

## DIVORCE – IN PLAIN LANGUAGE



**Liebmann Family Law** in Newtown was founded in 2008 and is one of only a handful of firms in Bucks County that focuses exclusively on family issues: contested and uncontested divorce, child custody and visitation, child support, spousal support and alimony, pre-nuptial and post-nuptial agreements, division of property, wills and estates, grandparents' rights, and adoption.

The Liebmann Family Law Team includes three full-time attorneys: Jeffrey A. Liebmann, David Sowerbutts, and Mindy Snyder, as well as four legal assistants. The firm has created an atmosphere in which any one of the attorneys can step in and handle any emergency, and each can 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 at 4 Terry Drive, Suite 4, Newtown, PA 18940, 215-860-8200 [www.Liebmannfamilylaw.com](http://www.Liebmannfamilylaw.com).

Having practiced Family Law for 30 years, I have learned that there is a lot of predictability in what I do. The questions and issues presented usually are not legally unique but, rather, are emotionally unique. The hard part of the divorce is not the legal component but the emotional component. I have the easy job. As a person contemplating divorce, you have the hard job. Compounding this difficult decision is that proceeding with a divorce feels as if you must learn a new language—the language of divorce.

### Divorce Complaint

The process usually begins with the filing of a Divorce Complaint. It does not matter who files first. It does not give you anything more or anything less if you are the Plaintiff (the initiating party) or the Defendant (the responding party).

Once the Complaint is filed, it must be “served” on the other party. This can be done by way of first-class or certified mail so long as the receiving party acknowledges receipt of the paperwork. If the receiving party does not retrieve his/her mail, then a process server will hand the papers to that person. If you receive the paperwork, do not panic. Simply take possession of the papers and contact a lawyer.

In Pennsylvania, you cannot be divorced until the economic issues are resolved. The economic issues include spousal support, alimony and equitable distribution of all assets and liabilities of the marriage. If there are no

economic issues between you and your spouse, you can move towards the grounds for divorce.

### Grounds for Divorce

After the filing for divorce, the next step is establishing the Grounds for Divorce—or the legal basis. The Grounds for Divorce can occur in different ways—fault and no fault. No fault would be by consent or with a one-year separation. 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 basis is one year of separation. In this situation, you do not have to wait the ninety (90) days to move the divorce along. The other legal basis available to establish the grounds for a divorce is fault based. This is the only time that fault is relevant in a divorce action. Being “at fault” does not mean that you get more or less of the marital estate; it is just the basis for divorce.

### Equitable Distribution

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 come to an agreement, and the terms are written up in a contract called a **Property Settlement Agreement**. With a signed contract, there would not be any reason to proceed to court. Everything is done by paperwork. However, if you and your spouse cannot agree, the court system is there for you.

### Spousal Support and Alimony

During the pendency of the divorce, you may be entitled to spousal support. This exists if one spouse earns more than the other spouse. It is income versus income. Spousal support is the same as alimony except support is before divorce and alimony is after divorce.

Alimony is also resolved as to amount and length of time prior to divorce. For some reason, many people

think that alimony does not exist in Pennsylvania. That is not correct; alimony exists. The most important factors that affect alimony are the income of the parties and the length of the marriage. It is income versus income. It is predictable.

The issues arise if either party does not accept that predictability. Meeting with an experienced attorney offers you a road map of how a divorce will proceed. With

this knowledge, if you and your spouse can resolve the economic issues, you may save yourself thousands of dollars in legal fees.

This is just an outline of the issues you may confront. For more information on each of these issues, please schedule a consultation with an experienced family law attorney. **Liebmann Family Law**, in Newtown, offers a free initial consultation.

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