

Family Law

Our team is highly experienced in all aspects of family law. We have represented hundreds of clients throughout New Jersey. We are dedicated to helping our clients navigate the overwhelming financial considerations and emotional burdens often associated with divorce, including alimony, child custody, child support, property division, mediation, arbitration, trials, domestic violence, same-sex marriage, grandparent visitation and appeals. A divorce may be one of the most unpleasant experiences that life can offer. In each case we strive to achieve desired results for our clients and help them to minimize the emotional grief and costs associated with getting a divorce.

At Wilentz, our lawyers represent clients from all walks of life – from blue collar workers to high net worth executives, business owners, financial planners, accountants, doctors, professional athletes, entertainers and celebrities. We provide zealous representation and work tirelessly with our clients to achieve their personal goals, assess the strengths/weaknesses of each case and work toward achieving favorable results.

We handle cases in Bergen County, Burlington County, Essex County, Hudson County, Hunterdon County, Mercer County, Middlesex County, Monmouth County, Morris County, Ocean County, Somerset County and Union County. Our attorneys serve on the Family Law Executive Committee (“FLEC”) of the New Jersey State Bar Association and as Early/Intensive Settlement Panelists in Bar Associations throughout the State. Our Family Law team includes R. 1:40 Qualified Mediators who conduct private and court-appointed mediation.

Family Law Legal Terms and Procedures Glossary

Appeal. The process of contesting the judgment of the trial court by submitting the issue to a higher court, generally the Appellate Division. An appeal of a final order or judgment must be made within 45 days of its entry. If an order is not final, it is deemed interlocutory and can only be appealed if the court grants permission.

Case Information Statement (CIS). A multi-page financial document that must be completed by each party, describing the details of income, expenses, assets and debts.

Certification. A sworn document setting forth facts related to a particular issue, similar to an Affidavit. A certification is filed with a Notice of Motion or in opposition to a Notice of Motion brought by your spouse.

Deposition. Procedure during which an attorney questions a witness or a party to the divorce under oath and the questions and answers are transcribed by a court reporter.

Discovery. The exchange of information regarding all issues relevant to your divorce. The most frequently used forms of discovery are interrogatories, depositions and requests for documents.

Early Settlement Panel (ESP). A conference at the court house attended by you, your spouse and both attorneys. The facts of your case are presented to a panel of experienced family law attorneys who volunteer their time to assist in the settlement of cases. These panelists consider the specific circumstances of your case and make a recommendation for settlement. While non-binding, this recommendation frequently helps the parties and their attorneys reach a settlement agreement.

Equitable Distribution. The process for creating a fair distribution of the assets and debts acquired by the parties during their marriage.

Interrogatories. Written questions used as part of discovery, which are answered and sworn to by each party.

Joint Custody. There are two aspects to joint custody:

1. **Joint legal custody** means that the parties share the rights and responsibilities for making decisions concerning the significant aspects of a child's life, including educational, medical and religious issues.
2. **Joint physical custody** means that the child lives with both parents on a virtually equal time-sharing schedule.

It is not unusual for parents to have a shared parenting arrangement with joint legal custody where one parent has sole or primary physical custody (the Parent of Primary Residence) and the other has substantial parenting time with a child (the Parent of Alternate Residence.)

Judgment of Divorce. A document that memorializes the granting of a divorce. The Judgment may include the Court's decision following trial or the agreement reached by the parties on all relevant issues. The Judgment will be certified by the Court as a True Copy to be used for any official purpose.

Notice of Motion. A written application to the Court for an order for support, discovery, parenting time, counsel fees or other relief. The Notice lists the relief requested and is supported by the certification of the party seeking the relief. If requested, the Court will generally permit attorneys to appear and make arguments on behalf of their clients on the return date of the motion. Clients may appear in Court on motion days to observe the procedure. The Court makes its decision after reading the papers submitted and the argument of counsel. After the decision is entered, an Order is prepared to memorialize the judge's decision.

Order. A document that reflects the Court's decision after hearing a Motion or Order to Show Cause. Orders are also entered after conferences with the Court on scheduling matters.

Order to Show Cause. A request filed with the Court when emergency relief is sought, such as when one parent has taken or threatens to take a child out of the State or has dissipated or threatens to dissipate assets. This document places the burden on the opposite party to show why the requested order should not be entered.

Trial. If the parties cannot resolve their differences through negotiation, mediation or ESP, the parties and their witnesses testify and present evidence in open Court, subject to interrogation by the spouse's lawyer. At the conclusion of the trial, the Court renders a decision called a Judgment.

Getting Started

Are you contemplating separation or divorce from your spouse? Contact Joe Russell, our Family Law team Chair, using the contact form below, or phone him at the following number.

Call: 732-352-9871