

Changes in Florida's Alimony & Child Support Laws

Last year, the Florida Legislature passed a number of amendments to the state's alimony and child support laws, and all were approved by Governor Charlie Crist. Although the new laws went into effect on January 1, 2011, they apply to all alimony awards and modifications of awards entered after July 12, 2010.

Some of the changes made were to simply clarify existing statutes and others were quite substantial. For instance, the amendments now define certain parameters for various kinds of alimony. Further, the factors considered when determining whether to award alimony or maintenance, or neither, have been revised to include other considerations. And finally, the child support statute has been revised to include more detailed guidelines. Let's take a closer look.

Length of Marriage

A change to Florida's alimony laws have been under consideration for some time now. The statute which previously guided our judges on issues of alimony was ambiguous at best, because it lacked clear definitions of "duration" for the award of alimony or types to be considered. It was basically a case by-case analysis with the aid of case law. The Courts knew how to treat very short term marriages and long term marriages, but everything in between was a "best guess." The new law more clearly defines length of marriage and other factors to consider for alimony claims.

The number of years parties are married is important to the Court when determining the amount of alimony awards. Previously, the appellate courts coined the term "gray area" for marriages that were neither short term nor long term in length. Now with this most recent change, a "short term" marriage means a marriage of up to seven years; a "moderate" term marriage means a marriage of over seven but less than 17 years; and a "long term" marriage means a marriage of 17 years or greater. The term "gray area" was replaced by "moderate."

But what of the "Hollywood Marriage?" Celebrity marriages are remarkable for their instability and some of them have given a whole new meaning to the phrase "quickie divorce." The often-reported 50% failure rate for American marriages seems to soar as one's star rises. The divorce rate among celebrities may be as high as 80%, and while some last 20 years or more before ending in divorce such as Hulk and Linda Hogan for 24 years, others are over before the ink on the marriage certificate has a chance to dry. Under the new Florida law, Britney Spears' marriage to Jason Alexander would qualify for a short-term marriage. It lasted a whopping 55 hours. Christie Brinkley and Billy Joel were married for nine years before she and the piano man split,

qualifying theirs as a moderate-term marriage. Lastly, Tipper and Al Gore's marriage dissolved after 40 years, which would meet the Court's criteria as a long-term marriage. Apparently global warming couldn't keep their embers of love alive.

4 Types of Alimony

Additionally, before the law was changed last year, there were only two different types of periodic alimony recognized by statute: permanent and rehabilitative alimony. Over time, Florida courts began to recognize another separate form of alimony that was called "bridge the gap" alimony.

Bridge-the-gap alimony is akin to being a bridge over the troubled waters of divorce. It is an award that is designed to assist a party from making a transition from being married to being single. This type of alimony cannot exceed two years. Typically, bridge-the-gap alimony can be used, for example, to provide a former spouse first, last and a security deposit for having to move out of the marital home or an award can simply be monthly payments for up to 24 months to help that divorced spouse in the transition stage.

Durational alimony is a new form of alimony created by the amendments. This type of alimony cannot be paid out longer than the length of the marriage and is awarded when permanent alimony is inappropriate. Its purpose is to provide a party with economic assistance for a set period of time following a marriage of short or moderate duration, but not a long term marriage of 17 years or greater. Durational alimony terminates upon the death of either party or upon the re-marriage of the party receiving alimony.

Permanent alimony is to provide the needs and necessities of life for a former spouse as they were established during the marriage. Typically, permanent alimony is awarded only in long-term marriages and in certain circumstances can be awarded in moderate term marriages.

Rehabilitative alimony provides funds to establish the capacity for self support for the receiving spouse or, in other words, to rehabilitate that spouse. This is usually accomplished by helping the person to redevelop a previous expertise or acquiring education, training or work experience in order to develop appropriate employment skills or credentials. In order to receive rehabilitative alimony, the party who hopes to receive this award must present the Court with a specific written and defined rehabilitative plan.

Child Support & Timesharing

The child support statute, §61.30, F.S., was also

amended, but not as radically changed as the alimony statute. The biggest change, which became effective on January 1, 2011, concerns the computation of the amount of child support to be paid. Under prior law, child support was calculated based on the respective net incomes of each parent, with each parent being responsible for a percentage of the total child support. For example, if a husband's net income is \$10,000 per month, and a wife's net income was \$5,000 per month, the combined net income totaled \$15,000, with the husband's share of the child support being 66% of the total monthly income.

