Stephens'Squibs
Family Law Case Law Updates

2014 Florida Family Law Case Updates

10th Year Anniversary Edition

by Eddie Stephens, Esquire

www.StephensSquibs.info

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Squib: (skw b): *n.* a short, sharp, usually witty impression, a short news story. *v.* The act of squibbing.

F O R E W O R D

The changes to the practice of family law have been sweeping and incredibly fast over the decade or so that Eddie Stephens has been doing his Squibs. From the changes in alimony and timesharing to the slow entry to the non-paper age, the practice of family law has changed dramatically. Not to mention the use of social media, electronic mail and constant tethering to one's law practice and clients. It used to be a big deal for a client to have an attorney's home phone number. Now clients call attorneys on their cell phones literally any time of the day or night.

Back when calendars were big red books and we counted the days to respond to discovery on a wheel, Eddie had a vision. While studying for board certification, he found it easier to study if he wrote things out. After passing the test and becoming Board Certified in Family Law, Eddie felt a responsibility to stay up to date on case law so started "squibbing" in longhand as he read the Florida Law Weekly's. As other attorneys became aware that Eddie had already put in the work they asked him to share it. Starting slowly, he "published" the first few years of Squibs on the copier at work and gave them to a few close friends, particularly those who don't like to research. Next thing we knew there were people calling the office wondering when the Squibs would come out. People actually got kind of rude about it; if the Squibs weren't out when expected or someone didn't get their copy in the mail we'd get crazy calls from people *needing* their Squibs!

Stephens' Squibs has grown from a few sheets of paper copied front and back to a published book with a foreword and cover and everything! The Squibs only used to be on Eddie's website and now the Family Law Section provides them to their members. There are imitators (you know who you are) who send out their own "case summaries" by email and social media every month or quarter.

Last year Eddie donated the proceeds from the Squibs Book to Big Dog Ranch Rescue. All things being equal, this year the proceeds will go to Peggy Adams Animal Rescue League. To all of the family law attorneys who are sending out case summaries of your own – I challenge you to do something that matters with your case summaries. Take it outside of family law. Find a way to make a difference in the community. Family law is not just about divorce, paternity, alimony and child support; family law practitioners should be a part of a strong community trying to do some good and make a difference.

Eddie has his collection of Squibs lined up on a bookshelf (ok, now it's more than one bookshelf). Looking at the development of the Squibs one can almost trace the changes in family law. Back when the Squibs first started Eddie's kids were toddlers, now one is in high school and the other is darn close. Law firms are paperless – or trying to be – and the 4th DCA gets really cranky if you don't submit your e-filings properly. Eddie's enthusiasm, diligence and responsibility to the Squibs shines through, both in his practice and in the manner in which he's developed the Squibs. Not only have they taken on a life of their own but they also have turned into a way not only to educate attorneys but to make a difference in the community. That's how Eddie thinks: if he can find a way to take something that is happening in his practice and exploit it for good, he will.

Of course, I may just be biased. I typed the first few years of Squibs and still proofread them. Not to mention that I'm quite fond of the author.

Jacquie Smolak Stephens
December 25, 2014

C O N T E N T S

Alimony:

Diaz v. Diaz, 39 Fla. L. Weekly D2525 (Fla. 3rd DCA 2014). Order awarding durational alimony for 48 months when marriage lasted 40 months reversed as it exceeded length of marriage. Error was on face of judgment. Award of durational alimony cannot exceed length of marriage ever with exceptional circumstances.

Ayra v. Ayra, 39 Fla. L. Weekly D2059 (Fla. 2nd DCA 2014). Error not to award nominal permanent alimony to wife in 20 year marriage where she had a need.

Hammad v. Hammad, 39 Fla. L. Weekly D1964 (Fla 5rh DCA 2014). Trial court's award of durational alimony remanded for lack of findings.

Valente v. Barion, 39 Fla. L. Weekly D1973 (Fla. 2nd DCA 2014). Award of permanent alimony in 12 year marriage remanded for findings of fact.

