

Family Law

What Is Family Law?

Many do not think that family law carries the complexity or stimulation of some other areas of law. However, [family law](#) requires knowledge of both the law's inner workings and its relationship to human psychology than any other area of the law.

What does a Family Law Attorney do?

A [family law attorney](#) must navigate through highly emotional situations and schedules for all parties. They also must be prepared to help their clients with tax situations and the distribution of family assets. If there are children involved, a family law attorney handles custody issues and visitations, financial support, and sometimes allegations of abuse.

There may be frequent hearings and the possible need for experts on everything from finances to potential private investigations into the parties' actions during their cases. While this area of law may not have the reputation of others for its complexity, it has a rich body of law. It requires the attorney to be flexible as several issues may come their way during a case.

Reasons to Hire a Family Law Attorney

A family law attorney must deal with an astonishingly wide variety of types of cases.

A family law attorney must be proficient in:

- divorce,
- custody,
- changing custody,
- terminating parental rights,
- adoption,
- determining visitation,
- and doing all these things while remembering that highly emotional people are involved.

With each of these cases, complex and varied case law has developed to protect the married couple's assets.

Division of Marital Property

There are generally two types of division of marital property: community property or equitable distribution. There are many states on both sides of the two kinds of divisions of marital property.

Community Property

This is the principle that any property acquired during the marriage is the joint property of both parties.

Equitable Distribution

This is the principle that the assets acquired during the marriage should be first valued as marital or nonmarital. Once the determination is made as to the status of the assets, the parties either agree on distributions or, if necessary, the distribution is ordered by the judge.

Like in a community property state, it is assumed that the property should be evenly distributed, but the judge

can order an unequal distribution if testimony shows that the property should not be evenly distributed. The prepared family law attorney must understand the state's laws on marital property and advise his client accordingly. Knowledge of these principles can save the client a lot of money during a divorce proceeding.

Divorce

Likewise, family law attorneys are frequently called upon to help clients determine tax consequences of [divorce](#), divide up assets such as homes or retirement accounts, or even businesses. Experts in such areas should be part of the family law attorney's list of contacts. In such matters, it is important to ensure that assets are protected to the best of the family law attorney's ability, even if this means hiring another expert.

Child Custody/Child Support

One of the other major areas of emphasis for the [family law lawyer](#) is child custody determination. Whether the parties have children as part of their marriage or if the parties never married, custody situations are often contentious. Courts will always determine custody based on the general idea of the best interests of the children. The client and attorney must discuss what this principle means. Many times, these cases become emotionally charged.

When granting one parent custody, there is no longer a general principle that either parent starts on a better footing with the court because of gender or the child's age. The court will look to these matters as a factor among many others.

Other factors the court will look at include:

- which parent can communicate and get along with the other better regarding parenting decisions,
- the child's health,
- the willingness to facilitate a good parent-child relationship,
- the nature of each parent's employment for child support, and
- the home environment of each parent.

Many of these cases settle outside of court. The parties determine between themselves what is best for the child without the court having to decide. If the parties cannot settle their disputes, a good family law attorney should prepare his client to go through a challenging trial.

Changing Custody

Custody matters are uniquely emotional. Even if the matter does not go to trial and an agreement is made, situations between ex-spouses can change instantly.

Even cases that get resolved can end up back in court based on one parent's behavior or the child's desires. Child custody matters are a rollercoaster and are never really finished until the child involved becomes an adult. A good family law attorney will be present to counsel the client throughout the child's life to make the best decision for the child's well-being.

Attorney-Client Relationship

Family law attorneys have a challenging job. In addition to navigating the financial and family-dynamic aspects of a family litigation matter, the attorney must also help the client go through a tough personal time. These cases can be highly emotional. A family law attorney must be prepared for the extraordinarily complex nature of the case, both legally and psychologically.

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