

# ATHLETES CAN'T OUTFRAN FAMILY LAW PROBLEMS

Here are proven tips for athletes facing divorce-related hassles.

**BY RANDALL M. KESSLER**



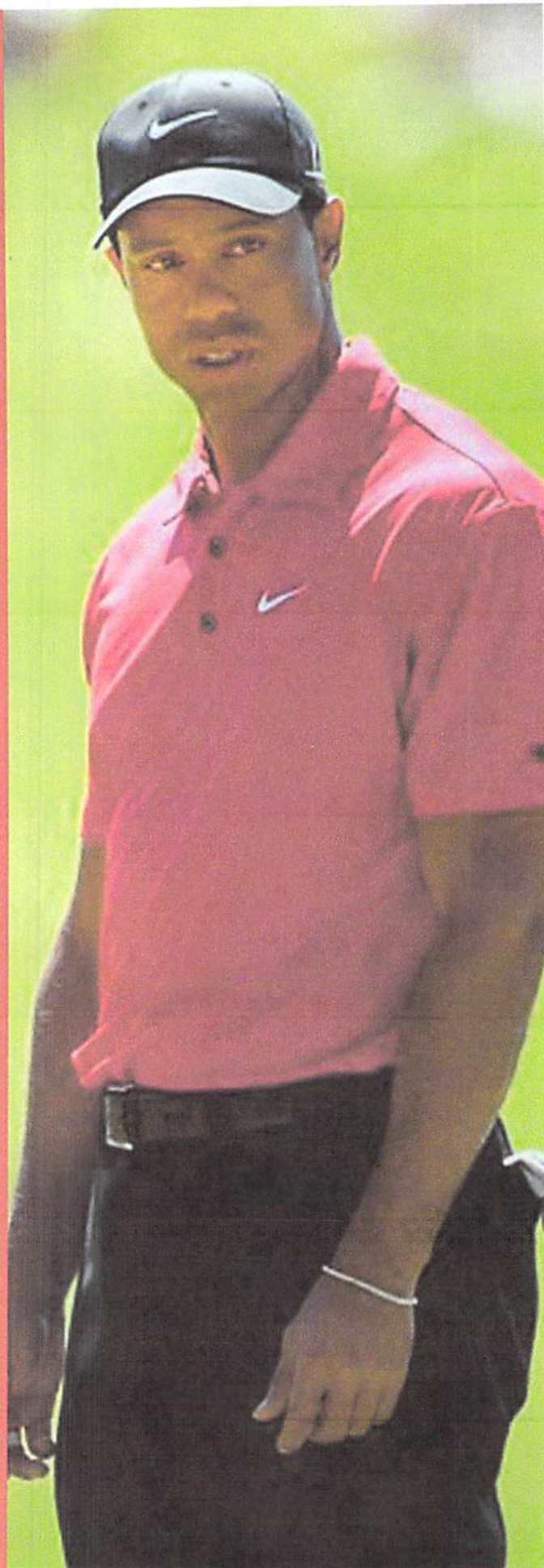
**F**amily law problems aren't limited to the average person — athletes, entertainers and other celebrities get embroiled in them as well.

In fact, athletes arguably encounter these situations much more than the average person due to the pressures on them at such a young age. How many average citizens even have to worry about life insurance, disability insurance, child support, retirement and other matters at 17, 18 or 19 years old?

Of course, we're all familiar with high-profile divorce cases involving athletes. Sometimes the sums involved in the settlements are staggering. For example, when golf legend Tiger Woods and Elin Nordegren split in 2010, Elin received a settlement of reportedly well over \$100 million. When disgraced cycling champ Lance Armstrong divorced his wife Kristen Richard in 2003, he had to fork over an estimated \$14 million. Other expensive examples abound.

But family law problems include more than just settlements. Among the issues that can rear their heads are questions of paternity, child support, alimony, grandparent's rights and Prenuptial Agreements, among just a few.