Beal v. Beal, 39 Fla. L. Weekly D1905 (Fla. 5th DCA 2014). Award of alimony that requires party to deplete equitable distribution to pay expense remanded for redetermination.

Mills v. Johnson, 147 So. 3d 1023 (Fla. 2d DCA 2014). Error to award alimony when obligor had no ability to pay. Trial court not required to equalize financial positions especially when it is clear both parties remain in a situation where their income does not cover their expenses.

Fichtel v. Fichtel, 141 So. 3d 593 (Fla. 4th DCA 2014). Trial court affirmed for awarding 15 years of durational alimony in 18 year marriage.

Aquilina v. Aquilina, 141 So. 3d 597 (Fla. 4th DCA 2014). Trial court's finding that it was anticipated that former husband would satisfy his debt was stricken from judgment as it would have prohibited payor wife from seeking a downward modification upon expense being eliminated.

Wright v. Wright, 135 So. 3d 1142 (Fla. 5th DCA 2014). Error to deny permanent alimony in 17 year marriage without necessary findings of fact enumerated in 61.08(2).

Taylor v. Lutz, 134 So. 3d 1146 (Fla. 1st DCA 2014). Settlement agreement that provided three years of non-modifiable alimony with no termination clause did not terminate on former wife's remarriage.

Lafferty v. Lafferty, 134 So. 3d 1142 (Fla. 2d DCA 2014). Amount of retroactive alimony reversed when there was no competent evidence in record to support amount. Husband also entitled to set off for amount paid. On remand, trial court must address whether Wife is voluntarily underemployed.

Motie v. Motie, 132 So. 3d 1210 (Fla. 5th DCA 2014). Trial court abused discretion in awarding durational alimony as opposed to permanent in marriage exceeding 17 years. Neither age nor a spouse's ability to work will alone rebut presumption. Retroactive alimony must be based on need and ability to pay and can be retroactive to time parties did not reside together.

Evans v. Evans, 128 So. 3d 972 (Fla. 1st DCA 2013). Trial court abused discretion in awarding wife permanent alimony because the relative youth of the wife, 2 years of college, and her ability to run a business in the past does not reflect permanent inability on the part of the wife to become self sustaining.

Appeals:

Clark v. Clark, 39 Fla. L. Weekly D2027 (Fla 5th DCA 2014). Trial court erred by granting alimony and fees when relief not requested in pleadings. Fact issue was in pretrial stipulation, and the fact husband did not appear at final hearing to object did not constitute issue was tried by consent.

Konoski v. Shekarhar, 39 Fla. L. Weekly D1824 (Fla 3rd DCA 2014). Appellate counsel admonished for filing appendix with matters outside the record.

Colin v. Colin, 39 Fla. L. Weekly D1837 (Fla. 5th DCA 2014). Party waives any argument regarding lack of findings unless he raises issue to trial court via rehearing. Party waived objection to child support guidelines when attorney "did not have any objections" to guidelines at trial.

Nathanson v. Rishyke, 140 So. 3d 1054 (Fla. 4th DCA 2014). Order of contempt reserving on issue of sanctions was not a final order subject to appeal.

Nassirou v. Nassirou, 135 So. 3d 437 (Fla. 1st DCA 2014). Former Husband's challenge of "majority 100% time sharing parent" waived when not raised in first direct appeal.

Rushing v. Rushing, 132 So. 3d 924 (Fla. 1st DCA 2014). Appeal dismissed as premature as order under appeal contemplated further judicial action to resolve claim.

Shadwick v. Shadwick, 132 So. 3d 915 (Fla. 2d DCA 2014). Appeal awarding 50% of attorneys' fees under 57.105 premature, as amount has not been determined.

Attorney's Fees:

Coleman v. Bland, 39 Fla. L. Weekly D2526 (Fla. 5th DCA 2014). Trial court order that failed to specify whether $5,000 award was for appellate fees or post mandate trial fees, appellate court precluded from meaningful review.

