

CALIFORNIA

DIVORCE

GUIDE



Law Offices Of Silky Sahnun

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CHAPTER 1

STEPS TO GETTING A DIVORCE IN CALIFORNIA



We know the divorce process can be, at the very least, confusing. More often, divorce is an overwhelming, life-changing event.

Hiring the right attorney will help you avoid many of the pitfalls and problems of divorce. At the Law Offices of Silky Sahnan, we take every measure to make your divorce as stress free, efficient and productive as possible, while protecting your rights and interests.

So where do you start? How do you get the California divorce process underway? The first step is where one spouse or partner generally hires a lawyer to help them file for divorce. This triggers all future events.

Step 1: Hire a Lawyer and File for Divorce

Every divorce proceeding begins with a petition that one spouse or domestic partner serves to the other. Either spouse/partner may file for divorce.

California was the first state to enact the “no-fault” divorce law. This means that no blame or charges of marital misconduct, such as adultery, abuse or abandonment, are required as grounds for filing for a divorce in California.

If you realize that your marriage or partnership is coming apart due to irreconcilable differences, you have sufficient basis to dissolve a marriage or registered domestic partnership.

The marriage can be terminated whether or not the other spouse or domestic partner agrees to it.

Step 2: Confirm Residency Requirements

Some basic residency requirements apply, and are slightly different for married couples and domestic partnerships.

- The married spouse who is petitioning for the divorce must be a resident of California for at least six months and a resident of the county of filing for at least three months.
- If the domestic partnership is not registered in California, you are required to meet the same residency requirements of a divorcing married couple.
- For a domestic partnership that is registered in California, the petitioning domestic partner does not need to meet these residency requirements.
- If you meet California’s residency requirements, our law firm can help you begin the divorce process by (1) filing a petition to dissolve the marriage or domestic partnership in family court and (2) serving a copy of the petition and a summons to your spouse.

Step 3: Divorce Proceedings

Depending upon your situation and the complexity of the divorce, various steps will be followed. If you and your spouse or partner are very agreeable on all decisions, an agreement will be easily reached.

Conversely, if decisions about child custody and visitation, child support, and division of debts and assets are in dispute, reaching a final agreement will require mediation and a possible trial, after which a judge would resolve any remaining disputes. Temporary orders regarding custody and child support would be immediately sought.

Below is a summary of steps we regularly guide our clients through in divorce proceedings:

- **Default:** Your spouse must file a Response to your petition for divorce. If your spouse (the “responding party”) does not respond in 30 days, you may ask for a default. The responding party is in default, and therefore gives up his or her say in the divorce proceedings. Various factors may come into play, yet generally the divorce is then considered an uncontested divorce case. As your divorce attorney, I can offer valuable advice in this regard.
- **Disclosure:** We compile and prepare a disclosure statement concerning your financial status. This includes income, expenses, assets, and debts. This disclosure is sent to your spouse; later the court may require that you follow up this initial disclosure with a Final Disclosure Declaration.
- **Temporary Orders:** As needed, we request an Order to Show Cause hearing regarding temporary orders on your behalf. In this hearing, a judge will decide on temporary arrangements for custody, visitation, child support, disputes over restraining orders, the need for lawyer fees and other possible temporary needs.
- **Agreement:** We work with you and your spouse to resolve any issues of the divorce. By effectively reaching an agreement, you avoid having to appear in court. Most importantly, an agreement can be comprised of creative and supportive solutions that you and your spouse work out and can actually live with—where a decision imposed by a judge may not be as attractive in the long run.
- **Trial:** When full agreement cannot be reached in divorce, you and your spouse will appear in court for a trial in which a judge will make the decisions. Clients often think their case will be an uncontested divorce case. Many is the divorce case in which one party rejects an agreement and the need for contested litigation arises. In addition to strong negotiating skills, Attorney Sahnan is an accomplished and highly respected litigator.
- **Judgement:** Various details and protocol must be satisfied before a judge will grant a divorce. The entry of a judgment means the judge has ruled on all unresolved aspects of the divorce, including the dissolution of the marriage, custody, visitation, child support, spousal support, division of debt and assets, lawyer’s fees and other issues.

CHAPTER 2

LEGAL SEPARATIONS



A legal separation does not end a marriage or domestic partnership. In a legal separation, the parties file a written agreement with the court that addresses and outlines how assets and debts will be divided as well as the child custody and child support arrangements, visitation schedules, and spousal support. During the period of a legal separation, parties cannot remarry.