All of these situations have one thing in common: the athlete will be better protected if he or she has good legal advice from the start. Let's examine a few key issues that tend to arise and how to deal with them.



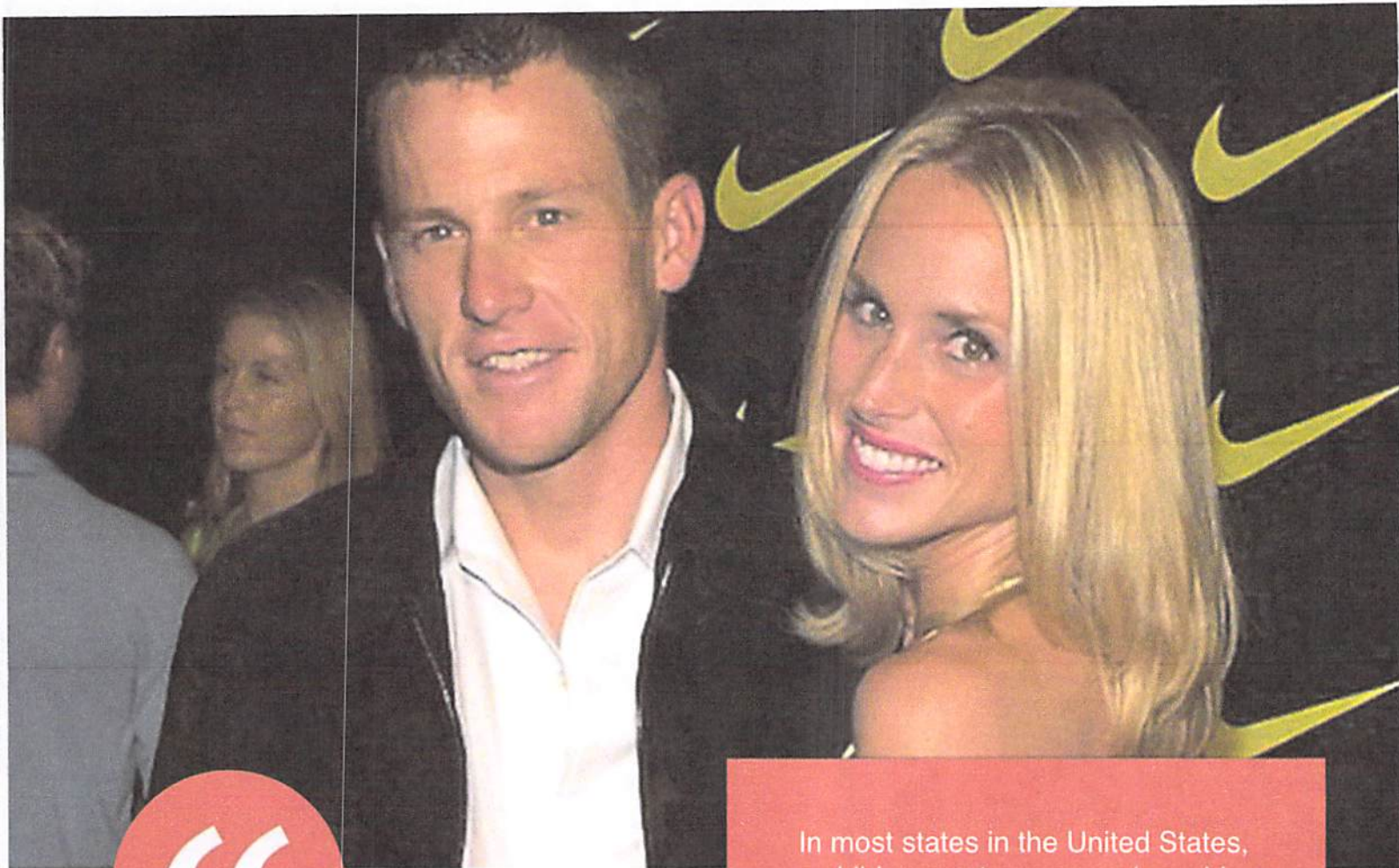
## How to Avoid Unduly High Child Support

Rule number one: No matter how busy you are, don't ignore letters from lawyers or courts. Moreover, there are proactive steps that can be taken to reduce the out-of-pocket cash flow from the father to the mother.

