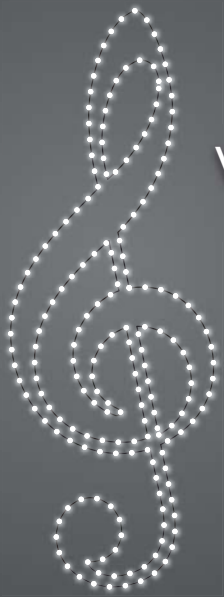




Some holidays are all about "Jingle Bells" and "Decking the Halls"...



While others find you needing "Tidings of Comfort & Joy."

Whichever this holiday season is for you, we hope you have a song in your heart.



Happy Holidays from all of us at

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**SachsCopple** LLC

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# FAMILY MATTERS

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WINTER

2010

## Infidelity & Divorce

Today, infidelity in marriage is so common, it seems like being faithful to one's spouse has actually become the anomaly. In some states, a spouse's infidelity can, itself, be a legal basis to get a divorce. However, Florida is a no-fault state. In Florida the focus of a dissolution of marriage action is not on a spouse's infidelity, but instead, on making provisions for a spouse and a child's need for support and achieving an equitable distribution of the parties' assets and liabilities.

When infidelity is involved in the failure of a marriage, a party may look to the family court system to obtain justice and retribution for the betrayal they feel they have suffered. For those individuals seeking "justice" as a result of their spouse's infidelity during the marriage, the reality of how Florida Courts view this issue can be both surprising and disappointing. Under Florida law, a spouse's adulterous behavior has little significance, unless it can be proven that the conduct resulted in a dissipation of marital assets. When there is competent, substantial evidence demonstrating that a spouse's infidelity has resulted in a waste of marital assets, the court may determine an unequal distribution of the parties' remaining marital assets and liabilities is justified under Florida's Equitable Distribution Statute §61.075.

Likewise, infidelity in marriage is not a factor the court will typically take into consideration when making a decision as to an appropriate residential placement for a child, an appropriate timesharing schedule or in deciding what an appropriate plan for parental responsibility should be. In order for the court to consider a spouse's adultery as a factor under Florida Statute §61.13, there must be

competent substantial evidence that the parent's marital misconduct has had a direct effect or a direct impact on the child's welfare.

When parties with minor children divorce in Florida, the parents are required by law to attend and complete a court approved parenting course. However, the course does not focus on the dynamics of families coping with infidelity. According to Elaine R. Rotenberg, Ph. D. of Alpert Jewish Family Children's Service in West Palm Beach, "It is critical for families experiencing divorce to understand that infidelity is a huge loss for every member of the family. People often overlook the impact on the children. However children do experience a loss, and they need an opportunity to go through the various stages of grieving, as do adults."

Palm Beach Gardens therapist, Ethyle Ludwig, MA, LMFT, ATR, BC describes the 5 stages of grieving as: 1) denial, 2) bargaining, 3) anger followed by depression, 4) acceptance and 5) moving on. According to Ms. Ludwig, "Individuals need to allow themselves to experience these emotions before they can begin the next chapter of their lives." Ms. Ludwig encourages people coping with infidelity to draw from their life experience, use the lessons learned going forward to perform emotional detective work before moving on.

Individuals getting divorced quickly learn that although the law provides instructions for how to dissolve the marriage, how to dissect parties' assets and liabilities and how former spouses are to operate as co-parents after the divorce, there is no instruction for how families are to temper the emotional storm and havoc which sometimes continues well after the entry of the final judgment of dissolution of marriage. Dr. Rotenberg advises families, "Expect and predict that key

developmental or transitional milestones, even something as routine as the upcoming holiday season, can trigger a reaction or feelings related to the earlier loss, taking one back to any of the above described stages of grieving. Stages of grieving do not necessarily occur sequentially, and they can reappear for parents and their children, depending on the psychological triggers that exist."

Just as it is important for parties in the family court system to understand the protection provided to them by the law, it is also important to learn what therapeutic resources exist to assist parents and their children in coping with the emotional aspect of loss that the law is not designed to remedy.

## Sachs Copple Receives the 2010 New Leader Award



Attorney Tana Sachs Copple recently received the 2010 New Leader Award from the Alpert Jewish Family and Children's Service, recognizing those who embody the spirit of volunteerism and philanthropy. A committee member of the "No Excuse for Abuse" luncheon, she brought both her professional expertise as a former domestic violence prosecutor and her passion as an advocate to her role as co-chairwoman of the agency's Kolot Coalition, educating the community about domestic abuse.



## New Website Launched mscfamilylaw.com

We are excited to announce that our new website ([www.mscfamilylaw.com](http://www.mscfamilylaw.com)) is up and running. We'd love to have you take a look. The site includes a variety of videos which you can click on to learn useful information about subjects such as: child custody and timesharing, visitation, alimony and domestic violence. There's even a section focusing on Parental Alienation, a syndrome happening with increased frequency that's having devastating affects on families today.

THE SUPPORT YOU NEED. THE REPRESENTATION YOU TRUST.