouse must detail whether the spouses have any children under the age of 23. All such children must be listed on the Divorce Complaint, whether they are biological or adoptive.

In addition, if there is a court order concerning custody or support for any child listed on the Divorce Complaint, information must be provided. Specifically, the Plaintiff spouse must list 1) the child’s name, 2) the person or agency awarded custody, and 3) the name of the person ordered to pay child support.



After all of the above areas have been covered, the Plaintiff spouse must formally ask the court to order a divorce. This is done by marking "X" in the appropriate box if the state provided form is used, and signing the Divorce Complaint.

## **2. A Divorce Complaint Must Be Accompanied by a Summons**

In Connecticut, the Divorce Complaint and Notice of Automatic Court Orders must be accompanied by a Summons. As with the other two forms, the Summons is filed with the State of Connecticut Superior Court. This document is a notice to the Defendant spouse that the Plaintiff spouse is filing for divorce. In terms of legal effect, the Summons requires the Defendant spouse to respond to the complaint by filing an Appearance form with the Superior Court Clerk. Failure to file a timely Appearance form may result in the Court entering a default judgment in which the relief requested by the Plaintiff spouse can be granted.

## **3. Fee Must Be Paid to File the Divorce Complaint**

When the Plaintiff spouse files the Divorce Complaint, a \$350 filing fee must be paid. After the fee has been paid, the Summons must be served on the Defendant spouse. The Court can waive this fee for those who meet certain requirements.

## **4. The Case is Opened**

After all of the paperwork is finalized, the case is officially opened by the Court. This triggers the formal Superior Court process. It is at this point that the matter is public record.

## **5. Notice of Automatic Court Orders**

Once the case is opened, certain court orders are automatically in place. A Plaintiff spouse filing a Divorce Complaint must file a Notice of Automatic Court Orders with the Complaint. The notice imposes a number of obligations on both the Plaintiff and Defendant spouse with regard to the spouses' assets and children. In terms of prohibitions, the Notice of Automatic Court orders forbids either spouse from:

- Selling, mortgaging, or gifting any property absent a written agreement or court order;



- Going into unreasonable debt via loans, credit, or cash advances;
- Removing one another or the spouses' children from any existing medical, hospital, doctor, or dental insurance plan, or allowing any such policy to expire;
- Modifying the terms of named beneficiaries of any current insurance policy or allowing any such plan to lapse, including life, auto, homeowner's or renter's insurance;
- Disallowing use of the family home to the other spouse absent a court order, if the spouses are still living together on the date that the Divorce Complaint is served.

In addition to prohibitions, the Notice of Automatic Court Orders requires that both spouses take certain actions. Specifically, both the Plaintiff and Defendant Spouse must:

- Complete and trade sworn financial affidavits detailing assets and liabilities (e.g., property, debt) within 30 days of the date of return;
- Participate in a parenting education program within 60 days of the date of return or, for a case involving custody or visitation, within 60 days of the filing of the Application;
- Attend a case management conference unless there is written agreement on all custody or visitation issues;
- Inform the other spouse in writing within 48 hours of a change in address if there is a move out of the family home;
- Assist any of the spouses' children in their customary contact with both parents, whether in person, by telephone, or in writing.

Some of these prohibitions and requirements are to be taken with the utmost seriousness, as failure to obey them is punishable by a contempt of court charge. We help our clients understand the consequences if any of their actions.

## 6. Case Management & Parenting Study

A case management agreement is created by the parties and approved by the court. This agreement acts as a schedule to guide the deadlines for the rest of the process. Dates are set and generally kept to ensure the process moves along as swiftly as possible.



## 7. Fact Gathering Process

It is at this point that your attorney will continue the detailed task of gathering evidence about the family situation in preparation for negotiations and potential trial. In most cases, the evidence collecting process is the most time-consuming portion of the divorce. Information about the couple's background will be analyzed, assets will be documented, debts will be calculated, custody preferences will be determined, and a plan crafted to guide future discussions.

There is a process called Discovery which allows each side to require the other side to share information in response to specific questions including sharing of documents.

