



Helping Families Throughout San Diego County
Honest Counsel, Straightforward Answers

Family Law



Military Family Law



Personal Injury



Family Law Information Sheet

Family law is an area of legal practice that focuses on divorce and related matters. It covers child support, custody, visitation, paternity, domestic violence, property division, spousal support, and military divorce issues. When making a decision that is likely to affect you and your family far into the future, it is beneficial to stay informed about your rights and obligations.

Divorces in California

When considering filing for divorce in the state of California or responding to one's spouse filing for divorce, an experienced divorce attorney can help clients understand the many options that are available to settle matters efficiently. If a divorcing couple does not agree on one or more issues such as spousal support or property division, this is a contested divorce and can be more complex. A divorce attorney can help clients come to an agreement and complete their contested divorce by means of negotiation and settlement, divorce meditation, or divorce litigation. This option of litigation, where the family court judge makes a decision on matters of disagreement, is usually the most costly and time-consuming option.



Community Property

In the state of California, each spouse has equal claim to all property acquired during the marriage. There are some exceptions to this rule such as when property is owned separately by one spouse or when property has become commingled, but generally when a couple divorces, their property and debts will be divided equally. Due to the necessity of equitable division, assets must be identified and appraised accurately. When a couple is involved in a high-asset divorce, a more exhaustive discovery process may be used by the family law attorneys to be sure of the size of the overall marital estate.



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Child Custody

An experienced family lawyer will have an understanding of child custody, child visitation, and how to create an acceptable parenting plan. The primary goal for most divorcing couples with children is maintaining a good relationship with them. California law regarding child-related divorce matters requires that whatever the parents agree on reflects what is in the best interests of their children. In some cases, the court will arrange a timesharing plan so that the child has access to time with each parent in equal measure. When a parent needs to move, issues related to child custody and visitation may arise. A family law attorney can help modify court orders when needed in such situations.

Domestic Abuse

The laws in California regarding domestic violence protect children, partners, and other closely related individuals. While a relationship conflict is not uncommon, the law offers protection in cases where the conflict has progressed to the point of mental or physical abuse. A family law lawyer familiar with domestic violence issues can represent victims as well as those falsely accused of perpetrating abuse. Such issues can become a contentious dispute in a divorce or child custody/visitation case, but a qualified family attorney can work quickly to protect their client's rights and wellbeing.

Military Family Law Matters

When a couple is divorcing and one or both parties are in the military, a military family law attorney can help with addressing some of the special issues that are involved, including those affecting child custody and retirement property division. The Servicemembers Civil Relief Act (SCRA) works to protect those in the military from lawsuits as they serve. The SCRA can be used to delay divorce proceedings for a time if desired. There is also special consideration given to the location where the divorce will be handled. Depending on the length of the marriage, the 10/10/10 rule or the 20/20/20 rule may apply. These rules affect benefits and privileges and allow for alimony to be paid directly to the servicemember's ex-spouse. Section 3047 of the Family Code protects servicemembers from unfavorable court orders regarding child custody if the order is based solely on the parent's military requirements or orders.

Help From a Skilled Family Law Attorney

The Law Office of William C. Halsey can help you resolve your family law matter. Call our office at 760.721.3839 to schedule a free consultation on-line at www.lawyroceanside.com. Our family law firm is ready to assist in protecting your interests as well as those of your family.



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