Moore v. Kelso-Moore, 39 Fla. L. Weekly D2402 (Fla. 4th DCA 2014). Order on temporary fees reversed when trial court made oral pronouncement number of hours billed was unreasonable which conflicted with written finding. Attorney does not have to bring corroborating expert testimony. Principal attorney testified to the rate charged and no contrary evidence was presented.

Sbroggio v. Sbroggio, 39 Fla. L. Weekly D2351 (Fla. 3rd DCA 2014). Trial court erred in reserving jurisdiction to determine fees when fees were not properly pled.

Williams v. Williams, 39 Fla. L. Weekly D2095 (Fla. 5th DCA 2014). Trial court erred awarding wife attorney's fees without necessary findings and where record contained no support for award.

Eldridge v. Eldridge, 39 Fla. L. Weekly D1843 (Fla. 5th DCA 2014). Trial court erred awarding former wife attorney's fees. Even though there was a disparity in parties' assets, wife had a net worth of $3,000,000 and $130,000 in annual income and therefore, had no need.

Chadbourne v. Chadbourne, 146 So. 3d 75 (Fla. 1st DCA 2014). Error not to award Wife attorneys' fees when husband left with net worth of $17 million and Wife had net worth of $1 million. To require Wife to pay $200,000 in fees would require inequitable diminution of equitable distribution.

Johnson v. Johnson, 39 Fla. L. Weekly D1401 (Fla. 5th DCA 2014). Trial court reversed for denying wife attorneys' fees in relocation because the Court felt it lacked jurisdiction to make the award.

Mitchell v. Mitchell, 141 So. 3d 1228 (Fla. 1st DCA 2014). Trial court's order of fees remanded where there were no findings as to number of hours expended, rate or reasonableness.

Lutz v. Rutherford, 139 So. 3d 501 (Fla. 2d DCA 2014). Judgment reserving jurisdiction "to award attorneys' fees that may be applicable" was sufficient to preserve jurisdiction to enter charging lien.

Fichtel v. Fichtel, 141 So. 3d 593 (Fla. 4th DCA 2014). Trial court's order awarding wife 50% of her attorney's fees remanded when there were no findings of explanation and husband had disparate income.

Puglisi v. Puglisi, 135 So. 3d 1146 (Fla. 5th DCA 2014). Error to award 57.105 fees against party who challenged preliminary parenting agreement. Parental agreement is subject to judicial approval and can always be set aside if it does not meet child's best interest.

Alarcon v. Alarcon, 135 So. 3d 542 (Fla. 2d DCA 2014). Appeal seeking review of order awarding entitlement to fees, but not amount, was premature.

Taylor v. Lutz, 134 So. 3d 1146 (Fla. 1st DCA 2014). Court erred in awarding $1000 instead of the requested $12,000 in enforcement action with prevailing party clause. Court must start with lodestar amount and explain any adjustments.

Salisele v. Sapicas, 39 Fla. L. Weekly D540 (Fla. 3d DCA 2014). Trial court erred in awarding attorneys' fees when settlement agreement ratified by Court provided each party will be responsible for their own fees.

Higdon v. Higdon, 135 So. 3d 416 (Fla. 5th DCA 1014). Order enforcing charging lien premature when entered before final hearing. Court erred in not holding a hearing on parties' objection.

Weissman v. Braman, 39 Fla. L. Weekly D209 (Fla. 4th DCA 2014). Order disgorging law firm of fees reversed when relief went beyond what was requested in pleadings.

Hahamovitch v. Hahamovitch, 133 So. 3d 1020 (Fla. 4th DCA 2014). Award of attorneys' travel time reversed as no evidence of special circumstance. Reversed award of fees based on request for admissions because request denied a hotly contested central issue to the case.

Greenberg v. Greenberg, 129 So. 3d 470 (Fla. 2d DCA 2014). Order awarding attorney's fees entitlement but not amount is a non-final order not subject to appeal.

Domestic Violence:

Carrozza v. Stowers, 39 Fla. L. Weekly D2585 (Fla. 2nd DCA 2014). Trial court erred in denying motion to dissolve injunction due to "serious nature of underlying allegations" without an evidentiary hearing.

