

## family lawyers and the courts: pro-family

In the movie *The War of the Roses*, Oliver and Barbara Rose (think Michael Douglas and Kathleen Turner) play the perfect couple—a prominent Washington lawyer and a successful catering business owner. They had a great house, great art, great cars and great kids. But when she sued for divorce, the movie clearly depicted divorce as war—and war is hell. This shouldn't be your first thought when a family lawyer or court is mentioned. Family lawyers assist clients and the courts in promoting a successful transition from one unified family household to separate family homes.

### Divorce or Legal Separation

Statistically, one out of every two marriages will end in divorce. This is the unpleasant reality of 21st century American society. La Crosse and its neighboring communities are not immune from this statistic. In La Crosse County alone last year there were

\_\_\_\_\_ divorces filed in our Circuit Courts.

This is an astonishing number of families who are faced with the difficult task of dividing assets; determining custody and placement schedules which meet the needs of minor children; and figuring out how to handle the financial challenges

inherent with a divorce. With statistics like this, it is easy to see that divorce or legal separation issues comprise the family lawyer's primary case load.

It may seem as though obtaining a divorce is too easy when you consider the statistics. What you may not know, however, is that the court system is "pro-family" and marriage is an institution that the courts go to lengths to protect. Barring an emergency, there is a "cooling off" period of 120 days after a divorce is filed prior to finalization. Even after a divorce judgment has been granted by the court, neither husband nor wife can remarry for six months. Should the couple desire to reconcile within six months of the granting of the divorce, they simply write the court asking them to set aside the judgment—in effect, reinstating the marriage.

Typically when a divorce is filed, preliminary matters are heard before the family court commissioner who presides over hearings at which time temporary orders are issued focusing on financial issues as well as custody and placement of children. These orders mandate who lives where and determine issues of custody and placement, as well as how the bills will be paid, and if family or child financial support will be ordered.

### Protecting the children

Because divorce creates very difficult custody and placement issues concerning minor children, La Crosse County Circuit Court has instituted programs to protect the children's best interest. These programs have proven to be beneficial to the family by keeping parents focused on the emotional needs of their children during the divorce process.

Custody and placement disputes can be very difficult for divorcing parents to endure. The emotional stress can spill over into their daily lives and ultimately affect the children. For this reason, La Crosse County's Families First program is required by our court. This program is intended to make the parents aware of these stresses and to inform them of appropriate methods of effectively co-parenting their children from separate households. During this program, the parents must author a co-parenting plan and discuss issues related to their children's best interest including financial, educational or some other aspect of the children's daily life.

In La Crosse County, children over the age of six years are required to attend Sand Castles. This program is designed to help children recognize that divorce is not "their fault" and that there are other children in our community dealing with similar problems—essentially, that they are not alone.

La Crosse is fortunate to have a pro-family court system and family lawyers who practice with the entire family's best interest in mind. Although a "war" such as the Rose's may be inevitable in some cases—it does not need to be the norm. With the assistance of a family lawyer, families can keep communication open and work through even the most difficult issues, allowing them to move forward and rebuild their lives.

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