Reasons to get a legal separation:

- They do not want to divorce but, nonetheless, want to live apart and obtain orders from the court about money, property, and parenting issues.
- They do not meet the required residency requirements to file for divorce in California, and they cannot or do not want to wait to get the process of separating started.
- They do not want to divorce because they want to remain covered by their spouse's or partner's health insurance plan, or to maintain certain benefits that require the parties to remain married.

You can still get court orders regarding:

- Child custody and visitation
- Child support
- Spousal or partner support
- Division of property
- Debts

California Residency Requirements

For married couples to obtain a legal separation:

- You may file in California if at least one of you is currently living in California.
- After enough time has passed so that you meet the residency requirement for a divorce, you can file an "amended petition" and ask the court for a divorce (if you want a divorce).

For domestic partners to obtain a legal separation:

- If your domestic partnership is registered in California, either partner may file for a legal separation in California even if neither of you lives in California.
- If your domestic partnership is NOT registered in California, you may file for legal separation in California if at least one of you currently is living in California.

CHAPTER 3

DIVORCE ARBITRATION



SIGNATURE

When you and your spouse reach an impasse during divorce negotiations, arbitration offers a viable alternative to court. Although arbitration is more formal than mediation, it is less formal than litigation. During the process, your case will be heard in a private setting before an Arbitrator, who makes a final, binding, and usually non-appealable decision.

Couples select the Arbitrator together, usually opting for a professional with relevant experience in an area of interest, such as real estate, taxes, or child custody. An Arbitrator is a neutral third-party, usually a lawyer or a retired judge, who is often paid by the hour. Although you and your spouse will ultimately decide who the Arbitrator will be, your respective lawyers will have important insight into the kind of professional that would be appropriate for your case.

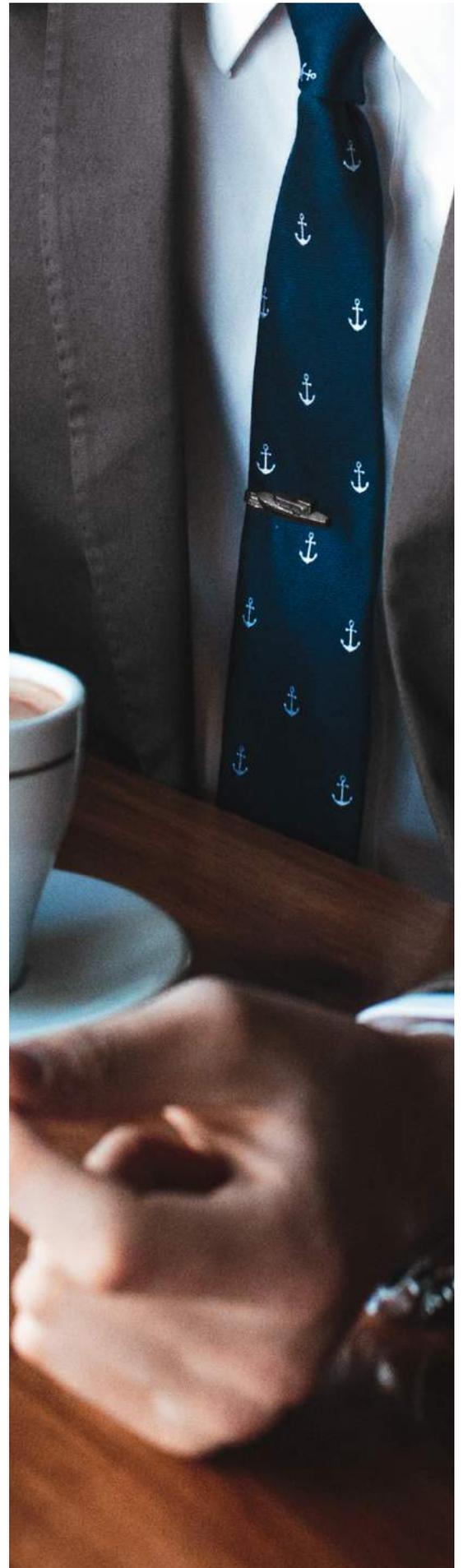
Unlike a typical court trial, an arbitration hearing is scheduled at a time and place convenient to all parties, rather than determined by a trial judge's availability. With support and guidance from their respective attorneys, divorcing couples may also define the procedure to be followed in the arbitration hearing. Couples also have control over how long the Arbitrator will have to reach a decision.

