



Family Law -

If you're like most of our clients, you're likely in the midst of one of the most difficult times you'll ever face.

Here at the Family Law Office of Dennis M. Schuster, we're familiar with the roller coaster of emotions you're experiencing, and we can help to bring you the closure and stability you need.

No matter what challenges you're facing — divorce, separation, guardianship, paternity action, restraining orders, or another issue — your emotions and motivations are very real to us.

Above all, our divorce attorneys know you want to reach the swiftest and simplest resolution possible, and that's where we come in.

Divorce

Whether you initiated it or not, divorce is never easy—and if there are children involved, it can be especially traumatic. If, after trying counseling or mediation with a trusted friend or certified professional, you and your spouse have come to the conclusion that ending your marriage is the only viable option, then the Law Office of Dennis M. Schuster is here to help protect your rights.

We believe that the more you know, the better equipped you'll be to cope with the issues that



arise with the dissolution of a marriage. Our veteran divorce attorney will meet with you to formulate a plan tailored to your specific needs. We strive to serve as an objective, knowledgeable resource to help you make sense of what can seem like an overwhelming—and potentially devastating—course of events.

Our office is dedicated to doing everything possible to help you reach an amicable, favorable agreement, but if litigation is necessary, we are prepared to competently represent your best interests in court. We'll help to guide you through the many important issues that can arise before, during, and after the termination of a marriage, including child custody, spousal support, child support, and division of property.





Custody & Visitation

When faced with an imminent divorce, the involvement of children instantly raises the emotional impact on all involved. Concerns about property division and spousal support pale in comparison to the question of who will retain primary parental care. While it's preferable for the spouses to settle child custody and visitation issues through mutual agreement, that is not always possible.

In the event that you or your spouse wish to contest custody, the Law Office of Dennis M. Schuster is well equipped to represent you in court. Remember, the judicial system is there to help, operating with the best interests and welfare of the minor child in mind. Any evidence of physical abuse, violence, or substance abuse will serve as an instant deterrent to granting custody.

After reviewing all of the presented information and testimonies, the court will base its decision on aspects such as:

- The behavior (present and past) of the parents
- Each parent's ability to provide a stable, healthy home environment



- The preference of the child (if 14 years of age or older)
- The physical and mental health of the parents
- The parent's occupations and financial health
- The placement and preference of any siblings

It's important to gain a full understanding of your parental rights before, during, and after your divorce.

The Law Office of Dennis M. Schuster will do everything possible to ensure that you child is placed in the most beneficial environment and that a fair visitation arrangement is reached. Remember, until a decision is made by the courts, you and your spouse both have equal rights to the care and guidance of your child.



Child Support & Spousal Support

For parents going through a divorce, the security and welfare of their children is usually the primary concern. To ensure that your spouse is held legally responsible for their parental obligations, it's important to retain a competent lawyer.

Typically, the parent who is not awarded primary custody is responsible for providing the custodial parent with financial support for the care of the child. Payments are usually made on a monthly basis. The court orders the child support based on several factors:

- **The number of children requiring support.** Child support payments will increase with the number of children needing support.
- **The division of custody between the parents.** For the non-custodial parent, support payments will generally increase with a lower percentage of visitation time.
- **The annual income of each of the parents.** Ordinarily, the court will order support based upon the annual income of both parents.



It's important to remember that when a court orders child support, the ordered amount is not set in stone. Modifications can be made at a later date to adjust the amount of the payments to account for changes in income or employment and the child's evolving needs. Retaining a competent family law attorney can help you to obtain a fair court order and ensure prompt receipt of ordered payments.

Spousal Support Law

Historically referred to as alimony, spousal support describes money paid by one spouse to another during and after a divorce.

The amount of spousal support decreed by the courts can vary widely. Many different factors are taken into consideration, including:

- The income and occupation of each spouse
- Any investments, pensions, or ancillary incomes
- The length of the marriage
- The prior standard of living to which each spouse was accustomed
- Any history of abuse in the marriage



If a spousal support order is justified, it's important to consult with a competent family law attorney to ensure that an appropriate and fair order is reached.

