

Divorce in 2010

By Sheena Benjamin-Wise, Esq.



Deciding to divorce your spouse

may be one of the most challenging and difficult experiences in your life. It can be quite manageable, however if you are armed with the right knowledge and information. So your mission is to seek as much information as possible to meet your needs.

There are five primary elements to consider in a divorce.

Think: "PEACE"

PARENTAL RESPONSIBILITY

First, what is in the best interest of the minor children? Parental Responsibility determines how parents divide responsibilities of raising the children. Recent changes to Florida statutes have eliminated the words "custody" and "visitation" in an effort to promote greater family harmony. Parents today have "timesharing", clearly negating any idea that either parent plays a superior role. To that end, parents enter into a parenting plan to address all short and long term needs of the children after the divorce is final.

EQUITABLE DISTRIBUTION

Equitable Distribution is the division of your assets and liabilities. The Court will decide how all the assets and liabilities you and your spouse have accumulated over the years shall be divided. You should know what you have, and what you owe. The presumption is an equal division although this can vary depending on when it was acquired and by whom. So, let's be fair!

ALIMONY The mere mention of the word alimony can bring hope to some and disgust to others. Recently, Florida statutes have changed defining the various forms of alimony. Bridge the gap alimony is awarded to assist spouse with short term needs associated with the transition from married to single life, usually limited to less than 2 years. Rehabilitative alimony is intended to provide a spouse, who wants to be self supporting, with specific financial assistance over a specified period of time in order to get job training. Florida's newest form of alimony, durational alimony, is designed to address the economic needs of a spouse married for 7 to 17 years. If awarded, may be modified in the future. Permanent alimony is a monetary award for spouses who are married for greater than 17 years and provide long term financial security.

CHILD SUPPORT Child Support is established to meet needs of the children. This award is paid to a parent to meet the fiscal needs of their children. New Florida statutes set forth the principles and revised method for the determination of child support. It is a simple mathematical computation of the parents' monthly income, child care and health care costs incurred for the children, and the amount of time the children are shared during the year. The new changes will take effect in October 2010 and January 2011.

EVERYTHING ELSE Your final destination in your Journey is E – Everything else. The last step in divorce is to address all other issues between the spouses. Although "everything else" seems short, this could be the most important. These are the issues one tends to forget, such as refinancing the mortgage,

obtaining life insurance, grandma's dishes, and/or restoring one's maiden name, just to name a few. If forgotten, these can prove to be a headache to remedy.

Finally, when selecting a lawyer, do your homework. Family law is one of the most dynamic areas of law in Florida. Members of the Florida Bar Family Law Section dedicate countless hours to staying current with the many changes in the law. Ask questions, listen carefully and then choose wisely. [stb](#)

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