## 8. Negotiation

The ultimate goal of both parties is always to reach an agreement that both sides find fair. The attorneys for each side will enter negotiations in an attempt to reach a settlement. If that happens, then a final hearing is held by the court, the agreement becomes a court order, and the couples are officially divorced.

## 9. Trial (If Necessary)

If no agreement can be reached in negotiations or pretrial sessions, then a contested hearing must be held by the court. Both sides will present arguments and evidence in the case, and a judge will officially reach a decision on the issues. We work hard to bring your divorce, issues regarding your children, and asset division concerns to an equitable resolution as efficiently and effectively as possible. Trial is only a reality in a few cases, it is expensive and essentially means that the lawyers and the parties were unable to work something out. It should be the last option.



## Child Custody

As a parent, you want what is best for your child(ren). Whether the child is best off in your care or your spouse's, all parents and children have rights. Our child custody lawyers work to protect the rights of our clients no matter how difficult a custody situation becomes. We know a child's best interests are served if they can have healthy relationships with both parents. We take pride in representing parents who want to maintain such a relationship, whether the best end result is custody, visitation, or child support.

### Physical & Legal Child Custody

There are two forms of custody in Connecticut: physical and legal. Physical custody refers to the child's physical residence, which can be with a single parent or split between both. Legal custody refers to the parents' rights in decision making regarding such issues as their child's health or education. In many custody cases, a guardian ad litem is appointed to investigate each party's claims and make recommendations as to what is best for the child.



## Child and Spousal Support

When you are going through a divorce, you may wonder how you will get by without your spouse's income or how you get by with less after sharing some of your income with your spouse. You may be concerned about finding a job, or how you will continue paying for your child(ren)'s many expenses. At Stanger Stanfield Law, our family law attorneys understand and appreciate your financial concerns. We can help you reach a child support order or spousal support (alimony) agreement within the bounds of the law that meets your needs and protects the best interests of your child(ren).

### Helping Secure a Fair Child Support Agreement

Child support ensures the continuing financial security of the child(ren) of divorcing or separating parents. A set of guidelines established by the state of Connecticut is used to calculate a child support amount. However, the court may also consider other factors when determining child support, including the health of the child, the number of children involved, each parent's income and whether the parent has remarried or has other resources.

### Collection of Spousal Support (Alimony)

Spousal support or alimony is awarded so that a spouse can maintain the standard of living to which he or she has grown accustomed during the marriage. This is usually an extremely important issue in marriages where one spouse was the sole or primary income earner, where there are significant assets and/or where the couple has been married for several years. In order to determine whether spousal support is a viable option in your divorce situation, we ask the following questions:

- How long has the couple been married?
- What is the earning capacity of each spouse?
- Are both parties in good health?
- Has one spouse paid for schooling, career education or made other sacrifices to benefit the other spouse?
- How has each spouse contributed to the marriage?



If you decide to pursue spousal support, or if your wife claims spousal support, we will help determine how much alimony is necessary. We will also help determine the duration it should be collected under the law and all the circumstances. Rehabilitative alimony is designed to help the nonworking spouse get back on his or her feet financially; it is often claimed but not always obtained. Alimony pendente lite (or temporary spousal support) grants alimony to a spouse while the divorce is pending.

Our Hartford spousal support lawyers have represented clients with divorce and support issues. We know what steps to take and what arguments to make in order to best serve our clients' interests.



## Division of Property

An important component of the divorce process is dividing the marital property and debts, but what constitutes marital property? Marital property is any property (or debt) acquired during the course of the marriage with these possible exceptions:

- Property acquired by gift, bequest, devise, or descent (inheritance);
- Property acquired in exchange for property acquired prior to the marriage or in exchange for property acquired by gift, bequest, devise, or descent;
- Property acquired by a spouse after a decree of legal separation;
- Property excluded by valid agreement of the parties.

Property acquired during the marriage is marital regardless of how it is titled or financed unless it meets the above possible exclusions from consideration. This means that even if your name is not on your home or on the mortgage, the home is still likely marital property if it was purchased during the marriage. Taking marital property during the marriage and keeping it in a separate name or bank account does not create separate property. In addition, separate property can be converted to marital property if it is commingled with marital property.

## Commingling

Commingling occurs when a spouse takes separate property and mixes the separate property with marital funds. If the separate property cannot be easily traced back to its separate source, then it will be considered to have been commingled with marital property. As a result, the property is considered marital property and is essentially gifted to the marital assets. A common issue of commingling is when a spouse sells a home owned prior to marriage and puts some or all of those funds into a home that is purchased during the marriage. If the other spouse contributes funds or is listed on the title as well, those previously separate monies have now been commingled and are thus likely to be considered a gift to the marital estate.



## Variety of Separate Property

The most common variety of separate property is property that was owned or purchased prior to the marriage. However, an increase in value to separate property during the marriage is considered marital property. For example, if a party owned a home prior to marriage and during the course of the marriage the house rose \$30,000 in value, the \$30,000 value increase would be considered marital property, and is subject to division in the divorce. The same is true with retirement accounts, 401k's, and pensions. If a party's individual retirement account was worth \$10,000 prior to getting married, and is worth \$25,000 at the time of the divorce, the difference of \$15,000 is considered marital property and is subject to equitable division during the divorce. The increase in value can be from further contributions to the account or interest earned on the account or both.

## Marital Debts

Marital debts can be just as important, or even more important, than marital property. Just like marital property, marital debts are those debts acquired by either party or both parties during the marriage. This can include car loans, credit cards, student loans, and any other debt, regardless of whose name is associated with it. The responsibility for the marital debts will be allocated between the parties in the same manner that marital property is divided.

## Equitable Distribution Property

Connecticut is not a "community property" state. In "community property" states, such as California, all of the property owned by the parties prior to the marriage is not included in the marital estate and is therefore not subject to division. There are other specifics but they are irrelevant to a Connecticut family getting divorced. As previously described, a Connecticut divorce court will divide the assets and debts acquired during the marriage, but it will consider separate property acquired before the marriage, as well as inherited property acquired during the marriage. The Court is permitted to consider the value of any separate property owned by either party in determining what is a fair distribution of marital property.

Marital property and debts are divided equitably, in such proportions as the court deems just after considering all relevant factors including:



- The contribution of each spouse to the acquisition of the marital property, including the contribution of a spouse as homemaker;
- Marital misconduct or fault even in a no fault divorce.
- The value of the property set apart to each spouse;
- The economic circumstances of each spouse at the time of the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to the spouse with whom any children reside the majority of the time; and
- Any increases or decreases in the value of the separate property of the spouse during the marriage or the depletion of the separate property for marital purposes.

## **Equitably**

Equitably does not mean equally; rather it means fairly and justly. Sometimes an equitable division will be an equal division of marital property, but the court is not required to create a perfectly equal division of assets. Routinely what is a fair division of assets and debts in the eyes of the Court is not an equal division. This is particularly true where one party earns significantly more than the other party (the one earning less may get more property), where the breakup of the marriage was truly caused by one of the spouses or where one party has substantially more separate property than the other. Although showing fault is not required to get divorced it can be used by the court to give less to the spouse who's at fault in the breakdown of the marriage.

As part of the property division the Court can require the sale or liquidation of marital property in order for it to be divided by the parties. The Court can also require professional valuations be conducted to determine the value of marital property for purposes of dividing the property appropriately.



## High Net Worth Divorce

In high net worth divorces, or high asset divorces, oftentimes there are more issues to argue over. These arguments can cause the divorce to drag on, resulting in diminished assets at the time of the equitable distribution of the couple's marital property. Your divorce does not have to progress this way.

At Stanger Stanfield Law, our Hartford County high net worth divorce lawyers work hard to bring your divorce and asset division concerns to an equitable resolution as efficiently and effectively as possible. We can help you formulate your goals/expectations and then adapt the strategy accordingly. Furthermore, we will provide you with the necessary attention and dedicated representation that's required for full asset protection and division.

## Times Have Changed – Property Division In Divorce Is Not Easily Resolved

Many married couples today have accumulated great wealth in the form of money, property, closely held businesses and other assets. When these couples divorce in Connecticut, all assets determined to be marital, or shared, will then be equitably distributed between the parties. Two of the largest issues are determining the value of the assets and whether those assets are marital property.