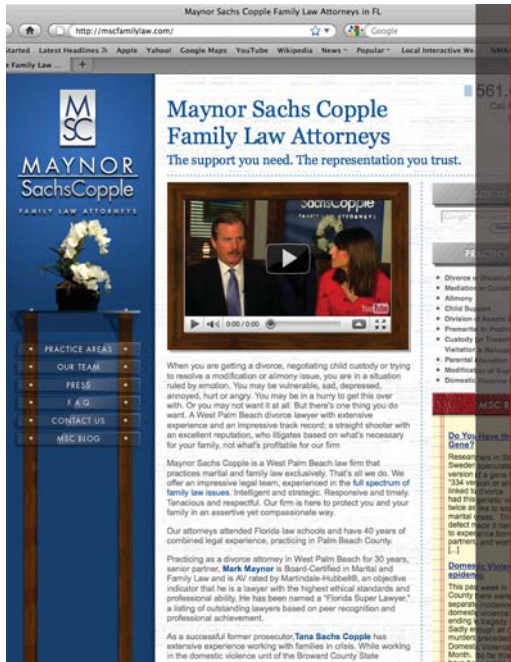
Under the old law, if a parent had "substantial contact" (which meant that he or she had the child at least 40% of the overnights during the year), then there was a further adjustment that was made to reduce the child support payments. Under the new statute, "substantial contact" has been reduced to 20% of the overnights per year so that the adjustment will now come into play when the non-majority timesharing parent has at least 73 overnights per year.

Charlie Sheen is paying former wife, Denise Richards, a king's fortune for child support. It has been reported that the actor is dishing out \$52,000 per month to support his two daughters from this marriage. In Florida, if Mr. Sheen were to exercise more than 20% overnights in a single month (7 days per month or more), he would have grounds for the Court to modify and/or lower his child support obligation.

Child Support & Alimony Modifications

People often assume that divorce decrees and child support/alimony orders are final, and that the court expects them to cover every possible situation until the children are grown. The truth is situations change and sometimes court orders need to change as well. It is quite common to need a modification of a child support order as children's needs and parents' financial situations change. Child custody orders and timesharing plans may also need to change as the child grows, particularly if one parent leaves the state to pursue a job or be closer to family. Even spousal support orders sometimes require modification in the event of changed circumstances.

When circumstances change and previously negotiated agreements are no longer fair or applicable, a modification may be in order. Our attorneys are experienced on both sides of these agreements and are able to fight successfully for your rights in court, whether they involve a deadbeat parent or a modification of child support, alimony or timesharing.



When it comes to families, there's never a dull moment.

(Here are a few excerpts from our blog)

5.17.11 Love Shack

Just when you thought that Arnold Schwarzenegger was driving off into the sunset after his stint as California's governor, be aware: He's baaack! And with a love child to boot...

4.20.11 The Princess and the Prenup

On April 29, 2011, Prince William of England will marry commoner, Catherine Middleton. Lots has been said in the media about the upcoming nuptials, but little at all has been mentioned about whether or not Kate will sign a prenuptial agreement...

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ATTORNEYS

- J. Mark Maynor
Board Certified in Marital & Family Law
- Tana R. Sachs Copple
Attorney at Law

PARALEGALS

Phyllis Weissberger
Florida Registered Paralegal
Ed Meyer

OFFICE ADMINISTRATOR

Denyce Zeleznik

- 561.691.9336
- 561.296.6333 fax

809 North Dixie Highway, Suite 101
West Palm Beach, Florida 33401



Meet a new member of the MSC team: Ed Meyer

Ed recently joined Maynor Sachs Copple as a paralegal. He has over 20 years of accounting and finance experience and has worked as a forensic accountant for five years. Prior to working for Maynor Sachs Copple, Ed was employed by both public accountants and private companies as a financial advisor and controller. While he worked as a forensic accountant, he concentrated on family law cases.

Ed's accounting background will be helpful in assisting clients with the preparation of their financial affidavits and discovery production. He received his Bachelor of Business Administration from the Baruch College of the City University of New York and earned his CPA certification from Colorado. Ed resides in Palm Beach Gardens.