During the hearing, the Arbitrator is presented with specific issues inhibiting resolution as well as evidence supporting each side. The Arbitrator's decision (called an "award") is given after the allotted time period, and it cannot be appealed in most cases.

Arbitration hearings are done in private, which is part of the reason why this option appeals to California residents – particularly high net worth individuals who want to avoid the spectacle of having to reveal the inner workings of business deals or expose embarrassing details about the separation to the press. Bear in mind, however, that court records will still be public whether you use arbitration or not. Not all states allow arbitration in divorce cases; fortunately, California does allow this option.

CHAPTER 4

6 RESOURCES FOR HIGH NET-WORTH MEN GETTING A DIVORCE



Wealthy men face unique, often hard to articulate challenges when they get separated. Fortunately, you don't have to go through the process alone or reinvent the wheel. Here's a quick catalogue of trusted, reliable resources to manage your life, your finances, and child care and support.

1. Support Groups

Identifying the right support group – one that shares your values, respects your privacy and meets at a convenient time and place – is not easy, especially if you live in a remote section of the state. Consider using websites like MeetUp.com to find resourceful groups. For instance, do a search for “recently divorced dads” in your area. If you can't find an appropriate match, you can always start your own group.

2. Men's Divorce Forum

While in-person groups offer a degree of intimacy and connection that online support systems obviously cannot match, resources like the Men's Divorce Forum can be powerful. Members can offer insight into your challenges, such as locating a therapist or coming up with creative ideas for what to do when your children visit.

3. California Child Support Calculator

To get a rough gauge for what you should expect to pay for child support, or to make sure you're paying the right amount, use this child support calculator, which is tailored specifically for California residents. Don't make any strategic decisions or adjust your budget based on these numbers, however. Consult first with a qualified California family law attorney.

4. California Family Code

Although it doesn't exactly qualify as “light reading,” the California Family Code is a good resource to bookmark if you ever want to read up on the laws that could impact your case.

5. Our Family Wizard

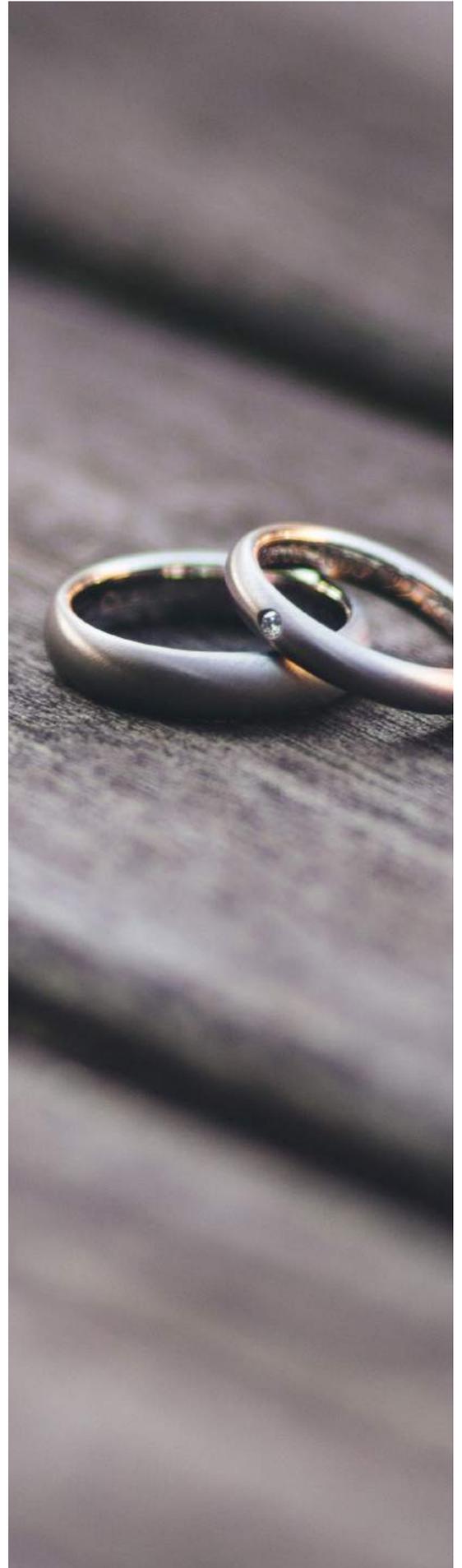
An excellent, respected co-parenting tool, Our Family Wizard “offers divorced or separated parents an array of tools to easily schedule child custody and track parenting time, share important family information, manage expenses as well as create an accurate, clear log of divorce communication.”