California Restraining Order Law

Unfortunately, there are sometimes circumstances that require the filing of an official restraining order to control the behavior of one or both spouses.

Evidence of physical, emotional, or verbal abuse—either against a spouse or against children—is often grounds for the granting of a criminal or civil restraining order. In extreme cases, the abusive spouse may be ordered by the courts to vacate the family home and to maintain a specific distance from the other spouse and the children.

Our Whittier divorce lawyer can also file restraining orders to be issued during divorce proceedings. These are designed to prevent the spouses from engaging in certain activities that could compromise the other spouse's best interests, including:

- Hiding or liquidating assets





- Taking children out of state before custody orders have been reached
- Making large purchases or opening new lines of credit without the other spouse's knowledge
- Making unapproved changes to insurance policies, including beneficiary information
- Hiding or compromising property records

Remember, the court system has the best interests of both spouses in mind, and will work to prevent one spouse from taking advantage of the other or engaging in unfair practices.

California Community Property Law

Second only to child custody issues, the most critical component of a divorce proceeding is the division of property among spouses. Depending on the length of the marriage and the amount of assets that have been accumulated, the splitting of material and financial belongings can be a complex and sometimes bitter ordeal.



In a standard divorce, all property acquired during the duration of the marriage is ordinarily split equally between the spouses. However, there are many factors that can impact distribution amounts, including:

- Whether an asset was given as a gift to one of the spouses
- Whether part of a pension or other investment was earned prior to the marriage of the spouses
- Whether a business was owned in whole or in part prior to the marriage
- Whether a down payment on a house came from the earnings of either spouse prior to marriage

The law can become complicated as to what assets (and debts) should be equally divided. At the Law Office of Dennis M. Schuster, we are committed to obtaining all the property and assets you deserve.

California Paternity Law

While many states support “common law marriages,” California is not one of them. In the event that an unmarried woman gives birth to a child, it may be necessary to institute legal proceedings to confirm the child’s paternity.



When facing the challenge of proving or contesting paternity, it is to your benefit to consult with an experienced paternity lawyer.

In the state of California, both parents have the legal right to ordain a DNA test to ascertain the identity of a child's father. Once the paternity is confirmed, the biological father is legally entitled to some level of relationship with his child, either through full custody, partial custody, or court-mandated visitation. The court will also decree the awarding of child support payments based on which parent has primary custody.

California Guardianship & Conservatorship Law

There are certain scenarios in which the court may opt to appoint a parental or non-parental guardian to care for an adult individual. At the Law Office of Dennis M. Schuster, our family law attorney is experienced in the fields of guardianship and conservatorship law, and can help to ensure the best interests of all parties involved.

Court-ordered guardianships can be issued for individuals under the age of 18 who require the guidance of a responsible adult. Court-ordered conservatorships are designed for the care and protection of adults over the age of 18 who require specialized supervision. Once appointed, the guardian or conservator has



control over decisions involving medical care, education, social situations, contractual agreements, and other factors.

There are several different factors that can influence a court to appoint a guardian or conservator. A guardianship may be granted to a concerned friend or family member if there is evidence of verbal, physical, or emotional abuse by one or both parents in the home, or if the parents are physically or financially unable to care for the child.

A limited or full conservatorship is often ordered for an adult with developmental disabilities that affect their ability to make sound medical, financial, or social decisions. The conservator is entrusted with protecting the impaired adult's assets and best interests from exploitation by outside parties.





If you are seeking temporary or permanent guardianship or conservatorship, the Law Office of Dennis M. Schuster can help.

Here at the Law Office of Dennis M. Schuster, we can help you to understand with all of your family law issues.

The more you know, the better equipped you'll be to get through what can be a very difficult ordeal.

Notes:

