

## Family Law

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Drawing on over 45 years of collective experience, our Pennsylvania and New Jersey family law attorneys possess the legal skills and practical experience needed to represent clients in a wide variety of family law actions including adoption, child support, prenuptial agreements, and divorce.

We recognize that family law today stretches well beyond what was once the conventional family unit as well. Our Philadelphia and NJ attorneys will represent your interests, whether you are in a traditional or a non-traditional family relationship, including unmarried heterosexual couples or same-sex life partners.

We also understand the dynamics your experience as you go through these matters, and we have the skills necessary to represent your interests.

In addition, our South Jersey and PA family law attorneys are at the center of a cross-disciplinary team of Flaster Greenberg attorneys who provide guidance on family law-related issues relating to corporate and business, real estate, taxation, pensions, and trusts and estates. By utilizing this team approach, we can deliver a comprehensive range of services on your behalf.

Serving as your advocate is a responsibility we take very seriously. Whether you elect to resolve your matter through litigation, mediation, or arbitration, we have the experience and background to navigate through the process with you.

With offices in New Jersey and Pennsylvania, Flaster Greenberg's family law attorneys appear in courts, including, but not limited to: Camden, Burlington, Gloucester, Atlantic, Cape May, Cumberland, Mercer, Ocean and Salem counties in New Jersey. Philadelphia, Montgomery and Bucks counties in Pennsylvania.

### Pre-nuptial Agreements

Whether this is your first marriage, second (or more) a pre-nuptial agreement may be advisable. Such an agreement can protect pre-marital assets from equitable distribution and address other relevant issues. Our family law attorneys have substantial experience in representing individuals seeking to establish premarital agreements to establish legal parameters for marital relationships.

### Attorneys

Yoninah R. Orenstein

Steven B. Sacharow

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## Adoption

If you are seeking to adopt, you will find assistance with private, agency, and international adoptions, as well as expert counseling and litigation experience in contested adoptions. You will also find a highly supportive environment and a high degree of sensitivity to the many complex and emotional issues involved in the adoption process. Our Pennsylvania and New Jersey family law attorneys have been involved in over 1,300 adoptions, including agency, private, domestic, international, second parent adoptions and stepparent adoptions. Our adoption practice has national recognition, including a member who was named a Congressional Angel in Adoption.

## Family Formation Contracts

Our family law attorneys recognize that the traditional family is no longer the norm in our society and specialize in alternative family formation legal issues. In fact, only a minority of American families are couples in a first marriage with children plus, people are now getting married later in life and as a result, starting their families later.

Therefore, many of our clients use reproductive technologies to conceive children and require our assistance with egg and sperm donation contracts, gestational carrier contracts, and surrogate contracts to formalize these relationships. We can also obtain pre and post-birth orders that instruct hospitals what names to list on a birth certificate when a child is born.

## Two Moms/Two Dads

We have substantial experience in second parent adoptions and have been successful in the appropriate circumstances in having birth certificates adjusted without the need of an adoption. Our attorneys draft contracts between same-sex non-married couples as well. These contracts cover custody and parenting time so that all parties are comfortable with their chosen family plan.

## Divorce

Divorce can be a time of transition, uncertainty, and stress. There are many questions which must be faced. What will happen to me? How will my time with my children be affected? How will my children be affected? How will my life change economically? Will I have an alimony obligation? For how long will I receive support? Will I have to return to the workforce? How is child support determined? Can I still retire? What happens to our assets? What is the process? How do I decide on a lawyer? Who will be my advocate?

Our experience divorce attorneys will guide and advise you through the process. A divorce matter can involve five main areas: Child Custody, including parenting time, Child Support, Alimony (Spousal Support), Equitable Distribution (dividing the assets and liabilities) and Cause of Action for Divorce.

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## The Divorce Process

The divorce process is formally started by the filing of a Complaint for Divorce. Your attorney will review your marital history with you. You and a member of our Family Law Team will discuss which of the nine causes of action, which include Adultery, Desertion (actual or constructive), Extreme Cruelty, and Irreconcilable Differences and decide which is best suited for the facts of your matter.