Phillips v. Phillips, 39 Fla. L. Weekly D2343 (Fla. 2nd DCA 2014). Domestic violence injunction reversed when wife testified there was no violence of threats or violence from husband four months before petition filed.

Phillips v. Hughes, 39 Fla. L. Weekly D2343 (Fla. 2nd DCA 2014). Domestic violence injunction sought by mother on behalf of child reversed when not supported by competent, substantial evidence of "imminent" threat child would be victim of domestic violence.

Spaulding v. Shane, 39 Fla. L. Weekly D2293 (Fla. 2nd DCA 2014). Trial court erred in denying motion to dissolve injunction when circumstances in which injunction was issued no longer existed as Respondent was incarcerated until 2039. Court applied wrong legal standard.

Hawthorne v. Butler, 39 Fla. L. Weekly D2207 (Fla. 4th DCA 2014). Fact no contact order exists is insufficient basis to deny injunction against sexual violence.

Wyandt v. Voccio, 29 Fla. L. Weekly D2181 (Fla. 2nd DCA 2014). Injunction against stalking reversed when record does not contain two incidents of stalking. Vulgarities yelled from group not attributed to Respondent does not constitute instance of stalking.

Pashtenko v. Pashtenko, 39 Fla. L. Weekly D2179 (Fla. 2nd DCA 2014). Trial court erred in denying petition for injunction against stalking by failing to set forth legal grounds for denial in written order pursuant to 784.0485 (5)(b).

Banks v. McFarland, 39 Fla. L. Weekly D2155 (Fla 1st DCA 2014). Words, without overt act that would create well-founded fear violence was imminent, were insufficient to support injunction against repeat violence.

Droke v. Andino, 145 So. 3d 221 (Fla. 5th DCA 2014). Error to enter injunction against repeat violence based on one incident of violence.

Selph v. Selph, 144 So. 3d 676 (Fla. 4th DCA 2014). Evidence of oppressive relationship insufficient to support domestic violence injunction.

Parrish v. Parrish, 39 Fla. L. Weekly D1623 (Fla. 2d DCA 2014). Error for court to deny domestic violence based on erroneous belief that incident predated agreement to dismiss previous domestic violence injunction.

Branson v. Rodriguez Linares, 143 So. 3d 1070 (Fla. 2d DCA 2014). Injunction affirmed when basis was stalking. No evidence of domestic violence or reasonable fear of domestic violence needed.

Alderman v. Thomas, 141 So. 3d 668 (Fla. 2d DCA 2014). Injunction against domestic violence dating reversed when not supported by imminent threat of domestic violence.

Barfield v. Kay, 140 So. 3d 703 (Fla. 5th DCA 2014). Error to deny motion to vacate judgment without hearing.

Baker v. Pucket, 139 So. 3d 954 (Fla. 4th DCA 2014). Error to deny motion to vacate injunction without a hearing. Respondent was incarcerated and injunction prohibited her from participating in work release program.

Sanchez v. Marin, 138 So. 3d 1165 (Fla. 3d DCA 2014). Domestic violence injunction based on allegations made at hearing and not in petition reversed as Respondent was not put on notice of allegations.

McCord v. Cassady ex rel. Cassady, 138 So. 3d 1135 (Fla. 1st DCA 2014). Trial court erred in entering an injunction against repeat violence when it was based on motion to extend no contact order. Contact order contained no factional findings and is therefore not an injunction.

Nettles v. Hoyos, 138 So. 3d 593 (Fla. 5th DCA 2014). Trial court erred in granting order prohibiting all discovery in stalking injunction matter. Trial court must balance the need to expedite hearing and the need to ensure due process is not violated. Trial court has discretion to limit time frame and nature of discovery on a case by case basis. However, court cannot prohibit party from conducting any discovery.

Kunkel v. Stanford ex rel. C.S., 137 So. 3d 608 (Fla. 4th DCA 2014). Injunction against domestic violence reversed when no findings or evidence petitioner is victim of domestic violence or is in imminent danger of being a victim of domestic violence.