6. Attorney Directory

For a comprehensive list of qualified California family law attorneys in your area, check out the American Bar Association's attorney directory for a convenient list of all your options. Also, if you have questions regarding your California high net worth divorce, please call the Law Offices of Silky Sahnan at 888-228-1098 to set up a confidential consultation with our team.

CHAPTER 5

SPECIAL CONSIDERATIONS FOR SAME-SEX DIVORCE



Just as same-sex marriage is considered equal under the law to traditional marriage, same-sex divorce is also equal to traditional divorce—at least in theory. Same-sex marriage became legal in all 50 states in 2015, and California began issuing marriage licenses to same-sex couples as early as June 2008. Although California was the first state to do so, the law still reflects a relatively recent change. Many gay couples were together—often cohabiting—for years and even decades before officially tying the knot.

Dividing assets

Most courts will only consider dividing assets that were acquired during the marriage, regardless of how long a couple may have lived together, shared assets, or acquired property as a couple. For gay couples dealing with complex asset portfolios, alternative dispute resolution may be more appropriate until the law catches up to the needs of those going through same-sex divorce.

Child custody

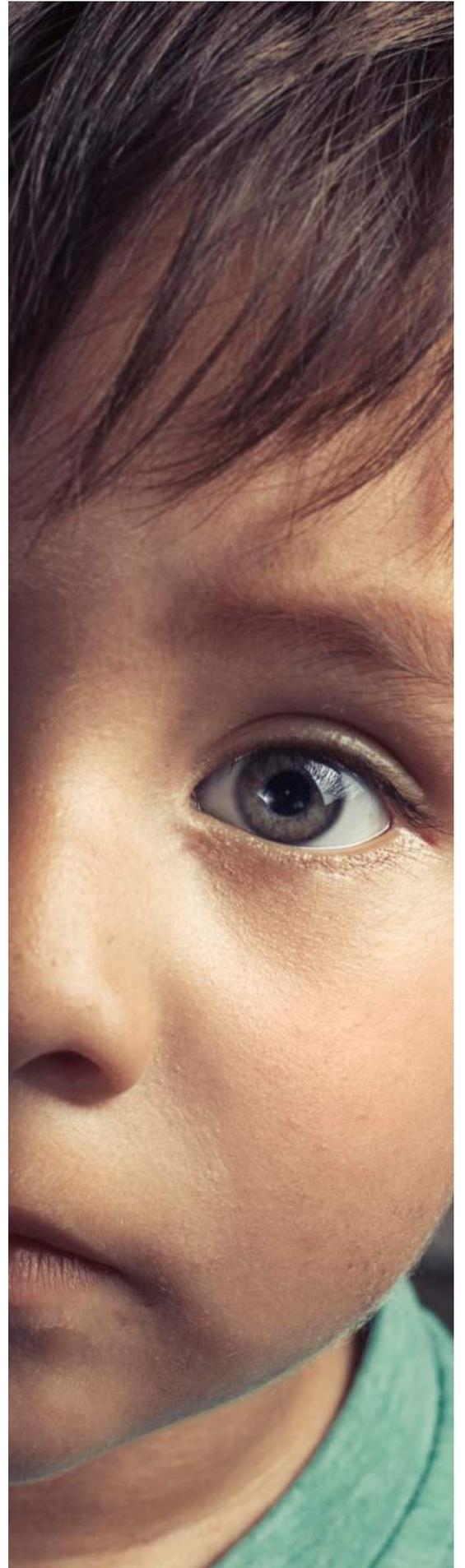
Houston attorney James Hedlesten recently told online newspaper, *The Examiner*, that the Supreme Court's ruling on legalizing gay marriage across the country does not answer some important questions surrounding divorce laws for same-sex couples. He explained, "For example, both spouses in a marriage are the presumed parents of any children born or adopted during the marriage. If the child was conceived through a surrogate, the non-biological parent may have no legal standing in a custody battle."

Layers of cost

Carolyn Satenberg, a New York-based family law attorney with experience serving gay couples, estimates that same-sex couples pay twice as much for divorces than their heterosexual peers. Where children are involved, Satenberg says the cost can be three times as high. Federal income tax laws also contribute to these higher costs, since same-sex couples dividing property and assets may get hit with a federal gift tax from which straight couples are exempt. Gay couples are more likely to have their divorce applications rejected, leading to appeals that quickly run up the bill.