Our family law attorneys will help you identify all assets and create an agreement that meets your needs. In cases involving family businesses or closely held businesses, we take a more long-term approach. Our goal will be to find a way to ensure the business maintains its value and continues to run smoothly while also giving each spouse their fair share.



# Divorce Mediation

Divorce mediation is an alternative to the traditional litigation process for couples who wish to settle their divorce outside of court, but need assistance in reaching an agreement. It is a private and confidential process where you and your spouse sort through the issues of your divorce together with the help of a trained neutral mediator. The mediator is there to provide information, guide the discussion, and suggest ideas to help resolve conflict as the parties decide what is fair and reasonable for their unique situation. The goal is for the couple to reach a settlement agreement that is satisfactory to both parties.

## What Are the Advantages of Mediation?

### Confidentiality

Everything discussed in mediation is private and confidential and will never become part of any public records. Both spouses sign confidentiality agreements to help reassure them that no statements or offers made during the negotiation process can be used against them later in litigation.

### Control

You and your spouse will make all of the decisions and you control how fast or how slow proceedings develop. Since you are cooperating to design an agreement that works for both of you, you are both more likely to be satisfied with the outcome. There are no surprises and no worrying and waiting for a court's decision, and you and your spouse maintain control of the entire process under the guidance of an informed neutral mediator from Stanger Stanfield Law.

### Post-Divorce Relationship

Since you and your spouse work together to reach an agreement that you can both support, you are less likely to experience the level of conflict and hostility that is often associated with the traditional litigation process. The cooperation, communication, and conflict resolution skills that are encouraged in mediation can significantly increase your chances of a respectful relationship after the divorce. This is critical when children are involved.



## **Money**

You can potentially save thousands of dollars on what you might pay to go through the litigation process, especially if your case would have ended up in a lengthy trial.

## **Time**

Because you are working from the same pool of information and focusing on resolution, you are likely to reach an agreement much faster than with the traditional litigation process. Depending on the complexity of your situation and your mutual willingness to cooperate, you may even be able to finish the mediation process in one or two sessions.

## **Stress**

When you decide to mediate, you can avoid the stress that litigation causes your family. When you reach a settlement in mediation and follow up with an uncontested divorce, you and your spouse will most likely never have to deal with the stress of testifying in open court. Most importantly, you have the opportunity to significantly reduce the stress that divorce brings to your children. Since both parties are working for a win-win solution, the overall amount and intensity of conflict may be greatly reduced, making an unavoidably painful experience easier for everyone to deal with.

## **Will Divorce Mediation Work for Me?**

That depends on you and your spouse, your commitment to the process, and how hard you are willing to work. Even if you are not able to reach an agreement on all the issues, you may reach an agreement on some issues and ask the Court to decide the rest for you. You still cut down significantly on the time that you spend in litigation and its associated costs.

Divorce mediation is not just for “friendly” couples and can work even if you and your spouse are angry at each other and barely speaking. All divorcing couples should explore mediation before starting the formal litigation process. Since it is a completely voluntary process, either of the parties may withdraw at any time if it is not working.



Mediation may not be the right option for you if there is a history of abuse in the relationship where either party is not comfortable speaking up for themselves, or where there is significant concern either spouse is hiding assets or not being forthcoming about their financial situation. In these situations, it may be in your best interest to hire your own attorney to represent you during the entire divorce process to ensure your rights are protected.

## **What Should I Expect?**

Once you and your spouse have made the decision to try mediation, it is important to know that each side will be looked at non-biased. You may choose to work together and share information, but the mediator will need to compare each person's stories separately.

Please remember that if you choose to hire a mediator, they will work for both of you and must remain completely neutral. If you are interested in mediation, please make an effort to refrain from discussing specific details of your case with the mediator outside the presence of your spouse. Therefore, please make the initial appointment with a mediator at Stanger Stanfield Law at a time when both spouses are available to attend.