Jeffries v. Jeffries, 133 So. 3d 1243 (Fla. 1st DCA 2014). Injunction against domestic violence affirmed when based on sufficient evidence. Not up to appellate court to reweigh evidence.

Williams v. Gonder, 133 So. 3d 657 (Fla. 1st DCA 2014). Injunction against repeat violence reversed. Keying a car is not an act of violence.

Cannon v. Thomas ex rel. Jewett, 133 So. 3d 634 (Fla. 1st DCA 2014). Injunction against repeat violence reversed when there was only one act of violence.

Touhey v. Seda, 133 So.3d 1203 (Fla. 2d DCA 2014). Injunction for protection against stalking reversed for insufficient evidence. Stalking is defined as the willful, malicious, and repeated following, harassing or cyberstalking of another person. "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose. "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. "Cyberstalk" is defined as engaging in a course of conduct to communicate, or cause to be communicated, words, images, or language by or through the use of electronic mail, or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. Courts apply a reasonable person standard as opposed to subjective standard, to determine whether an incident causes substantial emotional distress.

Hunter v. Booker, 133 So. 3d 623 (Fla. 1st DCA 2014). Error to enter parenting plan when denying D.V. injunction when parenting plan was not even requested.

Schutt v. Alfred, 130 So. 3d 772 (Fla. 3d DCA 2014). Trial court erred entering injunction against dating violence when parties did not date within six months of entry of injunction.

Enforcement:

Williams v. Williams, 39 Fla. L. Weekly D2490 (Fla. 1st DCA 2014). Trial court's order on contempt affirmed because husband filed to obtain life insurance, pay off a credit card, and pay alimony arrears as husband did not rebut presumption. Former husband cannot complain there is

no finding of ability in judgment and issue not raised on rehearing. Order on fees reversed because no findings of need and ability in order.

Ford v. Ford, 39 Fla. L. Weekly D2463 (Fla. 4th DCA 2014). Trial court affirmed for finding former wife in contempt for violating parenting plan when former wife failed to bring children for visitation for months as required and scheduled social events for children during former husband's timesharing. Requirement former wife attends therapy until she can convince children to have a loving relationship with their father overturned as too broad.

Gerber v. Gerber, 39 Fla. L. Weekly D2391 (Fla. 2nd DCA 2014). Trial court clarifying method of repayment of medical expenses was not a modification as it did not provide a new benefit, merely a more precise method of recovering. Order holding husband in contempt was premature as judgment was not clear in directive regarding objections to medical expenses.

Payton v. Payton, 148 So. 3d 549 (Fla. 1st DCA 2014). Trial court cannot hold party in contempt of an order that has been reversed.

Goff v. Kenney-Goff, 145 So. 3d 928 (Fla. 4th DCA 2014). Trial court reversed for requiring husband to support child staying at college through 21st birthday when husband agreed to support child through 21st birthday only if she was living at home with her Mother.

Fuller v. Fuller, 144 So. 3d 592 (Fla. 2d DCA 2014). Error for trial court to enter order granting contempt when court orally announced it would deny contempt. Remanded for appropriate findings.

Napoli v. Napoli, 142 So. 3d 953 (Fla. 4th DCA 2014). Order of contempt reversed and remanded when it lacked finding party had ability to comply and a recitation of facts based upon and a separate finding party has current ability to comply with purge provision.

White v. White, 141 So. 3d 645 (Fla. 4th DCA 2014). Error to require Wife to pay debt assigned to her in equitable distribution before requiring husband to reimburse her when agreement did not have that as a condition precedent.

Baratta v. Costa-Martinez, 139 So. 3d 407 (Fla. 3d DCA 2014). Order of contempt with $20,000 purge affirmed when based on adverse inference to father's ability to pay. Order requiring husband's attorney to disgorge unearned fees affirmed.

Overcash v. Overcash, 135 So. 3d 575 (Fla. 5th DCA 2014). Order of contempt reversed as it was based on void order. Trial court also failed to make finding as to ability to comply.

