

Family Law

Overview

Lawsuits carry high financial and emotional costs. Our family law attorneys help clients avoid them with creative solutions, including collaborative law and mediation. We represent clients, including high-profile and high net worth individuals and families, and their trusts and family businesses, in all aspects of family law. We value wealth preservation, often taking advantage of premarital and post-marital estate planning. In cases involving children, their best interests are paramount.

Our services include:

- **Prenuptial and Postnuptial Agreements.**
- **Dissolution of Marriage.** We litigate and mediate divorce case resolutions. This work involves collaborating with top forensic accountants to handle small properties and complex, multimillion-dollar estates; appraising real and personal properties; evaluating small to large business; and tracing marital and non-marital funds to determine equitable distribution and overall net worth. We regularly litigate for, and defend against, all types of alimony for both husbands and wives, and are experienced with determinations regarding child custody (also known as “time-sharing” and “parenting plans”).
- **Collaborative Law.** Our trained collaborative professionals are equipped to resolve family law cases out of court, with a team of neutral mental health and financial professionals who pledge not to litigate, but to negotiate and reach solutions.
- **Marriage Equality and Same Sex Couples.** Carlton Fields is a leader on issues that affect the rights of gay, lesbian, bisexual, and transgender members of our communities and their families. Our significant, long-standing efforts in this area include serving as lead pro bono counsel, along with Equality Florida and the National Center for Lesbian Rights, for six same-sex Florida couples who were denied marriage licenses by the clerk of Miami-Dade County Court. We also collaborate with Equality Florida Institute to produce the *Legal Handbook for LGBT Floridians and Their Families* (now in its third edition). Additionally, we assist same-sex couples with property settlement and support agreements, adoptions, and separation agreements.
- **Enforcement/Contempt/Modifications.** We enforce final judgments of dissolution of marriage. Enforcement may result in a court finding the offending party in contempt. We also have extensive experience securing modification of time-sharing (custody) and parenting plans, child support, or alimony.
- **Paternity Actions.** We handle high- and low-profile paternity matters, which often require executing confidentiality agreements with all involved parties.

Experience

- Assisted six couples in lawsuit in which, on July 25, 2014, Miami-Dade County judge struck down Florida’s ban on marriage for same-sex couples.
- Drafted postnuptial and premarital agreements for offspring of the owners of a closely held corporate client to facilitate gifts of lifetime interests in family business and trusts.
- Represented foreign national in defense of prenuptial agreement.
- Secured dismissal from family law case of foreign, out-of-state corporation for lack of personal jurisdiction under long arm statute.
- Represented numerous clients in obtaining orders sealing confidential records, including:
 - Client employed by the federal government whose employment was classified and in danger of exposure.
 - Brazilian national who would have been endangered by the exposure of confidential financial information.
 - Client who needed to keep confidential the terms of an agreement regarding prior sexual conduct.
- Prevailed in seeking reinstatement of a judgment of adoption and reversal of an order that vacated that judgment on the basis that the circuit court lacked jurisdiction to consider a petition for adoption filed by unmarried women.
- Wrote amicus brief in lead case on the unconstitutionality of state statute barring gay people from adopting children.
- Successfully argued Florida must recognize out-of-state adoptions by same-sex couples.

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Related Capabilities

RELATED PRACTICES

- Alternative Dispute Resolution Services
- Business Transactions
- Corporate Law and Governance
- Creditors' Rights and Bankruptcy
- Estates, Trusts and Probate
- Litigation and Trials
- Real Property Litigation
- Tax