Spencer Fane

Family Law

Real world solutions for families, emotionally intelligent advocacy.

Whether through collaborative negotiation, mediation, or litigation, the best outcomes in family law matters find their roots in emotional intelligence. Our team uncovers the unseen and unspoken issues that drive legal decisions. We know if there's room to negotiate and collaborate or if going to court is the only legally prudent path. The Spencer Fane Family Law team finds the best path for a client's situation and guides them skillfully toward the best possible outcome.

Overview

Fostering hope for a future that is manageable and just

The Spencer Fane Family Law team supports clients in finding solutions that allow them a sense of peace and closure about the decisions they make. Our professionals are strong, compassionate, and skilled in advising on the full range of family law issues including:

- Divorce
- Child custody and support
- Spousal maintenance
- Asset division
- Prenuptial and postnuptial agreements
- Paternity (establishing, defending, or denying)
- Adoption and guardianship
- Business dissolutions necessitated by family law matters
- Interstate and international family law issues

We understand that each family is unique, and we assist clients by listening to their needs and guiding them through the best process to achieve their goals.

We negotiate relatively simple as well as complex divorce matters, including those involving high-asset financial issues and matters that cross state and international borders. Our Family Law team draws on the experience of lawyers throughout Spencer Fane to address complexities in divorce and related disputes, including lawyers in the areas of real estate, bankruptcy, tax, trusts and estates, corporate transactions, including business dissolutions and structured buyouts, and civil litigation.

Also, when necessary, the firm's extended network of professionals – including accountants, financial advisors, mental health specialists, industry leaders, and others – provide additional support.

Areas of Focus

Adoption and Guardianship

Guiding clients through the legal and bureaucratic process of obtaining adoptions and guardianships. The Spencer Fane Family Law team has advised families on both traditional and nontraditional adoptions. We help clients navigate the often lengthy and complex adoption process, providing legal representation for adopting parents and stepparents.

In some states, before assigning guardianship, a court must first determine whether both of the child(ren)'s parents are deceased, circumstance or court order have severed both of the parental relationships, both parents have consented to the guardianship, or a combination of those factors exists. A guardianship can be temporary or permanent, and the court will always look to the best interests of the minor child(ren).

Asset Division and Spousal Maintenance

Dividing assets equitably, determining the appropriateness of spousal maintenance (alimony). When substantial assets are involved, divorces become more complex. In most states, marital assets are to be divided equitably, although not always equally. Spencer Fane attorneys assist clients in identifying, characterizing, valuing, and asserting ownership of marital and separate property.

Spousal maintenance is the term used to define the financial assistance one spouse of a divorcing couple may be required to pay to the other. If a spouse is eligible for spousal maintenance, the court looks to a list of enumerated factors to determine the amount and duration. Spencer Fane assists clients in determining if an award of spousal support is appropriate under their specific circumstances.

Child Custody and Support

Developing a child custody arrangement that will be beneficial to your newly defined family. Spencer Fane ensures that the needs of the child(ren) in divorcing families, or those involved in other family disputes, are a priority. Our focus on the best interests of the child(ren), in any legal situation, is unyielding.

Our Family Law attorneys assist clients with:

- **Child custody, including both physical custody and legal custody**. Physical custody refers to where the child(ren) will primarily live. Legal custody refers to the decision-making authority of one or both parents.
- **Child support**, meaning financial support of children as deemed necessary and appropriate by state law. Generally, support payments are based on combined parental income and the parenting-time schedule shared by both parents.
- **A state's child support guidelines**, including how the process of receiving or paying child support works.
- **Modifications or enforcement of child support orders** after a divorce is final in the event there is a substantial and continuing change in circumstances of either party.

Collaborative Divorce

Avoiding a protracted, expensive, and traumatic divorce proceeding. Collaborative divorce addresses each dimension of a divorce – legal, financial, and emotional – with the objective of avoiding the length, expense, and emotional trauma of a traditional divorce.

A collaborative divorce involves an attorney and a divorce coach for each party, a financial specialist, and a child specialist, and it puts families first by allowing couples to maintain control over their decisions, resolving differences without the threat of going to court.

Spencer Fane collaborative divorce attorneys:

- **Facilitate a transparent process** by cooperating fully with disclosure and discovery requests and enabling both participants to make informed decisions.
- **Foster a private and dignified proceeding**, guiding couples through a divorce and preparing them for the future.
- **Lay the groundwork for a family to move amicably from one household to two**, treating the transition with reverence and respect while keeping the needs of the family and child(ren) at the forefront of the process.

Complex Family Litigation

When litigation is unavoidable, receiving skilled and experienced legal support is imperative. The Spencer Fane Family Law team includes trial attorneys who have litigated hundreds of family law matters.

Bringing skilled and fearless advocacy to meeting the needs of families and children, our focus is on being a reliable and authoritative advocate for clients in and out of the courtroom, litigating with precision, discernment, and dignity.

Mediation and Negotiation

Leading clients through a more cost-effective, non-adversarial, and possibly healing process. Mediation is a voluntary process in which couples choose to work together with a neutral third-party to facilitate communication in an attempt to resolve differences.

Using mediation, our Family Law team:

- **Encourages separating couples to move away from theories of right or wrong**, winning or losing, and the monetary and emotional costs associated with litigating conflicts.
- **Helps separating couples to work together to solve problems** and, ultimately, reach a compromise on divorce-related issues with which both parties can live.
- **Allows clients to drive the process** and to have a sense of ownership over the legal and financial choices they make.
- **Drafts legal documents which memorialize the agreements** reached by divorcing couples.
- **Advocates for our clients while offering insight** as to the potential consequences if a negotiated settlement is not reached.