If you have been served with a Complaint for Divorce, we will meet with you and work with you to determine the appropriate response, as well as discuss a Counterclaim for Divorce, if appropriate.

We will review what you should expect during the process. These topics include completing a Case Information Statement and the Matrimonial Early Settlement Panel process. We will provide you with an understanding of the discovery that will need to take place and discuss any trial-related issues. While the goal is to achieve a negotiated resolution, all members of our Family Law Team are experienced trial counsel and are trained in mediation and arbitration as well.

## What if my spouse and I cannot agree on financial issues while our case is pending?

As with custody and parenting time disputes, the court will order temporary, or pendente lite, financial arrangements. Those arrangements can include the payment of support, certain household bills and living expenses. The court can further order pendente lite distribution of assets under certain circumstances to help fund the litigation process.

## How long will it take to finalize my divorce?

The goal of the judicial system is to finalize a divorce within 12 months. Sometimes it is sooner, sometimes longer. Each matter is unique and the time it takes to finalize a divorce is dependent upon many factors, including the complexity of the issues and the attitudes of each of the parties. The degree to which you and your spouse can effectively communicate and work to resolve issues is an important factor for the time it takes to resolve your divorce and the cost of doing so.

## Child Support

### Guidelines

Child support is calculated by utilizing the New Jersey Child Support Guidelines for all parties that fall within the income parameters set forth in the guidelines. Factors to be considered in the establishment of a child support award include the parenting time schedule, the incomes of the parties, childcare expenses and alimony. The court will further consider support responsibilities for children of other relationships. While alimony for a supported spouse is based on the marital standard of living and income, children are entitled to participate in post- divorce increases in a parent's income.

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## Non-Guidelines

For those families that enjoy incomes exceeding the guidelines, we have the experience and skill needed to advocate for appropriate child support using the factors detailed in the New Jersey child support statute and the case law. The court must utilize the Child Support Guidelines to determine the amount of support up to the guideline's maximum, and thereafter the amount of support is up to the court's discretion. Factors to be considered in the establishment of a child support award include the parenting time schedule, the incomes of the parties, childcare expenses, and alimony. While alimony for a supported spouse is based on the marital standard of living and income, children are entitled to participate in post-divorce increases in a parent's income. When looking at the discretionary factors, the court looks at numerous factors, including the needs of the child, the standard of living and economic circumstances of each parent, the income, assets and earning ability of the child and the responsibility of the parents for the court-ordered support of others.

## Custody

Paramount considerations for parents who are undergoing a divorce are:

- What will happen to my children?
- What will happen to my relationship with my children?

In our New Jersey & Pennsylvania Family Law Practice, maintaining the well-being of children involved in a divorce is of the utmost importance. That means we strive to keep your children out of the middle of disputes between their parents. Therefore, if you are looking to make your children pawns in your divorce, we are not the firm for you. However, when necessary, we rely on our substantial experience advocating on our clients' behalf in contested custody and parenting time cases where there are legitimate issues about a child's relationship with the other parent.

The law recognizes three different types of custodial arrangements:

- Joint Legal Custody (this is the standard under most circumstances)
- Joint Legal and Physical Custody
- Sole Custody

We will discuss with you the most realistic option given the facts and circumstances of your matter. Because there are also statutory factors the court must consider, we will review these with you as they apply to your circumstances. The guiding factor in any custody or parenting time matter, as well as our lawyers' driving motivation, is the best interests of the children.

Parenting time arrangements also vary, from the parent who has the children on alternating weekends, to families that share true joint custody, with the children being with each parent an equal amount of time. Our experienced attorneys can help you choose the parenting time most appropriate for your situation.

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## Parenting Time

Barring exceptional circumstances, each parent is entitled to parenting time with their children. It is you and your spouse who are being divorced, not you and your children. We will review with you the parenting time schedule which would best fit your needs and that of your children.