CHAPTER 6

HOW TO TELL YOUR CHILDREN ABOUT YOUR DIVORCE



Over the course of my career, I've seen firsthand the challenges that children, couples and parents face in the California family court system. Telling your children about divorce might be the most difficult conversation you'll ever have with them. Even if the announcement isn't a huge surprise — perhaps you've been arguing constantly or you're already in the process of separating — it's only natural for children to want their parents and family to stay together. Having to dash that dream is heartbreaking.

This is a conversation that your children will remember for the rest of their lives. Unfortunately, there's no way to predict how they'll react or how they'll handle these changes. Through the pages that will follow, my goal is to help ease the transition for not only your children but for you as well.

5 Resources that May Help

1. HelpGuide.org

HelpGuide.org offers a comprehensive guide for helping your child deal with divorce. The guide includes information on how to deal with your ex, what your child wants, how to help your kids express their feelings, and more.

2. KidsInTheMiddle.org

Kids In The Middle is a non-profit organization that helps parents, children and families thrive during and after divorce through education, counseling and support.

3. KidsHealth.org

KidsHealth, a leading organization of advice for kids, parents and educators, provides a comprehensive guide on the topic of divorcing. From "tips for divorcing parents" and "preparing your child for a move" to "becoming a stepparent" and "helping children deal with dating after divorce," you'll find a wealth of information here.

4. PBS.org

If you're looking for in-depth information about how to break challenging news to kids, PBS KIDS has a full website devoted to age-by-age insights, the importance of listening and talking, helping kids feel safe following difficult news and discussion starters to help break the ice.

5. ChildMind.org

Although Child Mind Institute is geared more toward what to do after tragedy strikes, divorce is still, in a way, a tragedy. Your children will feel pain and fear, and while you can't protect your children from these emotions, you can help them feel more secure and safer.

How to Handle Their Reactions

You've told your children you're getting a divorce, and you're met with a number of reactions. Your oldest throws his chair, your middle child hangs her head and your toddler asks for a cookie. Similar to adults, kids may wrestle with reactions ranging from anger and self-esteem issues to emotional distress and rejection. Here's how to handle these reactions and what you can do to achieve a more positive outcome.

1. Rejection

Before you tell your children about your divorce, they may have been used to having access to you 24/7. In fact, your kids might have taken for granted the time you had to spend with them and support them. Since your relationship status is changing, your kids might also believe their relationship status with you is changing, leaving them to feel neglected, abandoned and rejected.

2. Emotional Distress

As a result of rejection, your child could feel stressed. In addition to her normal responsibilities – school, homework, chores and sports – your child must now navigate his or her changing family. Minimize distress by reassuring your child that you'll always be there. Be flexible and understanding with your child's time, since he or she has two households around which you must schedule holidays and other important events.

3. Self-Esteem

Experiencing emotional distress and feeling rejected can have a significant negative impact on your children's self-esteem. Due to the perceived lack of support, your kids may feel unworthy or that the divorce is their fault. Prepare yourself for question such as, "Is this because I'm a bad child," "Don't you love me anymore," "I'm a horrible person" or "My life is over."

4. Anger

Combined, all of these issues could lead to anger, aggression and behavior problems. Your children may direct these negative behaviors and feelings directly toward you, their siblings, your ex or even a third party such as a new relationship. If your child exhibits anger or you notice signs of aggression, suggest counseling and offer to attend the sessions together. Although your child might want to talk about the divorce in a negative light, steer your conversations toward looking at the positive contributions that every family member makes – regardless of your marital status.

Familiarize yourself with each of the possible reactions you could face following your conversation, and practice with your ex so that you're both prepared to promptly and successfully handle the situation. No matter how old they are, all children need time to adjust to divorce, and their reactions will vary greatly depending on their age.

CHAPTER 7

**RESOURCES TO HELP
YOU PROCESS YOUR
OWN THOUGHTS
AND EMOTIONAL
FALLOUT**



After you've talked with the children about your divorce, don't be surprised if you experience some personal emotional fallout immediately afterward. As parents, we tend to take some responsibility for our children's happiness; you've just shared some news that will undoubtedly make your children unhappy for awhile, so some feelings of guilt, failure and despair are natural and to be expected.

However, staying in that place is unhealthy; divorce is too complicated to be simplified to one person's "fault," nor are you able to protect your children from every disappointment. Before you internalize these feelings long-term, take a little time to process your own thoughts and emotions so you can continue to be strong for the children and for yourself. Here are some resources and tips to help with this process.

