

e-Newsletter

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The Alimony Animals Menagerie

One of Webster's definitions for "menagerie" is a "varied mixture." Another definition is a "collection of wild animals..." The various types of alimony "animals" available under Florida law certainly qualify under both definitions.

Florida Statute 61.08 expressly authorizes bridge the gap, rehabilitative, durational and periodic alimony. Further, the statute provides that any of these various forms of alimony may be ordered to be paid in "periodic payments," "a lump sum" or both. A court has the option to award more than one form of alimony such as a combination of rehabilitative and permanent alimony. In addition to these forms of alimony which may be awarded by a trial court judge, attorneys utilize (for settlement purposes) other forms of alimony such as "nonmodifiable and non-extendable" alimony.

Some forms of alimony are subject to modification or termination. Modifications may be made both as to the duration of the alimony award and the amount of the alimony award. A modification or termination of alimony, depending upon the form of alimony, may be based upon "exceptional circumstances," "a substantial change in circumstances" or "the existence of a supportive relationship."

Before a trial court can make any award of alimony it must be provided with competent substantial evidence regarding all relevant factors which include, but are not limited to, the standard of living established during the marriage; the duration of the marriage; the



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age and physical and emotional condition of each party; the financial resources of each party; the earning capacities, educational levels, vocational skills, and employability of the parties; when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment; the contribution of each party to the marriage; responsibilities each party will have with regard to any minor children; the tax treatment and consequences to both parties of any alimony award; all sources of income available to either party and "any other factor necessary to do equity and justice between the parties."

Like the man said, "It's a jungle out there" and it is filled with a menagerie of alimony animals. If you are contemplating divorce, make sure you retain a divorce attorney who is thoroughly familiar with each of these animals and has the skill to guide you through the jungle.

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