



## **FAMILY LAW**

**JUPITER LAW CENTER** has prepared, reviewed, revised and represented clients in such areas as Divorce, Custody, Child Support, Visitation, Alimony, Modifications, Name Changes and Adoptions. We often deal with emotional issues and will try to explain the process in a simple, easy-to-understand way to make it less stressful.

Below are a few interesting facts about Family Law:

- Florida has abolished fault as a ground for Divorce. In fact, there are only two grounds for obtaining a Divorce in Florida: 1) the marriage is irretrievably broken; or 2) one spouse has been adjudicated incompetent for a period of at least three (3) years preceding the filing of a Petition for Dissolution. However, fault may be considered under certain circumstances when awarding Alimony, Equitable Distribution of Marital Assets and Liabilities and determination of Custody.
- COMMON-LAW MARRIAGE is no longer recognized in Florida. However, such a marriage entered into prior to 1968 carries the same rights as a ceremonial marriage. A Common-Law Marriage which was valid when entered into in a sister state is valid in Florida.
- In a DIVORCE, the process of dividing the real and personal property acquired during the marriage is called **EQUITABLE DISTRIBUTION**. Since Equitable means fair, the distribution of the property does not always result in a 50/50 division.
- **ALIMONY** may be awarded to either SPOUSE - and is based upon one party's need and the other party's ability to pay.
- **REHABILITATIVE ALIMONY** may be granted by the Court to assist the lesser-earning spouse in becoming self-sufficient.
- A spouse's right to receive **ALIMONY** may be expressly waived - but the right to receive **CHILD SUPPORT** cannot be waived since it is the child's right to receive the support and not the parent's right to contract it away.
- Either party to an Alimony or Child Support Agreement may petition the Court for permission to modify the Agreement due to a "substantial change in circumstances".

- A PARENT is not obligated to SUPPORT a CHILD who is over 18 years of age unless the Child is mentally or physically dependent, is still in high school or the parent has agreed to do so.
- SHARED PARENTAL RESPONSIBILITY means that both parents are supposed to confer with each other about major decisions involving their child/children (such as matters concerning education, religion or medical needs).
- Although the Court does not encourage ROTATING CUSTODY of children, the Court may order such an arrangement if it finds that such a schedule is in the best interests of the child.
- CUSTODY may be awarded to non-parents if the parents are unfit or otherwise give up their rights.
- A parent who fails to pay ALIMONY or CHILD SUPPORT may be held in Contempt of Court if the Court finds that the failure is willful and that the parent actually has the present ability to pay but has chosen not to do so.
- Courts sometimes issue Orders directing one parent to speak respectfully about the other parent in front of the children.
- An INJUNCTION for PROTECTION may be sought if an act of DOMESTIC VIOLENCE has been, or is going to be, committed against one of the parties.
- All persons are required, by law, to report to HRS incidents of CHILD ABUSE that are known or are reasonably suspected.
- DNA IDENTIFICATION is admissible in Court to identify a person or prove PATERNITY.
- A person may not be prohibited from ADOPTING a child because of a physical disability unless it is determined that the disability renders the person unable to be an effective parent.
- ADOPTION of a Child terminates the Parent/Child relationship between the Natural Parents and the Child. An Adopted Child, therefore, has no inheritance rights from or through his Natural Parents. Likewise, the Natural Parents and their kin have no inheritance rights from or through the Natural Child who has been adopted. However, the Adoptive Parents and Adopted Child each have inheritance rights in each other after the Adoption.