



## Stevens, Littman, Biddison, Tharp & Weinberg LLC

*For the legal needs of a lifetime.*<sup>SM</sup>

### **Key factors to consider in divorce and family law:**

- *The children's needs are paramount.* Attaining an appropriate division of time and parental responsibility requires a careful balance in order to serve the children's best interests. Important and difficult issues include child support, medical and dental treatment, day care, and college education, or an out-of-state move.
- *Marital property needs to be fairly divided.* Determining what is "property," whether it is "marital property," and how the marital property is valued often presents complex legal issues. We have vast experience in all of these areas and have litigated whether, and under what circumstances, stock options constitute "property" through the Colorado Supreme Court. In addition, we have experience litigating the valuation of professional practices or businesses, real estate holdings, and pension and retirement plans.
- *Alimony needs to be determined judiciously.* Alimony (called "maintenance" in Colorado) may be required of one spouse in order to fairly support the other. It is interrelated with property division. Issues arise around each spouse's income, income potential, and the length of the marriage. Careful consideration needs to be given to whether maintenance can be modified should circumstances change. We frequently represent clients in post-divorce actions when a change in circumstances dictates that the original award has become unfair.
- *Contracts should be drafted with foresight.* Separation agreements play an integral role in many divorce cases. Like prenuptial contracts, it is imperative to consider how future events could impact the terms of a separation agreement.
- *Bankruptcy filings can impact divorce provisions.* If your spouse files for bankruptcy, it may raise questions about whether debts to be paid in the divorce are, in effect, discharged by the bankruptcy filing.
- *There are various methods of dispute resolution.* After gaining an understanding of the case and your goals, we will be able to determine whether the most advantageous way to resolve the dispute is through negotiation, mediation, arbitration, or court litigation. It is also important to determine whether future issues should be detailed now or left to further dispute resolution.
- *Careful tax considerations benefit both parties.* Both parties can benefit if tax consequences are analyzed during negotiations. For example, the award of the marital home to one spouse may have significant income tax consequences when

- the home is later sold. Alimony reduction or termination should be timed so it does not coincide with minor children reaching the age of majority.
- *Estate planning is an important tool for directing assets.* Property projects, estate tax considerations, trusts, limited partnerships, and other legal modalities can be used when beneficial for you or both you and your spouse.
  - *Decisions to appeal need to be considered from various angles.* Whether a matter can be appealed often depends on many issues. Together, we will discuss your case from a legal, economic, and emotional point of view so you can make an informed decision about appealing your case. If you decide to appeal, you have the confidence of knowing that our proven experience is in your favor. We have successfully appealed numerous cases to the Colorado Court of Appeals and the Colorado Supreme Court.