Family Law & Defense

We are Cogswell Gilley & Summerfield Law Group LLP and we will fight for your family to get the rights that you deserve.

At CGS Law Group, we understand that there is nothing more important than family, and there are no laws more personal than those affecting you and your family. Whether you are looking to end a marriage, adopt a child, receive child support or deal with any other family related matter, we have experienced family law attorneys waiting to assist you.

At no cost to you, we can explain the strategy we would take in protecting your rights to your children and your assets. We will seek to protect your retirement funds while trying to ensure your future security.

Areas of practice:

* Divorce
* Adoption
* Child Support
* Child Custody
* Emancipation of a minor
* Annulments
* Guardianships
* Visitation Rights

Divorce

For many individuals, divorce is a fact of life; one that has deep-rooted and long lasting implications that range from child custody to the splitting of assets and division of debts. This area of the law is often the most stressful and comes during a challenging time for you and your children. CGS Law Group is committed to making you as comfortable as possible by listening to you and explaining the process to you in understandable terms.

We will protect your rights as well as your children’s; whether through mediation, where the parties involved determine the terms of the divorce, or through working with parenting coordinators and guardian ad litems (Latin for “for the suit”) in preparing for trial.

Each divorce is a puzzle that needs to be carefully put together. Cogswell Gilley & Summerfield understand that family law requires attorneys to have an extensive knowledge of legal issues ranging from division of assets and child support calculations to the ability to counsel and mediate cases in an attempt to resolve issues amicably, expediently, and without extensive costs to the client. Who cares for, controls, and provides support for a child can be a very complex and litigious matter where decisions are made while you are under a tremendous amount of stress. The types of custody – legal, physical, and joint – can easily be misunderstood. And determining a person’s gross income for the purpose of deciding child support can be rigorous, especially in today’s economy. CGS will be with you every step of the way to make sure that you have the foundation to launch your new beginning.

When circumstances change after a divorce, CGS Law Group will be there for you again, whether it be to modify child support, child custody, or visitation. When you encounter a legal problem, the lawyer you choose makes a difference. Your attorney should not just know the law, but they should know you and serve as your guide through the legal system. CGS’ attorneys offer free consultations to allow you to consider and prepare for your divorce before you file.

Other Family Law FAQs

* Spousal support
* Child Support
* Custody
* Custody Decisions
* Abusive Spouses
* Rights of fathers
* Assets divided in a divorce
* What not to do during a divorce

What is spousal support?

* It is a court ordered allowance to be paid from one former spouse to another
* It is typically paid for three purposes: (1) to provide permanent support for a needy former spouse, (2) to provide temporary support to allow a former spouse to obtain education or training that will enable him or her to become self-sufficient, and/or (3) to provide a means of achieving an equitable distribution of property
* The court will look at the standard of living during marriage, the duration of the marriage, the financial resources of each party, time needed for a party to obtain education or find a job, and the contribution of each party to the marriage including: child care, education and career building of the other spouse, and all sources of income available to each party

What is child support?

* Both parents have a legal obligation to support a child during and after the divorce
* In Indiana, there are mandatory guidelines that are followed unless the court finds that the guideline amount is unjust or inappropriate
* To make this determination, courts look at:
	+ The amount of money each party makes on a monthly basis
	+ The amount of child support that is awarded at the time of divorce (subject to change depending on custodial parent)
	+ The paying party making less money, or the child spending more nights at the resident of the paying party. It is important to know that this adjustment will not automatically occur but must be decided by the court

What is custody?

* There are two types of custody:
	+ (1) Legal:
		- Legal custody is the ability to make major decisions on behalf of the child. Examples of these decisions include: where the child goes to school, the religious practices of the child, and non-emergency medical decisions
	+ (2) Physical
		- Physical custody is where the child lives. Both legal and physical custody can be either “sole custody,” where the child lives with that parent and that parent makes the decisions for the child, or “joint custody,” where the child lives with one parent for part of the time and the other parent shares time and both parents are involved in making the decisions for their child

How does the court decide which parent gets custody?

* The court makes all decisions for the child by deciding what would be in the best interest of the child. This can be determined by looking at the following factors:
	+ Love and affection between the parents and the child
	+ Each parent’s ability to financially care for the child
	+ Moral fitness of the parents
	+ Mental and physical health of the parents
	+ Preference of the child.

How can I be protected from my abusive spouse?

* Leaving a domestic relationship can cause tension between spouses especially when there has been violence caused by one party in the past
* Reporting abusive behavior to the police may cause the abuser to be arrested and charged, and perhaps jailed
* The court would likely then issue a No Contact Order that prevents the abusive spouse from contacting the other spouse. Indiana also allows an individual to file for a protection order without requiring a police report to be filed

I am a father and was not listed on the birth certificate; can I still have rights as to the child?

* The absence of a man’s name on a child’s birth certificate does not determine his legal rights as a parent
	+ The paternity of a child may be established thru a paternity action initiated by the mother, father, or the child
	+ Once paternity has been established your rights as a father would be the same as if you were listed on the birth certificate

What assets are divided in a divorce?

* All marital property owned by the couple is divided through the divorce dissolution. The marital property is any property the couple acquired during marriage which includes:
	+ Home
	+ Retirement savings
	+ Any vehicles
	+ Financial assets
	+ Investments
	+ Privately held businesses
	+ Debts incurred during the marriage

What should I not do when getting a divorce?

* There are many things that you should not do after you have decided to get a divorce, three of the most important are
	+ (1) You should not tell your children about the legal case
		- Children go through a lot of emotions when their parents get divorced
		- The less they know about the legal case, the better
		- You should also never talk bad about your former spouse in front of your kids.
	+ (2) Do not seek advice from friends or family that have been divorced before
		- Indiana law is constantly changing
		- Every case has its own unique set of facts and circumstances, and every judge is different
	+ (3) You should also not do it alone
		- As tempting as it sounds, do not enter into a written agreement with your former spouse without consulting an attorney
		- Speaking with an attorney will make sure that your legal rights are protected and that you do not lose your retirement or your children in an effort to get it over with quickly

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