For instance, many courts will appreciate the fact that an athlete voluntarily provides for a child's education needs, including college funds, as well as life insurance. The athlete would be wise to provide other direct expenses that benefit the child, such as for clothes, extra-curricular activities fees and uniforms.

By doing so, the athlete will demonstrate to the court that the mother's need for support has been significantly reduced and the athlete can be assured that the money he pays for the education, health care and clothing of the child will actually benefit the child (instead of the mother using it for herself). The end result could be a lowering of the child support award.

Additionally, any agreement made between the mother and father should contemplate a day when the athlete is no longer earning significant monies, rather than waiting until the income is over but the obligation remains. Athletes must prepare ahead of time for the day they no longer play. Otherwise, when they finish playing, the obligation will remain until they go back to court to get it reduced. Often when their career ends, many athletes simply do not return to court to seek a reduction and then, years after their income has fallen, they are left with a significant child support arrearage that is dangerous.



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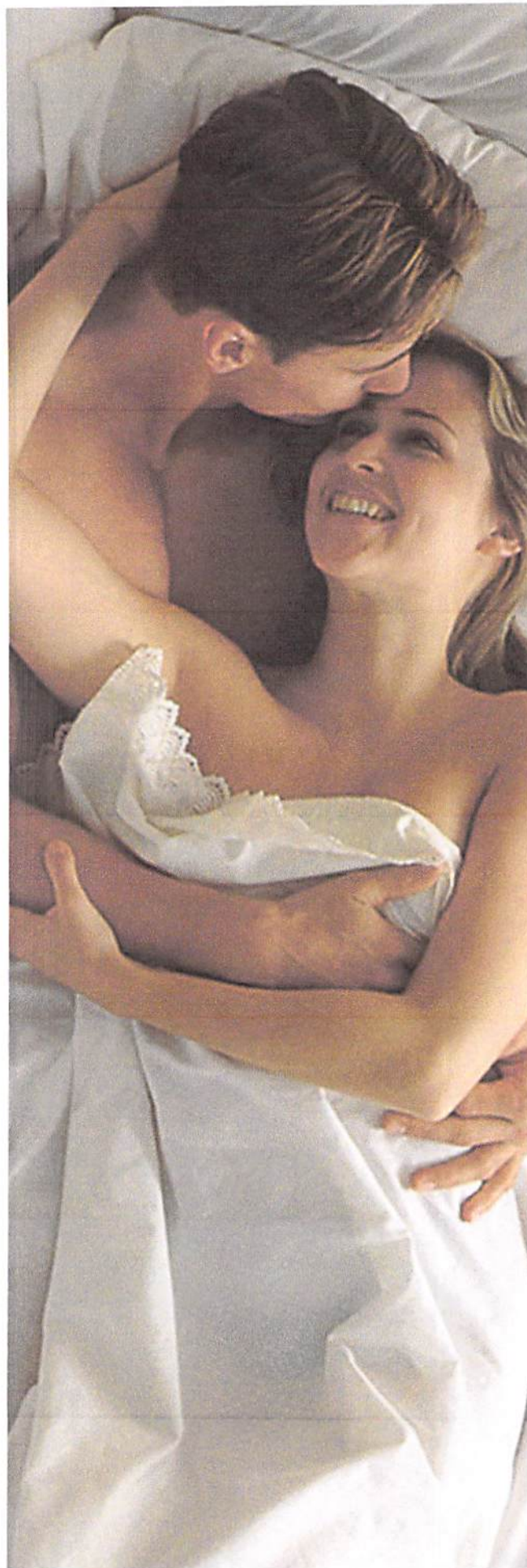
In most states in the United States, a child support arrearage (unpaid child support) can't be discharged in bankruptcy and there is no statute of limitations in most states for the collection of overdue support. It is a lifelong debt that is enforceable by court order and in many circumstances enforceable by incarceration until it is paid.