Take a little "down time"

You've just had a difficult conversation with the kids, so before jumping into the next hectic round of things to do, try to allow a bit of "you time" to regroup. This could be anything from a hot bath to a walk in the park to a day at the spa—whatever you would normally do to decompress.

Talk to someone

If you're grappling with particularly difficult emotions, it can help to talk it through with a trusted confidante who will listen without judgment, whether it's a best friend, a family member, a pastor, a counselor or spiritual advisor.

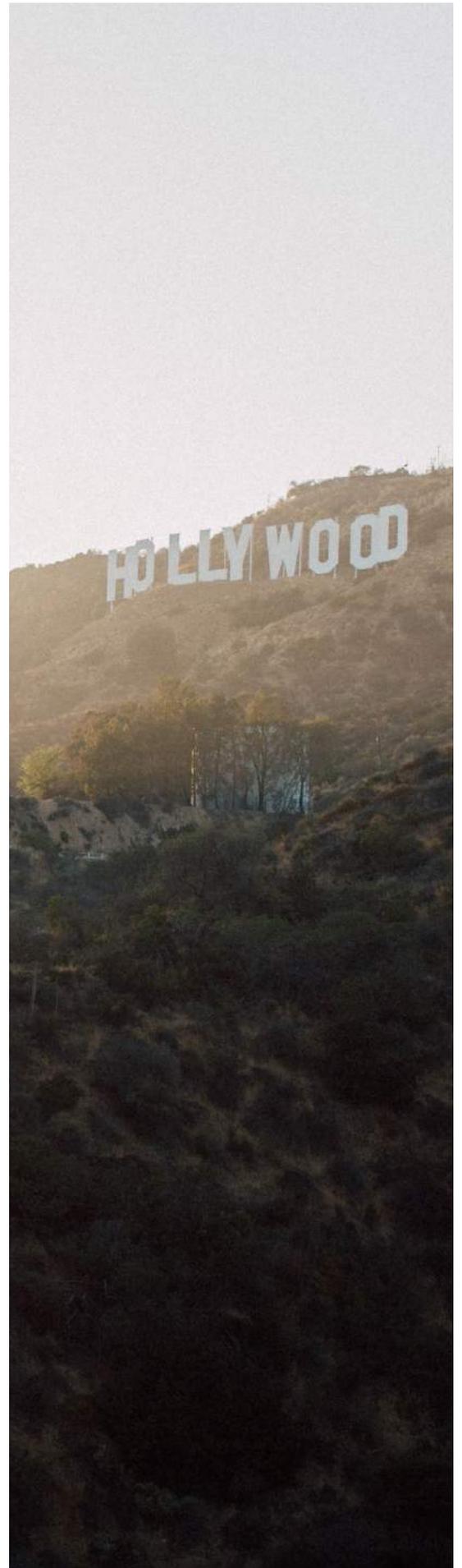
Books that can help

There are plenty of resources available in print that can help you process emotional fallout, not just from talking with your children, but throughout the divorce process. Here are a few suggestions:

- The Truth About Children and Divorce: Dealing with the Emotions So You and Your Children Can Thrive by Robert E. Emery, Ph.D.
- Emotional First Aid: Practical Strategies for Treating Failure, Rejection, Guilt, and Other Everyday Psychological Injuries by Guy Winch, Ph.D.
- Divorce Care: Hope, Help, and Healing During and After Your Divorce by Steve Grissom, Kathy Leonard

CHAPTER 8

3 HIGH PROFILE CA DIVORCES THAT HAVE ENDED BADLY



Messy high profile divorces are like bad car accidents—they're ugly and unsettling, but still you can't seem to look away. Still, taking a closer look at high profile California divorces doesn't have to be mere voyeurism; there's actually a lot you can learn. Consider the following three examples of less-than-perfect divorces with some key takeaways from each.

1. Kim Kardashian and Kris Humphries

One of the most high-profile California matches in the last decade, Kim Kardashian's infamous 72-day marriage to NBA player Kris Humphries, ended on October 31, 2011 due to "irreconcilable differences." Kardashian asked the court to order Humphries to cover his own legal expenses, while Humphries later requested an annulment of the marriage on the grounds of fraud. Shortly thereafter, several news outlets speculated that the marriage itself was merely a publicity stunt. Both parties signed a pre-nuptial agreement, and although the settlement is confidential, we know that the marriage ended in a divorce, rather than an annulment.

