



Family Relations Law / Domestic Relations

Zashin & Rich has excelled at the practice of domestic relations law since our firm's founding in 1981. Indeed, since that time our firm has grown significantly, both in size and in breadth of experience, into one of Ohio's preeminent family law practices.

The firm's Domestic Relations Group has more than a century of collective experience and boasts an impressive array of credentials. Attorneys at our firm have been qualified by the Ohio State Bar Association as Certified Specialists in Family Relations Law, and attorneys within the practice group are regularly named as *Best Lawyers* by U.S. News and World Report, and by Super Lawyers Magazine for inclusion to its list of *Super Lawyers* and *Rising Stars*.

While our firm is headquartered in Cleveland, Ohio, our attorneys routinely handle matters in state and federal courts throughout Ohio. In fact, several firm attorneys are licensed in multiple states and frequently represent clients throughout the United States and globally on international family law matters.

Most importantly, the Domestic Relations Group at Zashin & Rich is committed to providing clients with superior service at an excellent value. We recognize that many cases will be resolvable through a period of negotiation and, in those cases, we are prepared to provide creative, outside-the-box solutions to meet our clients' goals. We also recognize that some cases will require litigation to reach resolution. In those matters, we have a proven track record of reaching positive results for our clients. And, small or large, no matter the case type, our clients can be certain that at every step of the way they will be advised of their options, risks, and potential outcomes, even as we vigorously pursue their interests to achieve optimum results.

Below is a sampling of the types of issues the firm's Domestic Relations Group handles:

Divorce / Dissolution

Simply put, a divorce is a court case that terminates the marriage contract binding two individuals. As part of a divorce proceeding, a number of issues must be settled, including a division of property, an allocation of parental rights and responsibilities, and a determination of child support and spousal support.

Similar to a divorce, the dissolution process also terminates the marriage contract. However, it is generally more amicable than a divorce. In the dissolution process, rather than instituting a lawsuit to terminate the marriage, the parties negotiate to settle the financial and parenting issues between them outside of the court system, and then jointly file a petition to end their marriage. This process often requires a greater degree of trust between the parties and, while it is not a good fit for all situations, when it works it can save tremendous amounts of money and time, and may be easier on both the divorcing parties and minor children of the marriage.

There are also alternatives to traditional divorce through alternate dispute resolution ("ADR") methods, such as collaborative divorce, cooperative divorce, mediation, facilitated negotiation, arbitration, private judging.

Zashin & Rich's attorneys are prepared to vigorously represent clients and secure the best possible outcome in all types of cases, from the most bitter and litigious, to the most amicable, from the intricacies of high net worth divorce to Jewish / religious divorce.

Parental Rights and Responsibilities (Child Custody)

Child custody litigation is often the most difficult process an individual can experience. These matters involve not only the question of custody (that is, which parent has the right and responsibility to make important decisions on behalf of a minor child), but also an appropriate parenting time schedule. So many factors play into these determinations, and it is in this area, more than all others in domestic relations practice, that "mud" is slung and accusations are levied.

In Ohio, a child's living and custodial arrangements are rooted in what is best for that child, and determining the child's "best interest" is at the heart of custody litigation. Shared parenting – what was formerly known as "joint custody" – has become perhaps at least as common, if not more common, than sole custody, and in those cases parents will also require a detailed parenting plan under which the parents will continue to make decisions and co-parent their children.

The attorneys at Zashin & Rich are sensitive to the practical challenges, parenting concerns, and emotional components of parenting determinations, and we work hard to make the process work for our clients with minimal disruption to the children. We are prepared to aggressively advocate for our clients to present their best case.

Parental Rights and Responsibilities Across International Borders

Of course, not all custody cases are domestic. We live in an ever more global and mobile society and international travel is accomplished with ease. Whether to escape political unrest or a violent living situation, or merely in an effort to gain an upper hand in proceedings regarding children, parents move children across international borders both with and without the knowledge and consent of the other parent. When this happens, litigation nearly always follows.

The United States is party to a series of international treaties, collectively known as the "Hague Convention," which attempt to protect children moved from one contracting nation to another. While the Conventions are only one piece of an intricate puzzle, they impart many potential opportunities – as well as obstacles – to a successful resolution of an international dispute. Among the most common of these issues are disagreements over the "habitual residence" of children, not to mention the "Zone of War" or "grave risk of harm" exceptions to the prompt return of wrongfully removed children, to name but a few.

When the children are moved from or to a nation that is not party to the Hague Convention, the case becomes significantly more challenging and complex. Not only can the rules be significantly different in the non-Hague country, but United States courts are often very hesitant to relinquish jurisdiction over a minor child within its borders when the protections of the Hague Convention do not apply.



