

# FAMILY MATTERS<sup>®</sup>

## Trend of the Law: Remarriage

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

Couples where one or both parties have divorced and remarried face new joys and new challenges. Rebuilding frequently involves a new residence, new friends and relatives, a different lifestyle, a different budget, and managing a changed relationship with former spouses and any children of one or both parties. Sometimes remarriage brings new children. Those who have approached their divorce in a cooperative and problem-solving manner usually have an easier time handling the changes that occur after the divorce. Couples who have learned to communicate and work together as separated

parents usually have an easier time. Couples who cannot talk to each other and who fight over every aspect of parenting most often end up in a heated conflict over post-divorce issues. How well they approach the issues that arise will control their level of satisfaction with their new life and can have a major financial impact. The newest trends in



*A Wonderful  
Second Chance*

family law recognize the benefits to everyone in most cases in approaching matters of divorce, custody, visitation,

support, and changes in custody, support and visitation in a cooperative and problem-solving manner rather than engaging in legal hostilities that are painful, costly and divisive. This is why we offer fresh solutions such as Zsmart Divorce<sup>SM</sup> for those clients who want to take a collaborative approach to the family law issues that they face. This does not mean giving up rights or not having the advice of counsel, but rather it means that everyone's energy is focused on creative ways of making arrangements that will work for everyone involved. Visit our website at [www.divorceandbeyond.com](http://www.divorceandbeyond.com) to learn more about the options.

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- ◆ *Offering prompt and affordable services*
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- ◆ *Client centered options*
- ◆ *Contested and uncontested matters and mediation*

## 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
- Contested matters

*We seek to provide what our clients need and want.*

## Marriage Minders

- ★ Take time to be together by yourselves.
- ★ Remember to keep the laughter bubbling up.
- ★ Never be too busy to plan some fun.



- ★ Save up interesting things from your day to share with each other.
- ★ Do something out of character sometimes.

## Laws Affecting Second Marriages

1. Orders or agreements from a first marriage can impose long term support obligations.
2. Custody, visitation and child support can always be changed based on a change of circumstances.
3. Alimony for an ex-spouse cannot be changed if it was set by an agreement, even if the circumstances change.
4. Alimony that was set by a judge and not by an agreement can be increased or decreased based on changed circumstances.
5. A parent who voluntarily signs an agreement to pay for a child's college education is bound by that



even if the court could not have required it absent that agreement. This is true even if circumstances have changed since the agreement was signed.

## 5 Hot Tips for Second Marriages

1. Don't let ongoing conflicts from your prior marriage or your spouse's prior marriage enter your home and poison your new marriage.
2. Learn to manage and expect the financial obligations that you and/or your spouse have or will have for a prior family. Don't let this become a bone of contention in your new relationship.
3. Visitation can bring complications to your life, your spouse's life, and the lives of everyone's children. The more children or sets of children there are, the more complicated it can be. Be careful how you handle this and make wise decisions. Put the children first while being careful what strains you put on your marriage.
4. Don't expect your spouse to put you or your children ahead of his or her own children. It is not realistic.
5. Get counseling at any early stage if past lives are bringing new problems to your life.

## Wills and Estates By Franklin P. Hall, Esquire

- ★ Don't leave your loved ones without having made proper provisions for them.
- ★ Put your house in order by making a will and setting up any trusts you need.
- ★ Consider having a medical power of attorney to name a medical decision-maker and living will.
- ★ If you have a beneficiary with

special needs, or you have parents to look after or beneficiaries from a prior or new marriage to provide for, let us help you plan.

- ★ Learn what assets pass under your will and which assets pass outside of your will.
- ★ Make proper beneficiary

designations for retirement plans, life insurance, etc.



## Remarriage

Maurice Chevalier gave us the popular idea that "love is beautiful the second time around". It is true that people who survived a difficult first marriage really appreciate the love they find in a second marriage and the chance for a good life. Sometimes, however, they are unprepared for all aspects of a second marriage.

One of the most difficult problems we hear about is what occurs when one, or even both,

parties have children and there are ongoing hostilities or conflicts concerning the children or finances. A new husband or wife may not be prepared for their spouse to bring old conflicts and obligations related to a prior life into their new home.

Each partner in a second marriage brings "baggage" with them. Have you carefully considered how your marriage will be affected by these

matters? Do either of you have children by a prior relationship? Do either of you have contentious ex-spouses? Is there ongoing litigation or the potential for it? Are you or your spouse bringing conflicts into your life together? Watch these danger signs and consider counseling if you need it before your chances for a good life are spoiled by the inability to manage these matters successfully. Nurture your love and give it the conditions it needs to flourish.

## Who's kid would you like to be?

"My Mom and Dad have each remarried, and I have two homes to go to. They live close by and make sure that I have what I need no matter which home I am in."



"My Mom and Dad have each remarried. Mom doesn't like my step-mother but Dad says to call my step-mother "Mom". When I need something, Dad says, "that's what I pay your mother all that child support for" and mom says, "ask your Dad, I can't afford it".

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**~PASS THIS ALONG TO A FRIEND~**

**Serving you with offices in Chesterfield and Henrico**

*The content of this newsletter is for informational purposes only. The information contained herein is not intended to constitute legal advice. You should consult an attorney for advice regarding your particular legal situation.*

## **Yours, Mine and Ours** by Tracy H. Spencer, Esquire

“Yours, Mine and Ours”, the 1968 movie starring Lucille Ball and Henry Fonda, took a humorous approach to show the ups and downs of having a blended family. Unfortunately, not every family is like a Hollywood movie where all of the family’s crises can be solved in approximately two hours. In reality, newlyweds with children and previous spouses have many issues. Will my stepchildren like me? Will my children like my new spouse? How will my ex-spouse handle my new marriage? Open

communication is the key to all good relationships. Sit down and discuss everyone’s expectations about how life is now going to be, and remember to treat everyone



with respect. The internet provides numerous resources that allow parents to

retrieve and exchange information, including [www.stepfamily.org](http://www.stepfamily.org), [www.stepfamily.net](http://www.stepfamily.net), and [www.comamas.com](http://www.comamas.com). Your local library also has numerous books available on the subject of stepfamilies, such as “7 Steps to Bonding with Your Stepchild” by Suzen J. Zieghan, Ph.D., “Keys to Successful Stepfathering” by Carl E. Pickhardt, and “Stepcoupling: Creating and Sustaining a Strong Marriage in Today’s Blended Family” by Susan Wisdom and Jennifer Green. A blended family can be a blessing when everyone works together.