## Testimonials

"I have worked with Bruce and have found him to be diligent, creative, and prompt in terms of service and response. Bruce can be sensitive in regards to the needs of his clients. I highly recommend him." —**Faye S.**

"Ethical, hardworking, and kind are words that come to mind when I think of Bruce Stanger. I recommend Bruce without hesitation. He's an excellent lawyer." —**Ryan M.**

"Great Results, Personable, High Integrity – I would highly recommend Bruce Stanger for the following: He is an 'in the moment' focused type of person. When you are with him his total attention is on you. His attention to detail and his ability to think 'outside the box' are other strengths that you rarely find in such a competent attorney. Also, Bruce is an awesome communicator. He is able to take the most complicated legal issues and break it down to extremely understandable concepts. Lastly, if all I was measuring were the results, Bruce would also get my vote as he delivers consistently good results." —**Alan N.**



## FAQs

No married couple intends to separate. That means, however, that when a marriage ends, the former partners start the process with many unanswered questions about the divorce. Some of the most common questions include the following:

### **How will our property and debts be divided by the court? Equally?**

During a divorce, the court will seek to divide property equitably. “Equitable” does not necessarily mean “equal.” Instead, the court has wide discretion to assign property to divorcing partners regardless of when or how that asset was acquired. In determining what is equitable, many different factors may be analyzed, including:

- Length of the marriage;
- Each party’s age and health;
- Who was at fault in the breakdown of the marriage, even in a no fault divorce;
- Occupations and earning capacity;
- Education and vocational abilities;
- Each party’s contribution to acquisition or preservation of assets (such as homemaking).

Many large assets cannot be split (such as a home), and so they must be given to one party. This often leads to offsetting assets given to the other ex-spouse to balance the scales.

### **How is child support calculated?**

In Connecticut, child support calculations are made based on a predetermined formula. That formula takes the income of both parents into account, the parents other support obligations, and other special circumstances. In general, the “noncustodial” parent will owe support to the custodial parent, but there may be adaptations when there is shared custody or split physical custody. The court will



calculate the combined weekly income of the parents and use the formula to determine what percentage of that income should be paid in support to the child. Adjustments may then be made at the court's discretion. We know how to do the calculation, allowing us to advise our clients on the likely outcome.

## **My ex-spouse recently remarried. Will I be able to lower the amount of child support I pay based on the income of her new spouse?**

A re-marriage will generally not affect child support obligations. Under Connecticut law, each parent is obligated to provide support to their children. Changes in each parent's personal life does not alter that underlying duty. However, because Connecticut uses an income-based model to calculate support obligations, changes in one spouse's own financial situation may warrant some modification in support duties.

## **How will the court calculate alimony in a Connecticut divorce?**

Unlike child support, neither party is automatically entitled to alimony in Connecticut. Instead, the court has significant discretion to determine if alimony is appropriate at all, and if so, how much to award and for how long. When deliberating on alimony, the judge will consider many of the same factors used in general division of property, such as:

- Each party's employability and earning potential;
- The length of the marriage and cause of dissolution;
- Educational background and vocational skills.

There are many different forms of alimony, including rehabilitative payments, temporary support, and lump sum payments. Lifetime alimony is an option, however, it is less commonly awarded today. Judges must provide a clear, articulable reason for a lifetime alimony award.



## **Should I consider family law mediation in my divorce case?**

Many couples are choosing alternative methods of ending their marriage, including mediation. This can be beneficial by allowing former partners to make their own decisions regarding property distribution and support. The mediation process is often less contentious than the typical litigated divorce, and it may be more cost-effective. It is not successful for all couples, but because of the potential benefits it is worthwhile to consider mediation and determine if it might work for you.

## **What are the fees and payment options that can be expected?**

Most situations need to be reviewed and discussed before an appropriate fee arrangement can be determined. For family related matters we are paid by the hour; an hourly rate is applied against the number of hours. Our rates are substantially lower than many larger firms.



## About the Author: Bruce H. Stanger



Bruce's litigation experience includes family law, divorce, product liability, construction law, professional negligence, shareholder disputes, medical malpractice, legal malpractice, and general commercial litigation.