Athletes should have legal counsel before they sign an agreement, before they go to court, and before they begin any negotiations related to the children for whom they may be ordered to pay support. And they should "pre-agree" about what happens, and how support will be reduced, once they no longer play ball.

## How to Avoid “Golddiggers”

While getting child support has almost never made anyone a millionaire (because it does cost money to raise a child), the fact is, having a child with someone who makes millions will likely result in significantly more child support than having a child with an average wage earner. And for that reason, and for the reason that having a child with a pro player does create a lifetime connection to him, there are many women out there who make it a goal to have a child with a professional athlete.

So how does an athlete avoid that? Don't have unprotected sexual relations. But even that may not be enough. There are plenty of stories of women impregnating themselves with a used condom or with semen from other sexual activity. One suggestion that has been circulating in recent years is for the player to have a vasectomy, an operation that makes it nearly impossible to get someone pregnant, and to also have a doctor freeze or preserve their sperm so that when they want to have a child, they can.



## When a Child is On the Way

Once a child is born or is on the way, and the parents aren't married, the father (and the mother too, separately) should get legal counsel. They should talk to a lawyer who specializes in family law, and hopefully one who has handled cases for athletes or other high profile people.

Such a lawyer can not only answer basic questions and develop an action plan, they also will be knowledgeable about how to avoid bad press and how to keep matters calm. Also, a good lawyer will be able to help the player determine which state may be best for his case. Some lawyers may want to keep the case in their state so that they can represent this famous person, but good lawyers will analyze the facts and try to determine where the case should be legally, and if there is a choice, which place is likely to yield a better outcome for the player.

Some states typically award very high child support (e.g., California and New York), while other states award lower support (Nevada, Georgia, and Texas). Laws change and judges change, so it is important to find a lawyer who will investigate these variables and who will offer honest guidance to the player.

It is also important NOT to delegate this task. Meeting with a lawyer and getting advice is not something the business manager, agent, advisor or relative can do. Those people can make the initial arrangements, but the player needs to hear directly from the lawyer. In those one-on-one meetings, a good lawyer can understand the whole picture and gauge how important certain issues are to the player.

There are too many opportunities for miscommunication about sensitive issues when the athlete is not directly in touch with the lawyer. The bottom line is to hire the very best lawyer possible.

The court system is designed to do its best to help children and when there is no communication, judges will often simply award rights and support to the person who seems to need it and the person who is most likely to care for the child. If the player is unresponsive and uninvolved, the other parent, usually the mother, will be granted an award of child support, attorney's fees and full custody. And climbing out of that hole is much tougher than not getting into it in the first place.

## About the AUTHOR



Randall M. Kessler is the founding partner of the 13-lawyer, Atlanta-based family law firm Kessler & Solomiany LLC, which focuses on all aspects of family and matrimonial law including trial litigation, pretrial litigation, mediation, custody, post-divorce issues, and all other domestic law concerns. Randy also is the editor of [NEXT magazine](#).

The attorneys at Kessler & Solomiany have extensive experience and training in contested hearings and trials before both judges and juries. Randy and his firm have represented professional athletes and other celebrities nationwide in family law matters.

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Randy has been called upon to discuss family law issues for athletes in all major media, including ESPN, CNN, FOX, The New York Times, The Wall Street Journal, the Today Show, Dr. Phil Show, and many others. He has served as Chairperson of the Family Law Section of the American Bar Association and has taught family law at Atlanta's John Marshall Law School for the past 10 years. He also is the author of many divorce books, including [Divorce: Protect Yourself, Your Kids and Your Future](#).

Randy received a B.A. from Brandeis University and a J.D. from Emory University School of Law. For more information about Randy's high-profile divorce cases, [click here](#).

## **Website Disclosure - Athletes Can't Outrun Family Law**

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