

FAMILY MATTERS

Trend of the Law: Child Support

By Phoebe P. Hall, Attorney, Mediator and Former Judge

Child support is often contentious. As family law attorneys, we have seen mothers concerned about inadequate or late support or fathers concerned about unaffordable obligations or issues about the use of the monies. Mom will ask if Dad can be made to pay on time. Dad will ask if he can pay the expenses directly or at least get an accounting for how they are spent. Moreover, as time passes and circumstances change, one parent will want a change in the amount, but the other parent refuses to discuss it or provide information. Other problems arise when the parties agree to change the amount but don't go through the courts to change an

order and later there are issues about arrearages. The trend of the law is to view child support as *the child's* entitlement. The current presumption is that support will be based on statutory guidelines based on the parties' incomes and the amount of time the child spends with each parent. Health insurance costs and day care costs are factors. Spousal support and support for other children also factor in. Applying the guidelines can be complicated where there is self employment, bonus, overtime, or commission income. In a small number of cases, the court will deviate from the guidelines based on evidence of statutory

factors. Courts normally will not allow the payor of support to pay expenses directly or require an accounting for how the money is spent.



The law is always being rewritten

Agreements to waive support or to change it without a court order are usually held void. Clients can consult us about the latest laws or how the law applies to their particular situation.

Mrs. Hall is an attorney and mediator. She formerly was a substitute judge in the Richmond Juvenile and Domestic Relations District Court.

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Important News at Hall and Hall

Our law firm is dedicated to family law matters, and we are called upon by people from all walks of life to counsel them about courses of action they are contemplating, situations they are facing or to provide ongoing representation.

Our services include:

- Wills and estates
- Separation
- Divorce
- Mediation
- Custody and visitation
- Child support
- Spousal support
- Equitable distribution

We help with:

- Prenuptial agreements
- Property settlement agreements
- Negotiations
- Litigation
- Uncontested matters

We seek to provide what our clients need and want.

Special points of interest:

- *Serving Richmond for over 30 years*
- *Convenient offices in Chesterfield & Henrico*
- *Offering prompt and affordable services*
- *Friendly and experienced staff*
- *Client centered options*
- *Contested and uncontested matters and mediation*

Marriage Minder

Communication between partners is one of the most challenging, yet one of the most important aspects of a solid relationship. Here are some suggestions to help you “mind your marriage”.

Listen. Make an effort not to answer until your spouse has finished.



“Till death do us part”

Be slow to respond or speak—think first.

When you are wrong, admit it. Then ask for forgiveness.

Do not blame or criticize. Instead look for qualities in your spouse that you appreciate.

If you are criticized, try not to respond in the same manner.

Do not use silence to anger or frustrate your spouse. Explain why you are hesitant to talk.

Try to understand when your spouse has an opinion that differs from yours. Be concerned about his or her interests.

Understand that you can disagree without quarreling.

Smart Divorce

Separation of a husband and wife does not always lead to a divorce. Divorce should only be the last resort when all else fails, and it must be approached the right way. Often when someone comes to see us the marriage has broken down irretrievably and the time has come to approach the situation sensibly. People want to learn their rights and how to protect themselves, their families, their assets, and discuss the best way to proceed.

Since each person is unique and has an idea of what the future should hold for them, we take the

An initial consultation may be the best expenditure you will ever make.

time to talk about options that are available, the possible consequences of pursuing various options, and discuss the best way to

proceed. We begin that process with the initial consultation and provide basic information and advice. An initial consultation may be the best expenditure you will ever make. When contemplating a separation or divorce, the first step is to sit down with one of our experienced family law attorneys and counselors-at-law.

5 HOT Tips

- Help someone through a divorce by giving them a copy of a helpful book such as Rebuilding by Bruce Fisher, or a copy of this newsletter.
- If you are selling or transferring your marital residence as part of your divorce, you may have unexpected consequences. Schedule a consultation to be sure you know the right way to

do this.

- Be in charge of your own brain. If you are not programming your mind, then someone else is, and they may not have your best interest at heart.
- Never sign something thinking it can be changed later.
- A child’s future will be the direct result of the child’s

present.