When faced with an international matter it is imperative to hire counsel well-versed in this nuanced and intricate area of domestic relations practice. Zashin & Rich has significant, very real experience handling these matters involving both Hague and non-Hague countries. Consistent with our pursuit to be a leader in domestic relations legal services, we are proud to offer our experience in resolving transnational custody issues, and we have the ability and experience to handle even the most complex and delicate domestic relations matters with sensitivity and effectiveness.

Child Support

Unlike spousal support, child support is based on guidelines set forth in the Ohio Revised Code. Nevertheless, it is sometimes critical to persuade the opposing party or the court to deviate from those guidelines, such as in high income situations, where a child attends private school and tuition must be paid, or where a child has unusually high medical expenses. Understanding the nuances of child support laws can help either the payor or the payee to benefit from child support litigation, and at Zashin & Rich, we educate our clients in order to make the child support laws work for them.

Spousal Support

Spousal support, or what is sometimes more commonly known as “alimony,” may be appropriate in divorce/dissolution matters, and will be decided on the basis of several factors. While Ohio law provides no neat formula for determining spousal support, it does require a number of factors be considered, such as the parties’ respective incomes, relative education levels, relative health, and standard of living enjoyed during the marriage, as well as the duration of the marriage, retirement benefits available to each party, tax consequences of an award, and any other case-specific factors a court deems to be relevant and equitable. Our attorneys represent both the potential payor and payee in spousal support cases, and we have the experience necessary to achieve the most beneficial possible results for our clients.

Property Division

At the termination of a marriage, the parties must divide property acquired during that marriage. In some cases, this process is simple. On other occasions, however, this process is complex because property is not always acquired as a result of marital effort. Sometimes property is inherited. Sometimes it is brought into the marriage. Sometimes it is gifted to only one spouse. Sometimes there is a family business or a start up company involved. Sometimes it is complex due to the high net worth of the individuals. Any of these scenarios may result in a differentiation between “marital property” that is subject to division, and “separate property” that will not be divided. Our attorneys have the necessary expertise to appropriately characterize property to achieve favorable outcomes for our clients. With vast experience with start up companies and generational assets and properties, we are well-prepared to handle these special cases.

Further, while marital property is often divided “50/50”, it is not always, whether for practical reasons or for equitable reasons. Very often it will be necessary to value businesses, pensions, residential and commercial real estate, household furnishings, jewelry, and other assets. Zashin & Rich has years of experience handling extensive and complicated property



divisions, and we have close relationships with the finest experts in various fields who will assist in the valuation process at the heart of the most complex property divisions.

Domestic Violence

Unfortunately, from time to time domestic violence will play a part in divorce and custody matters. Ohio's domestic violence laws serve an extremely important role in our society and are intended to provide immediate and powerful legal protection to alleged victims, while affording due process rights to alleged perpetrators.

The result of a domestic violence proceeding can dramatically impact a domestic relations matter. As related to minor children, a domestic violence proceeding can swiftly cut off parental rights, potentially for a very significant period of time. For that reason it is imperative that a domestic relations litigant understands how such a proceeding will impact their overall custody matter. At Zashin & Rich, our attorneys have the qualifications and knowledge necessary to represent both victims and the accused in civil and criminal courts, as well as to manage the impact of any domestic violence finding on a custody determination.

Post-Decree Litigation

When a couple has minor children, a "final" decision often requires some subsequent modification as families and circumstances change. In those cases, we return to court for what is generally termed "post-decree litigation."

Even when parenting is not an issue, other issues may crop up. The most favorable settlement or court decision is illusory when the opposing side defaults on a court-ordered obligation to pay money or take some other action. In those cases, it may become necessary to return to court for enforcement of an order.

In regard to both financial matters and child-related issues, our firm's Domestic Relations Group has the necessary knowledge and skill to make pertinent modifications and to enforce obligations through post-decree motion practice invoking the continuing jurisdiction of the Domestic Relations or Juvenile Court.

Prenuptial Agreements

Whether a client is preparing for a marriage and wants a strong prenuptial agreement, or a client is divorcing and wants to achieve the best possible result in light of a prenuptial agreement that has already been signed, we have the resources and experience necessary to protect our clients' interests when confronted with issues regarding prenuptial agreements.

In short, no matter the type of domestic relations matter you face, Zashin & Rich can help. We have the ability and expertise necessary to handle even the most complex and delicate situations with sensitivity and effectiveness.

If you would like more information about Zashin & Rich's Domestic Relations Group, or to discuss your matter with one of our attorneys, please contact Jonathan A. Rich (jar@zrlaw.com) at 216.696.4441.

