

The importance of choosing a child centered attorney to represent you in the divorce process cannot be emphasized enough.

Here's what children say about their divorcing parents:

There is a way to ensure the needs of your children are put first. Consider a child focused approach to resolve your dispute.

We offer the following services to traditional and non-traditional families:

- [Antenuptial and Postnuptial Agreements](#)
- [Collaborative Divorce](#)
- Enforcement or Modification of Alimony or Support Orders
- Separation and Marital Settlement Agreements
- [Divorce Services in the District of Columbia](#)
- [Divorce Services in Maryland](#)
- Mediation

The attorneys at Zamani & Associates are committed to helping couples unwind marriages and long-term relationships in a thoughtful, holistic and practical manner. We will guide you through the process and ensure that you understand the legal implications of the decisions you face. Often couples want to achieve a divorce without going through a lengthy court battle and

without paying excessive fees. We are trained in collaborative divorce – a transparent process that offers a dignified and cost effective way to pursue divorce and end domestic partnerships. When appropriate for your circumstances, we will help you achieve your desired results through collaboration rather than acrimonious litigation. We also understand that litigation may be the best option for your particular case. In those instances, we will zealously represent your interests in court. Whatever the case may be, the choices you make at the start of your divorce will greatly impact your divorce experience and your loved ones. Let us give you a comprehensive overview of all your options and counsel you about the one that may best fit your needs. Contact us today for a confidential consultation.

Antenuptial and Postnuptial Agreements

When couples are getting married or entering into a domestic partnership, planning a potential end of the relationship is usually not on the forefront of their minds. But in this day and age, most of us have a contingency plan for most aspects of our lives and having an antenuptial agreement may be considered smart planning. Antenuptial agreements offer soon to be married couples, and those entering into domestic partnership a way to protect their individual interests should the marriage or partnership end in divorce or termination, or should one party die. An antenuptial agreement is a written contract that sets out terms regarding possession of assets, treatment of future earnings, control of individual property and a plan for division of property should the marriage or partnership result in divorce, termination or death. In creating an antenuptial agreement, both parties fully disclose their financial assets, interest in property, anticipated future earnings and debt obligations.

A postnuptial agreement is like an antenuptial agreement, but it is a contract entered into by a couple who is already married or in a domestic partnership. The agreement provides the same protection as an antenuptial agreement and requires the same type of disclosures regarding finances, property, assets and debts.

In certain situations, a person should carefully consider entering into an antenuptial or postnuptial agreement. These situations include: (1) a marriage or domestic partnership where one party has children from a previous relationship; (2) when one party owns a business or plans to inherit one; (3) if one party plans to leave their job to care for children; and (4) when one party has a significant amount of wealth as compared to the other party. Our attorneys can help you create an antenuptial or postnuptial agreement that meets your specific needs.

Collaborative Divorce

Collaborative divorce is for individuals who want to remain in control of the decisions regarding

their divorce, instead of leaving them up to the judge. It is for those who want to unwind their marriage or domestic partnership in a way that will protect their children, retain their self-respect, conserve their finances, and allow them to establish a practical relationship with their partner. When a couple chooses the collaborative process, each person pledges to reach an agreement before going to court to file the actual dissolution of marriage, agrees to honest and full disclosure of all information, and to participate fully in the process for the benefit of all adults and children involved. The process itself includes a series of meetings where every issue needed to reach a durable settlement agreement is addressed and



discussed. A team of professionals, such as mental health professionals, child specialists, and financial neutrals work with you and your spouse to create a resolution that addresses everyone's needs. Your team will aid you in dealing with emotional difficulties and the changes associated with divorce so you can successfully transition from married to single. Collaborative divorce is often less expensive than a conventional divorce and offers a dignified approach to end a relationship. Choosing the collaborative process should especially be considered when children are involved and the parents will continue to have contact with each other.

The attorneys at Zamani & Associates PLLC are trained as collaborative practitioners.

Divorce in the District of Columbia

To obtain a divorce in the District of Columbia, one of the parties must live in the District for 6 months before filing for divorce. The District is no fault jurisdiction meaning that a person cannot get a divorce based on fault grounds. A person can get a divorce when there has been either: (1) a 6-month mutual and voluntary separation; or (2) a 1-year separation, if the separation is not voluntary. In the District of Columbia, when a final decree of separation or divorce has been entered, or when a domestic partnership is terminated, the court will assign each party his or her separate property and then value and equitably distribute marital property, regardless of who holds the actual title of the property.