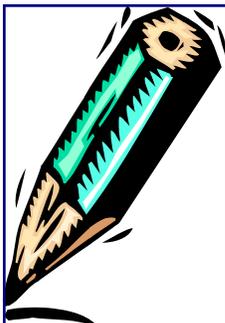


Looking At Issues

By Franklin P. Hall, Esquire

WHAT IS A PROPERTY SETTLEMENT AGREEMENT?

A property settlement agreement is a written contract between parties that sets forth their rights, obligations, and duties that arise out of their separation and divorce. It may include the division of their property and their debts, spousal support, child support, custody and visitation of their children, and attorney



The written law in the Commonwealth of Virginia

fees. The agreement may be an amicable way to settle the rights of the husband and wife. Courts will honor the agreement once it is in writing, signed and notarized by the parties. If the parties cannot agree, either party may ask the court to divide the marital property and debts in a procedure called “equitable distribution”. The court will classify all of the couple’s property, including debts, as either marital, separate, or part marital-part separate. The court will divide the

assets and liabilities between the spouses. The division of the marital estate is often 50/50, but this is not automatic. The court is not required to divide the marital assets equally between the spouses. Parties can avoid the equitable distribution process in court if the parties agree how things should be divided. In general it is faster and less expensive to reach an agreement for property division than to request the court to divide and distribute the property.

Wills and Estates

Estate planning is a process that deals with property ownership and the preservation and protection of one’s assets. Tax strategies, retirement and disability issues are also part of the financial planning process. As you can guess, estate planning is not only for the rich and famous!

An estate is everything a person owns. It includes their residence,

cash, stocks and bonds, investments, their retirement plans including IRA’s, life insurance death benefits, personal property such as cars and trucks, boats, campers, jewelry, antiques, collectibles and other items. In addition, if you own a business, the business also becomes part of one’s estate.

Most people do not plan to fail, they just fail to plan. A proper estate

“Most people do not plan to fail, they just fail to plan.”

plan is a way to preserve the wealth you have worked for during your life. Estate planning helps you identify your goals for your family and creates a plan for the transfer of assets in an organized matter.

Kids Corner

“ I can’t stand it when my parents fight. They fight over the stupidest things” - Quote from an 18 year old girl whose parents divorced 8 years ago. Here are some tips for helping kids enjoy time with each parent:

- Respect the other parent’s right to their own rules and ways of doing things in their household.
- Make sure that your child knows

that there is no one right way of doing things. Different does not mean “bad”.

- Give your child some downtime to make the transition between households by not scheduling activities immediately before and after they leave or return home.
- Be positive. Kids need to know that it is alright to have fun

when they are not with you.

- Arrange travel plans in advance and be patient. The routine may need some fine tuning before it really works.



Pick your battles wisely—learn to let go of the unimportant

Law Offices of Hall and Hall
The Family Law Firm of
Virginia
1-800-DIVORCE

The Hall Professional Building
HALL AND HALL
1401 Huguenot Road
Suite 100
Midlothian, Virginia 23113

Phone: (804) 897-1515
Fax: (804) 897-2499

Franklin P. Hall, Esquire
Phoebe P. Hall, Esquire
Tracy H. Spencer, Esquire
Natasha Ries, Law Clerk
Deborah A. Allen, Paralegal
Rebecca L. Siceloff, Paralegal



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More Learning by Tracy H. Spencer, Esquire

We have all heard the expression, “An apple a day keeps the doctor away”, but have you ever stopped to think about what it really means? How can you take care of yourself while you are going through a separation or divorce?

The process can affect your own well-being, whether physically or mentally. It's important to find ways to cope with all of the changes occurring in your life during a separation or divorce.

Take care of yourself by getting a physical, begin an exercise program to help with the stress, seek the help of a good therapist; become involved in a worthy organization or volunteer your

time to help others; understand that there will be things said to you, or done to you which you cannot control.

Allow the attorneys and staff at



You are never too old to learn.

Hall & Hall to handle the legal issues that may arise. Meanwhile, you can take the time to develop different options for solving some of the daily issues you may face, such as what if the spouse does not pick up or deliver your child on time.

Dealing with these new issues head-on can ease your state of mind, so the same problems do not keep arising. It is important for you to take care of yourself throughout this process. Let us assist you in protecting your legal rights, so *you* can focus on yourself, both physically and mentally.