

Why you are reading this guidebook:

You are probably reading this because you are unhappy with your marriage.

Our attorneys have extensive experience in handling matrimonial cases. As you read this guidebook, feel free to contact us with any questions you might have.

The sooner you consult with an attorney, the faster you are on your way to getting the help you need to resolve your case.



MP & B McGuire, Peláez & Bennett PC

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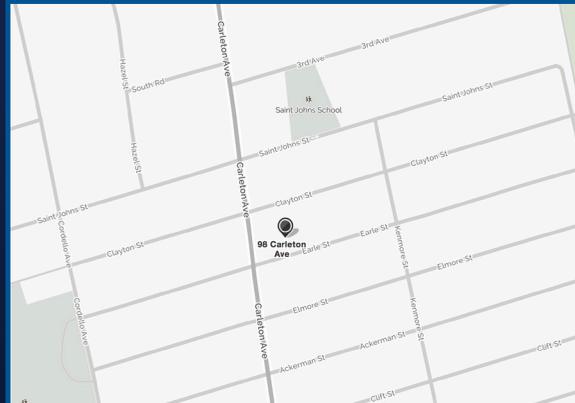
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Our office is open during normal business hours and we have staff available to answer your calls 24 hours a day, seven days a week. In addition, we are available in the early mornings, evenings and weekends by appointment for your convenience.

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Attorney Advertising. Prior results do not guarantee a similar outcome.

This guidebook is for informational purposes. Since individual situations and legal issues vary, it is important to contact an attorney to discuss your specific legal situation.

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I'm thinking about getting a divorce.
What should I do?

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First Things First: Get Competent Legal Advice

You may have heard that New York is now a “no fault” divorce state, making it easier to get a divorce. While it is true that the burden of proving grounds for divorce has been alleviated, the most important issues involving a divorce must still be resolved through negotiation or litigation. These issues include: a fair distribution of marital assets, custody, child support, and visitation (if you have children), and maintenance.

Child Support, Custody, and Visitation

New York law mandates that “the best interests of the child” determines custody. There are two kinds of custody, legal custody and residential custody. Legal custody determines which parent will decide important matters related to the child’s upbringing. These matters include schooling, religious instruction, and medical care. Residential custody determines which parent gets to have the child reside with him or her. Visitation is provided to the non-custodial parent.

When it comes to child support, the law provides a pay scale based on the number of children of the marriage. The scale is utilized in most cases where the non-custodial parent earns less than \$130,000.00 per year.

Number of Children	Percentage of Gross Income
1	17%
2	25%
3	29%
4	31%
5	35%

Maintenance: Percentage of Gross Income

Maintenance, formerly called alimony, consists of payments, either temporary or permanent, paid by one spouse to the other, for every day living expenses. Maintenance depends on factors including the length of the marriage and the standard of living of the family before the separation or divorce. Recent changes to the law are designed to consider the relative income levels of the spouses, and established a mathematical formula to further fairness.

Equitable Distribution

Equitable distribution of the assets of the marriage means a fair, not necessarily equal, distribution of the marital assets. Some property is separate property, and therefore not required to be shared. Separate property can include gifts and inheritances. A careful and thorough accounting of the source, accumulation, and growth of all of your assets is required to make sure that you get your fair share of the wealth you have accumulated.

Where to start?

If you were served with legal papers, you need to consult with an attorney right away. Failure to answer on time can result in a default being taken against you, which can have serious adverse consequences.

When you meet with our attorneys for a consultation you should bring the following if you can:

- Legal Papers (whatever you have been served with)
- Income taxes for last 3 years plus W-2s
- Corporation/partnership records, bank and retirement account statements, mortgage statements, marriage certificates, birth certificates, household expenses, deeds and titles to home and automobiles, etc.

Don’t delay in setting up a meeting because you don’t have these items available. They can be provided later or we can get them by legal means if your spouse is withholding these items.



We can be reached 24 hours a day 7 days a week. All consultations are free and confidential.

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