Legal Separation in the District of Columbia. Separation can be established when the parties live in two separate locations, or if the parties live under the same roof, but maintain separate lives, known as the "separate lives doctrine". Legal separation is permitted by law in the District and can occur when a couple has either: (1) mutually and voluntarily lived apart without cohabitation; or (2) when the parties have lived separate and apart without cohabitation for one year before filing for separation. As part of a decree of legal separation, the court can divide property and grant support. The court may issue a decree for absolute divorce after granting a decree for legal separation.

Pendente Lite Relief in the District of Columbia. In the District of Columbia, a court may issue a *pendente lite* order that requires one spouse or domestic partner to pay alimony, child support or to provide health insurance coverage or cash for medical expenses before the divorce has been resolved. When considering the *pendente lite* alimony amount, a D.C. court will consider all of the factors the court is required to consider when granting an award for actual alimony.

Alimony in the District of Columbia. A spouse or domestic partner may seek alimony in the District of Columbia. The duration of an alimony award depends on the facts of a specific case. The court will consider all relevant factors to make fair and equitable award that will include:

- ability of the party requesting the alimony to be able to support themselves;
- the time it will take for the party requesting alimony to obtain education or training to secure suitable employment;
- the standard of living during the marriage or domestic partnership,
- duration of the marriage, or domestic partnership;
- circumstances that contributed to the estrangement;
- age of each party;
- physical and mental health of each party;
- ability of the non-requesting party to pay alimony;
- financial needs and resources of each party.

A party may always request to modify or terminate an alimony award. An alimony award is automatically terminated upon death or remarriage of the payee.

Divorce in Maryland

Absolute Divorce in Maryland. To obtain a divorce in Maryland, one of the parties has to be living in the state for year before filing for divorce. A party filing for a divorce in Maryland can file either on fault grounds or no fault grounds.

Grounds for fault are:

- adultery;
- desertion for a period of 12 consecutive months (this may be actual or constructive);
- a spouse's conviction for a felony or misdemeanor with a period of imprisonment of 3 years or longer and the convicted spouse has served at least 12 months;
- insanity if the spouse alleged to be insane is confined for 3 years;
- cruelty of treatment;
- excessively vicious conduct.

Grounds for no fault:

- separation where the couple has been separated for 12 months; and
- mutual consent divorce where the parties do not have minor children in common, the parties have reached a signed settlement agreement resolving all disputed issues between them, the agreement is not set aside for any reason, and both parties appear before the court for the absolute divorce hearing.

Maryland does not recognize the separate lives doctrine meaning that parties cannot live under the same roof during their separation even if they are living separate lives. As part of the resolution of the divorce, the court will make a determination whether property is separate or marital, and will then equitably divide the marital property.

Limited Divorce in Maryland. Maryland permits parties to obtain a "limited divorce" or a judicial decree of legal separation. If a party obtains a limited divorce, it means that the parties live separate and apart, but remain married. The Court cannot resolved all property rights in a limited divorce, however it may award alimony.

The grounds for limited divorce are:

- cruelty of treatment towards a spouse or minor child by the other spouse;
- excessively vicious conduct to a spouse or a minor child by the other spouse;
- desertion (actual or constructive); or
- voluntarily separation when the parties live separate and apart without cohabitation and there is no reasonable expectation of reconciliation. There is no specific period of separation that must be established.

A limited divorce may be limited or indefinite in time.

Alimony in Maryland. A party may seek an alimony award in Maryland. The duration of the award depends on the facts of a specific case. The court will consider all relevant factors to make a fair and equitable award that will usually include:

- ability of the party requesting the alimony to be able to support themselves;
- the time it will take for the party requesting alimony to obtain education or training to secure suitable employment;
- the standard of living during the marriage;
- duration of the marriage;
- circumstances that contributed to the estrangement of the relationship;
- financial and non-financial contributions to the marriage;
- age of each party;
- physical and mental health of each party;
- ability of the non-requesting party to pay alimony;
- financial needs and resources of each party.

A party may always request to modify or terminate an alimony award. An alimony award is automatically terminated upon death or remarriage of the payee.

Pendente Lite Orders in Maryland. In Maryland, a party may request a *pendente lite* support orders – a court order requiring one part to pay alimony or child support before the divorce has been resolved. A court does not consider all of the factors it would consider when issuing an alimony award. Instead, the amount of the *pendente lite* award is based on the need of the parties with an objective to maintain the status quo until the divorce proceeding is resolved.

Additional Information

- Collaborative Practice - <http://www.collaborativepractice.com/>
- D.C. Association of Collaborative Practitioners - <http://collaborativepracticedc.com/>
- Collaborative Dispute Resolution Professionals - <http://www.collablawmaryland.org/professionals.htm>

