



ALIMONY & CHILD SUPPORT THE TIMES THEY ARE A'CHANGING

By Joel H. Feldman

2010 brought, and 2011 added, major changes to both the alimony and child support laws of the State of Florida.

Florida Statutes now define the length of marriages that are presumptively not appropriate for permanent alimony and those that are more appropriate for permanent alimony. New statutes now restrict the length of time for bridge-the-gap alimony and detail how imputed income should be attributed to a parent of minor children.

While this article cannot fully analyze all of the changes in Florida family law, there are important changes to the alimony statute. Short-term marriages are now codified as those that are less than seven years from date of marriage to date of filing for divorce. Alimony may not be appropriate at all for such short-term marriages, or only bridge-the-gap alimony may be appropriate. Bridge-the-gap alimony, meaning alimony solely to help a spouse transition from married life to single life is limited to two years and cannot be modified or terminated.

Moderate-term marriages are seven years to sixteen years and may justify durational alimony. The length of time and amount of alimony is determined based upon the particulars of the case. Durational alimony, intended to provide economic assistance to a spouse for a set period of time, is not permanent alimony and cannot be awarded for a period longer than the length of the marriage.

Permanent alimony is presumed to

be appropriate for marriages of seventeen years or more, again depending upon the particular circumstances of the case, and is intended to continue for the recipient former spouse's life so long as he/she is unmarried, has a need for such alimony and is not involved in a "supportive relationship" as defined by Florida law. To protect the recipient former spouse in the event that the paying former spouse dies first, often a life insurance policy is obtained providing that a death benefit goes to the former recipient spouse to replace alimony lost due to the death of the paying former spouse.

The Florida child custody and child support statutes also have undergone major revision. The word "visitation" has been replaced with "timesharing" and neither parent is labeled the "primary" or "secondary" residential parent. More importantly, the chart set forth in the Florida Statutes for determining child support has been revised, creating the likelihood that more child support will be owed than was due under the old chart. However, greater credits are given to the parent who is obligated to pay child support but who enjoys overnight timesharing with the children for more than twenty percent of the overnights in a year (73 overnights). The old statute gave credits only to the paying parent who enjoyed more than forty percent of the overnights in a year (146 overnights).

In addition, the new child support statute makes it easier to impute income to a parent who is responsible for the payment of child support but who is voluntarily unemployed or underemployed, including a parent who becomes delinquent in child support after the divorce is concluded.

The changes encourage parents to work and contribute to the financial needs of their children. Parents who choose not to work and to stay at home will have income imputed to them unless there is a specific legitimate reason for that parent not to work. The fact that one parent stayed at home and did not work during the marriage is insufficient reason for that parent not to work after the marriage is ended. stb

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