

# Law Office of J.J. Dahl

BOARD CERTIFIED IN MARITAL & FAMILY LAW

## **DIVORCE OVERVIEW**

There are certain requirements that must be met in order to obtain a divorce. A document called the Final Judgment must be signed by a judge in order to finalize the divorce. In Florida, the legal terminology regarding the termination of a marriage is "dissolution of marriage", but we will refer to it as divorce. The cost and complexity of divorce depends on the parties involved.

The parties have to separate the areas of their lives that have become intertwined, some of which are financial or material in nature, some emotional. Some areas cannot be completely separated, such as those involving children. Marital assets and debts must be divided, which leads to questions such as, "Which assets are truly assets of the marriage?", "What about engagement rings or gifts to each other during the marriage?", "What about money inherited from a distant cousin who passed away?" or "What about the coin collection I've had since childhood?"

While questions like these are not easily answered, those involving children are, by far, more complex and emotionally charged. Who will the children live with during and after the divorce? Who will make the decisions about where they go to school, what activities they will participate in, whether they need braces (and who pays for them), and how often they are with the other parent? What about vacations from school, annual trips, and summer camp? Where will the children spend their birthdays and holidays such as Thanksgiving, Christmas, Passover, and Easter? What about the parents' birthdays, Mothers' Day, and Fathers' Day? Usually, each parent wants an arrangement that keeps these things the same as they were during the marriage (everyday the child is home with them; on every vacation the child is with them, etc.), but this is not possible when considering two separate households.

Florida courts will generally give both parents shared parental responsibility. This means each parent has a say in decisions about the child. Time sharing, or visitation, varies in each case. Parents can pretty much divide the child's time as they wish, as long as they are in agreement, and some can be pretty creative. The courts, however, do not get creative. In Lake County, there is a standard arrangement that may be implemented if the parents cannot agree.

The next issue to be addressed is child support. Parents are often under the impression that child support is based on the actual expenses related to the children. This is not true. Child support is based on the income of the parents. A chart, mandated by law, is used, which specifies how much money is to be paid. The amount is based on net income. There are several legal hoops to jump to determine "net" income. If a child lives with Mom, Dad pays child support based on net income, not on how much money Mom actually spends on the child each month. Child care and health insurance costs are also taken into consideration.

Another factor that comes into play is alimony. Many of those who, at the time of marriage, did not want their spouse to work outside the home find themselves believing it to be unfair that they may have to pay spousal support (alimony). After all, if they are no longer married, why should one person still be obligated to provide support to the other? On the other hand, the spouse whose marital contribution including staying at home, and perhaps, raising children, may have given up secondary education or the ability to pursue an income-producing career by doing so. Should this spouse have the benefit of financial assistance after the marriage? If so, should it be long-term or short-term?

The courts, by and large, recognize these issues and the case law regarding alimony describes various options, including permanent periodic, rehabilitative, and bridge-the-gap alimony. Permanent periodic alimony may be awarded after a long-term marriage, and requires the income-producing spouse to pay the other alimony until one of them dies or the recipient spouse remarries. Rehabilitative alimony is paid for a specific period of time and provides the recipient spouse with money while obtaining education or specialized training in order to get on a career track and be self-supporting. Bridge-the-gap is the new kid on the alimony block. This is paid for a very short period of time in an effort to assist the receiving spouse in getting over the financial burden that often occurs when transitioning from being married to single again. In awarding alimony, the Court must be able to justify its decisions or face the possibility of an appeal, which may overturn a decision.

While this is a significant amount of information, it is just an overview. I will provide more in-depth information on these issues and others as dictated by your case at our consultation.