



Client Matters

Fast Facts Regarding Marital Misconduct in Divorce



Thomas M. Clark

Many clients want to know if the misconduct of their spouse is relevant in their divorce. Some of the most frequent marital misdeeds reported are emotional abuse, infidelity, and physical abuse.

The rule in Pennsylvania is that the determination of the equitable division, distribution or assignment of the marital property in a divorce must be made without regard to marital misconduct (23 Pa.C.S. §3502(a)). In divorces, the Court is called upon to make an equitable division of the marital property and the Court must

consider only the relevant factors that have been specifically outlined by the law. The law allows the Court great flexibility in adjusting the property awards to reflect various factors and can also use discretion as to how much weight to give each factor. However, the Court can not consider the marital misconduct of either party when awarding an equitable division of property.

The time when marital misconduct may be considered is in an award of alimony (23 Pa.C.S.A. §3701(b)(14)). Alimony is a payment that a dependent spouse receives from their former spouse after a divorce. It is designed to meet the reasonable needs of a person who is unable to support himself or herself through appropriate employment. It is important to note that not all cases in Pennsylvania are alimony cases, however, if appropriate the Court can consider the marital misconduct of either of the parties in fashioning an alimony award.

For more information on this topic or any other topic related to issues of divorce, custody, support or family law in general, please contact Thomas Clark at tclark@cmlaw1.com or call 800-615-0115.

Am I automatically divorced if I've been separated from my spouse for two years?



Timothy J. Colgan

There is much misinformation with regard to this topic. Separated spouses are not automatically divorced after living separate and apart for two years. In fact, there is no circumstance in Pennsylvania where a marriage is automatically terminated after the passage of a period of time.

The two year separation period, however, is important. After spouses have been separated for two years, one spouse may ask the Court to grant their divorce. If the other spouse does not object or does not notify the Court that there are economic issues that need to be resolved (including but not limited to issues related to property distribution or support for a dependent spouse), the Court can grant the divorce.

Spouses who both agree that their marriage is irretrievably broken and consent to the entry of a divorce decree can be divorced more quickly. Pennsylvania allows for the entry of a divorce decree after 90 days have passed from the date the Defendant in the divorce action was served with the divorce complaint. Much like with the "separation divorce", this only happens when there are no economic issues that require resolution by the parties.

For more information on this topic or any other topic related to issues of divorce, custody, support or family law in general, please contact Tim Colgan at icolgan@cmlaw1.com or call 800-615-0115.

"Injustice anywhere is a threat to justice everywhere."

- Martin Luther King, Jr.

FREE Seminar - Oct 20th

Do you have the right coverage to protect you and your family?



Christopher J. Marzacco

Thinking about buying auto insurance? Need to make changes to your current policy? Before you do, attend Attorney Christopher Marzacco's free seminar, "Buying Auto Insurance: Am I Really Protected?" Attorney Marzacco will present the seminar on October 20, 2009 at The Law Offices of Colgan Marzacco, LLC, 130 W. Church St., Dillsburg, PA.

Reserve your seat today to:

- Learn what coverages are available to protect you and your family after an accident
- Understand why you must select "full-tort"
- Learn about uninsured and underinsured coverages and why you must have them
- Receive **free** tips to help you purchase the coverage you need

Only a few seats remain, click lstrathmeyer@cmlaw1.com or call 800-615-0115 and ask for Lindsay Strathmeyer to reserve your seat.

Employee Spotlight: Jeanette Roberts

Jeanette Roberts is a graduate of Central Pennsylvania College where she earned her Paralegal Degree. She worked for several years in private law firms prior to obtaining a position as Judicial Assistant to The Honorable Lawrence F. Clark, Jr. for the Court of Common Pleas of Dauphin County.



Jeanette Roberts

Jeanette joined Colgan Marzacco, LLC in May of 2005 where she has worked with Timothy J. Colgan, Esquire, Managing Partner, and Thomas M. Clark, Esquire, as a Paralegal with her main areas of focus being Family Law, Real Estate and Estate Planning.

Jeanette's prior experience in private practice, coupled with her years of service under a Court of Common Pleas Judge makes her a valued asset to Colgan Marzacco, LLC, as she has a better understanding of what the Courts are looking for to better assist our clients. In addition to her role as a Paralegal with Colgan Marzacco, LLC, Jeanette also serves as a Notary Public. Jeanette enjoys coaching her daughter's basketball team and spending time with her family.