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Separate maintenance decree florida

For a variety of reasons, including health insurance concerns, religious concerns, Social Security and pension benefits, and even a desire to eventually unite, couples in troubled relationships can choose legal separation instead of divorce. In Florida, there are a number of surprising facts about legal separation that you should consider before deciding on that option. **Facts #1:** Florida is one of only six states that does not recognize legal separation. In other states, couples can apply for legal separation, which allows them to come to an agreement on issues such as marital support, child protection and child support. In Florida, there is no specific law that defines legal separation. **Facts #2:** Just because legal separation isn't recognized in Florida doesn't mean you can't reach court-judged decisions or agreements in areas like child support and entertainment without starting a divorce. In Florida, couples seeking separation or financial support without starting divorce can benefit from statutes that allow them to agree to or prosecute issues of marital support, child support and time-sharing (custody/visits) without starting a divorce. The couple remain legally married, but achieve legal separation in the form of a court order. If they have children and live apart or still live together, one of the spouses can request a judicial review of issues such as child protection and visitor rights (time sharing) and child support. Click here to download your free e-book: **Plan your divorce: 7 Important considerations for going your own ways facts #3:** Specific legal agreements are related to formalizing the terms of a separation in Florida. These include: A separation agreement. This legally binding agreement may produce the same result as legal separations in other jurisdictions. Petition for support. A petition for support linked with the dissolution of marriage allows a spouse to receive child support and entertaining for the spouse who has moved out of the marriage residence without filing for divorce. Postnuptial appointments. This Agreement specifies the terms and conditions for sharing/distributing assets, liabilities and entertaining. **Facts #4:** Decisions made during the separation proceedings are not binding in case any spouse files for divorce. At the point a couple goes ahead with a legal divorce, the courts can reconsider questions about (visit/custody), child support and marital support, as well as the division of marital assets and properties. While separation may be the right decision for you and your spouse, it is not the easiest course to navigate if you have children or complex assets and need decisions related to these issues to be permanently binding. You must agree to say no to divorce, but you should agree to a divorce lawyer with experience in the field of legal in Florida. Board certified marital and family law attorney Charles D. Jamieson understands that divorce is an extremely sensitive and important issue. Thanks to extensive education, training and experience in mediation and collaborative bounce and focus on open communication, lawyer Jamieson adeptly addresses the complex issues surrounding divorce while delivering excellent personal service. To discuss financial issues related to divorce, or to determine whether cooperative bounce is appropriate for your case, please contact The Law Firm of Charles D. Jamieson, P.A. online or call 561-478-0312 to schedule a consultation. Written at 8:01h in Miami Family Law by jeffrey alan aenlle Sometimes a marriage isn't quite working out, but you're not (yet) ready for an actual divorce. In addition, there are cases where a couple may be ready to divorce but do not have the legal right to divorce at that moment. In both of these cases, it would be a good idea to submit a separate maintenance action. An order of separate maintenance and support allows spouses to share property, assets and custody as they would in a normal divorce while still legally married. What benefits does a separate maintenance action bring? But not all the benefits of getting divorced are still allowed to couples who have filed successfully for a separate maintenance action. First of all, both spouses are not allowed to marry another person. You are still legally married, so marrying another person can get you charged with bigamy. In addition, any inheritance laws relating to a couple involved in a separate maintenance act will apply as if they are still legally married, since they are. Finally, filing for this action does not make you and your partner legally separated under most state laws. Some states, however, recognize a couple as legally separated in these cases. First and foremost, a separate maintenance measure is simply a way for couples to share property, assets and custody while they are still legally married. Why would a couple seek their own maintenance action? There are many reasons why a couple can apply for a separate maintenance action. One of the most common has to do with religious belief. For those who are very devoted to their religion, they may not be able to get a legal divorce because of religious beliefs. A separate maintenance action provides an excellent option for couples in this situation, as they get almost all the benefits of a couple going through a regular divorce, without going against their strongly held religious convictions. Some couples may be ready to leave each other on a romantic level, but still rely on social security, military, tax or other benefits they receive from each other. Once again, these pairs are likely to see a separate maintenance action as a very attractive to divorce. By allowing couples to share assets, custody and other aspects of marriage without losing benefits, the state allows couples to move forward with their lives without being put into potentially serious financial situations. For couples who want to divorce but are not quite ready, the possibility of a separate maintenance measure can help them solve important problems during the unofficial separation period. Determining the separation of assets, custody of children and other cases can be very difficult during the actual divorce process. Putting together separation agreements before entering the divorce process can save both spouses, as well as any children involved, a lot