If you and your spouse cannot agree as to appropriate arrangements for your children, the court will make decisions regarding custody and parenting time. As your attorney, custody and parenting time issues are among the most important aspect of our representation. In making these decisions, the focus should be, and the focus of the court will be, on what is in the best interests of the child or children involved. It may be necessary to involve custody experts who will meet with the parent and children so as to be able to deliver an opinion to the court as to what arrangement furthers the children's interests. We will further review the process with you, including the Custody Neutral Assessment Process, the Custody Mediation Process and the Expert Evaluation Process.

## Equitable Distribution

Equitable distribution is the fancy legal name for the splitting up of the marital assets and the marital debts. Generally, any asset acquired from the date of the marriage until the earlier of the filing of a Complaint for Divorce or a Marital Settlement Agreement is subject to distribution without regard to whose name the asset is in. The standards are set forth by statute and case law.

Having said that, there are many issues involved in the equitable distribution analysis, including the determination of what assets are subject to distribution, how assets are valued depending on when they were acquired, how premarital assets are handled, depending on whether they are active or passive premarital assets, the effect of prenuptial agreements, etc., the taxation aspects, the business implications of a spouse's interest, how stock options are handled, etc. This is yet another area where our clients benefit from our family law attorneys being at the center of a cross-disciplinary team of Flaster Greenberg attorneys who provide guidance on family law related issues including corporate and business, real estate, taxation, pensions, and trusts and estates. By utilizing this team approach, we can deliver a comprehensive range of services on behalf of a client.

Allocation of liabilities is an important aspect of equitable distribution as well.

These issues and issues relating to the use of experts in the identification and evaluation of assets, and the identification of the appropriate expert will be discussed with you by your family law attorney. We have experience in working with experts in valuing medical practices, law practices, closely held business and the many components of executive compensation, including stock options and deferred compensation.

## Spousal Support

Alimony is financial support paid from one spouse to the other. The factors the Court will analyze are governed by statute and the case law. They include the standard of living the parties enjoyed during the marriage, the length of the marriage, the incomes and other assets of the parties and numerous other factors. There are several types of alimony including permanent alimony, limited duration alimony,

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pendente lite alimony, rehabilitative alimony and reimbursement alimony. We will work with you to determine whether alimony is a factor in your case and if so, the appropriate form of alimony, whether you are the payor or the recipient of alimony. Our family law attorneys are experienced in analyzing the statutory factors and case law and have made compelling arguments on all aspects of alimony.

## Alternative Dispute Resolution

A divorce is resolved either by a court determining the issues after a trial or by way of a negotiated settlement. A settlement can be achieved through negotiations between the attorneys, or by formal mediation or arbitration, also known as alternative dispute resolution (ADR). In every divorce matter, we will advise you as to ADR options available to you. Certain cases present delicate personal or financial issues that are best addressed in alternative dispute resolution. In addition to being skilled litigators, all of our family law attorneys are experienced in ADR, and include members who have training and experience as ADR providers.

## Same Sex Relationships (LGBT)

### Civil Unions

We have been representing the interests of gay and lesbian individuals for over 20 years, in matters involving custody, parenting and adoption. Our expertise in family law and our experience is recognized in the gay and lesbian community. Our resources are available to you whether you have entered into a civil union, are members of a domestic partnership, or in a committed relationship.

In New Jersey, the Civil Union statute provides that same sex couples who enter a civil union have all of the same benefits, protections, and responsibilities under law as are granted to spouses in a marriage. The statute provides that the dissolution of civil unions shall follow the same procedures and be subject to the same substantive rights and obligations that are involved in the dissolution of marriage and that the laws of domestic relations, including annulment, premarital agreements, separation, divorce, child custody and support, property division and maintenance, and post-relationship spousal support, shall apply to civil union couples.

Further, the rights of civil union couples with respect to a child of whom becomes the parent during the term of the civil union, shall be the same as those of a married couple.

### Pre-Civil Union Agreements

Whether this is your first civil union, second (or more), a pre-civil union agreement may be advisable. Such an agreement can protect assets and address other relevant issues. Our family law attorneys have substantial experience in representing individuals seeking to establish pre-civil union agreements to establish legal parameters for civil union relationships.

**To learn more about our family law attorneys, expand the menu below.**