Takeaway: If possible, get an annulment or privately settle the matter rather than litigate and allow the public to access intimate details.

2. Charlie Sheen and Denise Richards

Denise Richards filed for divorce from Charlie Sheen in 2006, additionally seeking a restraining order for alleged death threats against her. To support her restraining order and ensure custody of their two daughters, Richards filed a sworn declaration alleging that Sheen is unstable, violent, addicted to gambling and prostitutes, and a frequent visitor of pornographic web sites featuring actors who appear underage. This information blew up all over the media and led to Sheen's highly publicized downward spiral.

Takeaway: If your divorce does wind up in the courtroom, and if the process is acrimonious, prepare yourself (and your company and/or PR team) to deal with the possible exposure of embarrassing facts, so you won't be blindsided.

3. Katy Perry and Russell Brand

After being married for 14 months, English comedian Russell Brand filed for divorce from pop singer Katy Perry citing "irreconcilable differences." Since the two did not sign a pre-nuptial agreement, California law entitled Brand to half of the estimated \$44 million Perry earned during the marriage. Shockingly, Brand declined the offer and reportedly signed over the rights to the \$6.5 million home the two bought during the marriage.

Takeaway: Perry seriously lucked out in this case, but her close call is a reminder to all high net worth couples: get a pre-nup.

CHAPTER 9

7 FAQs ABOUT GETTING A DIVORCE IN CALIFORNIA



1. Where will my family law case be heard?

The Contra Costa County Superior Court has court houses in Martinez, Concord, Pittsburg, Richmond, and Walnut Creek. Family law cases (divorce, child custody, child support, spousal support, domestic violence) are heard in the Peter L. Spinetta Family Law Center located at 751 Pine Street, Martinez CA 94553 and at the Pittsburg Superior Court – Richard E. Arnason Justice Center 1000 Center Drive, Pittsburg, CA 94565. The Pittsburg Superior Court serves the communities of Antioch, Bay Point, Bethel Island, Brentwood, Byron, Discovery Bay, Knightsen, Oakley and Pittsburg. So depending on where you live your case will be heard either in Pittsburg or Martinez. Calendar dates for matters involving custody and visitation are assigned by the clerk when you file your motion. The Court Houses open to the public at 8:00 AM and close at 5:00 PM. Monday through Friday except on court holidays. (Security will not allow early or late entry.) Filing Clerk windows open to the public at 8:00 AM and close at 3:00 PM. Help Desk is open from 8:00 AM to 2:00 PM.

2. What really does “best interest of the child mean”?

Every person who has been involved in a child custody hearing has probably heard the phrase “best interest of the child”. It’s easy to throw this kind of terminology around without really know what that means. Generally, speaking it is often in the child’s best interest to have frequent and close contact with both parents. The goal is to raise healthy, happy, and secure children despite the divorce. In California, the court will consider all relevant facts to determine how to award physical custody. Some factors the court will consider are: • Child’s need for stability and continuity • Child’s age • Child’s health • Emotional bonds • Child’s adjustment to school • Any disabilities • Income disparity • History of domestic abuse or violence • Siblings • Child’s preference Remember that the judge doesn’t know you or the other parent or the child. So it’s your job to present facts to the court in an objective manner. If you present facts that suit your schedule and your needs only, the odds of you getting what you’re asking for decrease.

3. How to talk to our children about the divorce?

Telling your children that you will no longer be together is one of the toughest things a parent can do. So how do you tell them exactly? If it’s possible, it is better that both parents tell the children together. Choose a time and place that is the least disruptive to the kids’ daily routine. Be honest but do not tell them the details of why mommy and daddy are not staying together. Psychologists agree that “less is more.” Most importantly, be certain to convey the message that it is not the kids’ fault. Tell your kids that sometimes grown-ups change the way they love each other or can’t agree on things and so they have to live apart. Reassure the children that they are not the ones to blame. Prepare your children for the upcoming changes in their lives. As you talk to your children, explain that despite the changes that lie ahead one thing will always remain the same and that is that both mommy and daddy love them. Allow your children to express their feelings towards the divorce. Listen. Your children may cry, or be angry, or feel sad. They may have lots of questions. Be patient with their feelings. Acknowledge their feelings by saying phrases such as: “I know hearing about the divorce probably makes you sad.” “I bet our divorce makes you angry” “You probably have a lot of strong feelings about Mom and Dad right now” Don’t expect them to understand right away. Expect the questions to continue. Continue to remind them that you love them and that everyone hopes that life will be better under the new family arrangement. Lastly, don’t be too hard on yourself. Remember that children have a remarkable ability to heal when given the support and love they need.