Byrne v. Byrne, 133 So. 3d 1082 (Fla. 4th DCA 2014). Trial court erred holding Former Wife in contempt for failing to make mortgage payments because that payment related to property division, not support. Former husband also lacked standing to request a receiver to collect rents in order to pay mortgage.

Wilcoxon v. Moller, 132 So. 3d 281 (Fla. 4th DCA 2014). Order of contempt reversed when no purge provision and order did not specify criminal or civil contempt. Court cannot base contempt upon non-compliance with something an order does not say.

Equitable Distribution:

Winder v. Winder, 39 Fla. L. Weekly D2587 (Fla. 1st DCA 2014). Error to charge accounts depleted during pendency of divorce to a party when it was used for payment of living expenses, temporary alimony, and both parties' health insurance premiums without finding of waste or misconduct.

Porter v. Porter, 39 Fla. L. Weekly D2580 (Fla. 2nd DCA 2014). Trial court erred by not enforcing stipulation regarding property distribution parties made during trial.

Walczak v. Walczak, 39 FL D2526 (Fla. 5th DCA 2014). Entire property distribution set aside due to numerous errors.

Krift v. Obenour, 39 Fla. L. Weekly D2296 (Fla. 4th DCA 2014). Trial court affirmed for categorizing debt incurred for non-marital expenses as a non-marital liability. Court's determination of marital or non-marital status is always subject to de nova review.

McMullen v. McMullen, 148 So. 3d 830 (Fla. 1st DCA 2014). Trial court erred in finding $250,000 distribution from non-marital joint venture was subject to equitable distribution. However, there was competent substantial evidence to support finding of enhancement in value to husband's non-marital venture.

Nguyen v. Huong Kim Huynh, 147 So. 3d 639 (Fla. 1st DCA 2014). Award of credits reversed when no findings of fact explaining evidentiary source of amount. Omission renders it impossible to conduct meaningful appellate review.

Eldridge v. Eldridge, 147 So. 3d 1048 (Fla. 5th DCA 2014). Trial court erred reclassifying alimony payments to Wife as corporate distributions 6 years after final judgment

Ballard v. Ballard, 39 Fla. L. Weekly D1670 (Fla. 1st DCA 2014). Trial court erred charging a $42,000 account to husband that had significantly diminished by time of trial without finding that husband used funds inappropriately.

Sorgen v. Sorgen, 39 Fla. L. Weekly D1367 (Fla. 4th DCA 2014). Wife's interest in non-marital property lost its non-marital status when the Wife sold the property and deposited the proceeds into a joint account.

Valentine v. Valentine, 137 So. 3d 566 (Fla. 2d DCA 2014). Final Judgment awarding husband 50% of any proceeds from the book the wife may publish based on a journal she kept during the marriage is really just a reservation to consider the matter if the book is ever published.

Fritz v. Fritz, 39 Fla. L. Weekly D715 (Fla. 2d DCA 2014). Parties agree the portion of a military retirement earned during marriage would be divided evenly. Trial court reversed for entering MPO with the following additional provisions: 1) wife would receive proportionate share of post retirement cost of living adjustments, 2) pro rata share of retroactive payment husband receives if he elects to retire early, and 3) pro rata share of any sum taken in lieu of or in addition to husband's disposable retirement pay. These were not part of agreement and are not "boiler plate" paragraphs. Under deferred distribution method, the court determines what the employee's benefit would be if he retired on the date of final hearing without an early retirement penalty. The Court then multiplies the dollar amount by the percentage to which the other spouse is entitled. This method yields a fixed dollar amount which the awarded spouse receives from each of the employee's pension payments after retirement.

Fairchild v. Fairchild, 135 So. 3d 537 (Fla. 5th DCA 2014). Parties were entitled to be reimbursed for 50% of upkeep of property. Trial Court erred in not crediting husband with 50% of attorneys' fees Wife spent from marital account.

Ehman v. Ehman, 39 Fla. L. Weekly D619 (Fla. 2d DCA 2014). Error to award property owned by non-party corporation to Wife. Trial Court did not have jurisdiction to transfer the property of a corporation without joinder of that entity.