of heartache, frustration, money and time. Finally, any couple who are in a wait for a legal divorce may be able to take advantage of a separate maintenance action, this message can be delivered by someone similar to the Texas Process Server. When waiting out the time period a state may require the couple to wait before an official divorce, having the ability to preemptively share assets can save the couple a ton of time, money, and emotional frustration. If it is not desirable, the couple involved in a separate maintenance act never need to legally divorce. If both parties feel safe in this situation, it could potentially last until one of them dies. However, if a partner dies, seeks divorce or becomes romantically involved with someone else, the separate maintenance action ends. A spouse can also apply for the separate maintenance action to either be changed or terminated if significant changes in circumstances occur. You can determine whether a change in circumstances is considered significant by consulting your family lawyer. How to a pair file for a separate maintenance action? While it can be difficult to enter the separate maintenance action status, it can ultimately provide a useful situation for spouses in a hopeless marriage. When you are sure that a separate maintenance action is right for you, you should sit down with your lawyer so that he can educate you about what steps you need to take to get the separate maintenance action approved. Before anything, the spouse seeking separate maintenance action must apply for an order for separate maintenance and support. Once this document has been received and filled in, the spouse shall then submit the notice and complaint to the secretary in their local family court. When the secretary reviews, approves, and contradicts the notice, it is served to the other spouse. Unlike other actions that need to be served, you will not be able to serve your spouse with the request for separate maintenance and support. Having a reliable friend or professional service earn the document is usually the best option. In a situation where you have reason to fear the reaction of especially if they have been abusive in the past, you can seek help from the police to serve them the document. Once served, your spouse will have up to 30 days to respond to the complaint. If they wish to raise a defense against the legal separation request, they must do so within that time period of 30 days. After all this has happened, the judge will hear the case to decide whether to issue separate maintenance action or review the agreements between the parties. Factors Considered by the Florida Family Court Many factors help determine whether the request for separate maintenance measures is met, but a few that have particular significance include: The tax implications of the separate maintenance action whether one of the spouses has prior obligations from previous marriages. What the couple's standard of living was during the marriage Matters of custody of the children. To determine if there had been any marital abuse during the marriage. The emotional and physical state of both spouses. The economic situation of each spouse: including current income and employment. What each spouse's expected/current financial needs will be from the partner. A review of the property, assets, custody and other items that must be shared. These are just a few things that the judge can consider when reviewing a separate maintenance and support request. If he finds things that concern him, you may be required to back up your need for a separate maintenance act with testimony and evidence. With the help of a talented family lawyer, you should have little trouble preparing for any additional hearings that may occur. Ideally, both you and your partner should be on similar terms before applying for a separate maintenance action in the first place. Separate maintenance measures tend to be reached through mutual interest, so cases where a spouse is not willing become much harder to navigate. Separate maintenance measures provide a convenient way for couples who are unable to divorce to receive many of the legal benefits that would come from one. If you feel that you and your spouse can take advantage of a separate maintenance action, do not wait another minute and get in touch with your local family attorney today. Timing can be important when it comes to filing for separate maintenance measures, so always ask your lawyer to go over every aspect of the process before entering the official filing step. Separate maintenance-related statutes: A separate maintenance action is a Florida lawsuit in which two people can sue to determine their support obligations without changing the marital status. The term separate maintenance refers to the entertaining and child support that a spouse will give to the other spouse to live while the two live apart - with no intention of filing a petition for the dissolution of the marriage (Divorce) (see Florida Statutes §§61.09, 61.10). Pursuant to Section 61.09 of the Florida Statute: If a person who has the opportunity to contribute to the maintenance of their spouse and the support of their minor child does not, the spouse who does not receive support may seek the right to entertain and support the child without seeking the dissolution of the marriage, and the court shall place an order that it deems fair and appropriate. According to Florida Statutes Section 61.10: Except when relief is granted by any other pending civil lawsuit or proceeding, a spouse resident of this state except for his spouse and minor children, whether such separation is through his or her fault, may receive a judgement of obligation to maintain the spouse and the underage child, if any. The court shall judge his or her financial obligations to the spouse and children and shall determine the parent plan of the parties. Such action does not preclude either party from maintaining any other procedure under this chapter for any other or additional relief at any time. Florida Statute Section 61.09 is used by the spouse who believes himself to be in need of support, while Florida Statutes Section 61.10 provides a cause of action for the (potentially) supportive spouse. If you have any questions about separate maintenance or child support obligations, please contact Miami Family Law Attorney Jeffrey Alan Aenlle on 1.786.309.8588. 1.786.309.8588.