4. Can I claim my child as a dependent on my taxes?

The fast and easy answer is – the parent with the most custody time get to claim the child. The custody parent must provide at least 50% of the child's support during the tax year. IRS Publication 504, Divorced or Separated Individuals, which you can download for free from <http://www.irs.gov> is an excellent source for tax related questions during a divorce. The rule is, if the child received more than half of his or her total support for the year from one or both parents (the rest can be paid by other relatives or public benefits) and was in the custody of one or both parents during the year, the IRS rules assume that the custodial parent (defined as the parent who had custody of the child for the greater part of the year) should get the exemption for the dependent. However, the parties may change this presumption and allocate the exemption to the noncustodial parent if either of the following are true: The divorce decree or separation agreement contains a provision in which the custodial parent waives the right to claim the dependent exemption. (The rules are slightly different if the agreement was entered into prior to 1985; the noncustodial parent must also provide at least \$600 of support to receive the exemption.) The custodial parent signs a declaration (using IRS Form 8332) relinquishing the right to claim the dependent exemption, and the noncustodial parent attaches this declaration to that year's tax return. Using this form, the custodial parent can relinquish the exemption for one year, a number of years, or forever, depending on what the parties agree to. If you relinquish the exemption, you are also relinquishing eligibility for the child tax credit. What if the parents have 50/50 custody? The parent with the higher income gets the exemption.

5. What if my spouse and I agree on a divorce and division of assets/debt?

Occasionally, I get a potential client who comes into my office and says " We both want a divorce, and agree to everything so can we get a divorce asap", although this may be what the couple believes to be true, most often it is not. Usually, the couple does not know about the equalizing payment, the amount of spousal support or child support owed. Once the paying party realizes these numbers their position changes. Nonetheless, if a couple truly does agree on everything then the process of divorce is relatively simple. Assuming the jurisdictional requirements are met, one party files a Petition for Dissolution, the other party agrees to everything in the Petition and files a uncontested Response. Declarations of Disclosure are submitted and filed. Judgement paper work is filed with a MSA attached for the Judge to sign as a order. 6 months + 1 day later, the clerk enters a notice of entry of Judgment and the divorce is final.

6. How to handle custody time during the holidays and vacations?

Many children of divorce feel caught in the middle of their parent's battles during the holiday season. Holidays should be a time for kids to experience the love, joy and magic. Remember to keep the best interest of your children in mind when discussing the holiday custody schedule. Most child custody orders include vacation and holiday schedules which shall be followed. Review your court orders so that you know the times and dates of all custody exchanges, where they should occur, and who is allowed to be present. Follow the agreement specifically. However, if you are many of the parents who end up changing the custody schedule to fit their needs, then follow the tips and advice below. Out of- State Vacations: Write an written agreement as far in advance as possible, minimum 6 weeks before the trip. Include contact information and an itinerary. If you do not have written permission, you may have to obtain court approval. Remember to obtain passports and any other travel documents that the custodial parent may have. Absent a specific agreement between the parents, a typical court order regarding vacations with a minor child often restricts the

geographic locations where travel occurs. A typical provision prohibits taking the child out of state—and the jurisdiction of the court—without written agreement from the other parent or a specific order permitting such travel from the judge. In-State Vacations: In most situations, court approval is not required for in-state vacation travel. Although, a written agreement is not generally required, you should make one. For in-state vacations, the written agreement can be as simple as an email or even a text message. As a general rule, vacations should be planned in such a manner so as not to interfere with the other parent's scheduled time with the child. If, they happen to be planned during the other parent's scheduled time than arrangements must be made in advance to schedule make up time with the child for the nontraveling parent.

7. Is wage garnishment necessary?

After child support orders are issued, the payor (parent making the support payments) parent often asks if a Income and Wage Garnishment order is actually necessary. The payor parent asks if he/she can make monthly payments via check or cash so his/her employer does not get notified. The answer is NO. Wage assignment for child support is automatic; it is not discretionary. It must be ordered. However, it is the responsibility of the payee (the parent receiving support) parent to have the Income Withholding For Support Order actually served on the employer for it to go into effect. Wage assignments make it much easier for both parents to carry on their support obligations. Most employers are used to seeing these types of orders and the HR dept routinely processes such orders.