McNorton v. McNorton, 135 So. 3d 482 (Fla. 2d DCA 2014). Trial court affirmed for charging depleted account against party when used for his new residence and his living expenses, as this is a purpose unrelated to marriage. Trial court erred for charging lost earning on depleted account when there was insufficient evidence.

Ingram v, Ingram, 133 So. 3d 1205 (Fla. 2d DCA 2014). Trial court reversed for dismissing action trial court erroneously concluded was an attempt to modify property distribution. Original final judgment reserved jurisdiction to reallocate Husband's military pension based on his actual years of service.

Williams v. Williams, 133 So. 3d 605 (Fla. 1st DCA 2014). Trial court's valuation of art collection remanded when it was not consistent with either party's expert opinion nor were there any findings of fact explaining how value was determined.

Broadway v. Broadway, 132 So. 3d 953 (Fla. 1st DCA 2014). Trial court erred in finding 25 foot pull-behind camper purchased after separation but before filing was a non-marital asset.

Vonnoh v. Vonnoh, 132 So. 3d 955 (Fla. 1st DCA 2014). Final judgment requiring parties to elect 50% joint survivor annuity with wife as beneficiary reversed when no evidence that option was available.

Wagner v. Wagner, 136 So. 3d 718 (Fla. 2d DCA 2014). Trial court erred in failing to distribute credit card debt incurred by the husband for adult child's college education shortly before wife filed for divorce. No evidence of marital waste.

Hodge v. Hodge, 129 So. 3d 441 (Fla. 5th DCA 2013). Determination of income from rental property remanded back to trial court to reduce by ordinary and reasonable expenses for upkeep of property. In addition, trial court failed to attribute income from property being distributed to the party when determining need and ability to pay.

Evans v. Evans, 128 So. 3d 972 (Fla. 1st DCA 2013). Trial court abused discretion by directing wife to buy husband out of home by paying $150 per month for 20 years. This deprives husband of one half of interest in asset.

Exclusive Use and Possession:

Gonzalez Del Real v. Del Real, 139 So. 3d 442 (Fla. 2dDCA 2014). Judgment awarding exclusive use and possession of residence until minor child emancipates remanded for court to address if Wife receives credit for paying taxes, insurance and maintenance.

Imputation:

Steele v. Love, 143 So. 3d 1020 (Fla. 4th DCA 2014). Trial court affirmed for imputing regular in kind gifts from husband's parents that reduced his living expenses as income.

Adelberg v. Adelberg, 142 So. 3d 895 (Fla. 4th DCA 2014). Trial court erred in failing to impute income to a 59 year old, who was promised "she would never have to work again". Court also erred in failing to impute income based on income producing assets Wife received in equitable distribution.

Jurisdiction:

Arquette v. Rutter, 39 Fla. L. Weekly D2443 (Fla. 5th DCA 2014). Trial court did not have jurisdiction to modify California judgment of support when neither mother nor child resided in Florida.

Billie v. Stier, 141 So. 3d 584 (Fla. 3d DCA 2014). Writ of prohibition denied when paternity case filed in Miccosukee Indian Tribe court. Indian order would have been recognized if it conformed with UCCJEA. Here, they did not conform with UCCJEA because: 1) did not provide notice, 2) did not provide party opportunity to be heard, 3) prohibited party's attorney from participating in hearing, 4) conducted hearing in Miccosukee language and did not provide an interpreter, and 5) took 20 minutes of testimony, provided party 2 minute summary.

Padilla v. Vindel, 132 So. 3d 378 (Fla. 4th DCA 20140). Trial court reversed for dismissing dissolution of marriage action for lack of jurisdiction when record demonstrated wife resided in Florida six months prior to filing.

Vyfvinkel v. Vyfvinkel, 135 So. 3d 384 (Fla. 5th DCA 2014). It is duty of trial court to prevent fanciful, inconsistent and absurd interpretations of plain language of an agreement.

Cavallaro v. Omni Properties, 133 So. 3d 1121 (Fla. 3d DCA 2014). Trial court reversed for holding attorney in contempt of court who was not a party and had not made an appearance in case.

Sazonov v. Karpova, 39 Fla. L. Weekly D27 (Fla. 3d DCA 2013). Foreign citizen who is plaintiff in paternity action is not entitled to presumption of forum.

Life Insurance:

Velaga v. Gudapati, 148 So. 3d 550 (Fla. 2nd DCA 2014). Trial court's judgment requiring life insurance to secure obligation remanded because it did not include findings the obligor can afford or special circumstances that warrant award.

Miscellaneous:

Clayton v. Clayton, 39 Fla. L. Weekly D2530 (Fla. 5th DCA 2014). Trial court erred by attaching erroneous support guidelines, failed to state reduction in support when one child emancipates, property was not distributed and parenting plan incomplete.

Modification:

Wood v. Blunck, 39 Fla. L. Weekly D2449 (Fla. 1st DCA 2014). Trial court erred in denying petition to modify alimony when wife's ability has increased and former husband's situation has deteriorated.

Ellisen v. Ellisen, 39 Fla. L. Weekly D2442 (Fla. 5th DCA 2014). Error to deny a request to modify alimony when trial court narrowly construed pleading to request termination only. Pleading and pretrial stipulation put former wife on notice.

Daoud v. Daoud, 39 Fla. L. Weekly D2434 (Fla. 1st DCA 2014). Trial court lacks jurisdiction to modify property rights previously adjudicated in divorce.

Albu v. Albu, 39 Fla. L. Weekly D2400 (Fla. 4th DCA 2014). Trial court affirmed for reducing alimony instead of terminating it when former husband had no ability to pay, as the finding must be balanced against the former wife's total dependence on the alimony and placed parties on equal ground.

Herbst v. Herbst, 39 Fla. L. Weekly D2059 (Fla 2nd DCA 2014). Trial court erred in terminating alimony upon former wife's remarriage when agreement provided non-modifiable alimony for the rest of former wife's life. Failure to address former wife's remarriage does not render agreement ambiguous.

Anderson v. Durham, 39 Fla. L. Weekly D1747 (Fla. 1st DCA 2014). Trial court erred in denying former husband's petition for modification of alimony when former husband had a decrease in income due to good faith retirement and trial court gave no explanation as to denial.

Holland v. Holland, 140 So. 3d 1155 (Fla. 1st DCA 2014). Trial court erred in temporarily modifying a final timesharing order without appropriate modification findings. Just because order did not say it was not a final judgment does not mean it was not a final order when it adopted parties' settlement agreement and parties already attempted to modify it.

Elbaum v. Elbaum, 141 So. 3d 658 (Fla. 4th DCA 2014). Trial court properly dismissed petition to modify alimony based on change in former wife's needs when parties agreed alimony would be non-modifiable but for unforeseen change in husband's health or business.

Kozell v. Kozell, 142 So. 3d 891 (Fla. 4th DCA 2014). Trial court affirmed for rejecting magistrate's recommendation to modify alimony when magistrate could not determine payor's income and payor had control over his income.

Wilks v. Cronin, 138 So. 3d 1141 (Fla. 5th DCA 2014). Order granting former wife's motion to dismiss modification reversed. Voluntariness is not an element for modifying time sharing and court failed to consider best interests of child.

Garvey v. Garvey, 138 So. 3d 1115 (Fla. 4th DCA 2014). Trial court reversed for denying modification. Husband's deterioration of health to point where he could not work is not anticipated change when former husband had M.S. at time of divorce.

Cano v. Cano, 140 So. 3d 651 (Fla. 3d DCA 2014). Trial court reversed in ordering children to attend public school when that relief was not requested in pleadings.

DOR ex rel. Scibelli v. Garmon, 138 So. 3d 562 (Fla. 5th DCA 2014). Error to reduce child support when former husband failed to prove a substantial change of circumstances.

Valenta v. Valenta, 137 So. 3d 592 (Fla. 2d DCA 2014). Error not to alleviate former husband from obligation to pay 50% of the child's private school when former wife agreed to pay for 100% of tuition at trial.

Sanford v. Davis, 136 So. 3d 785 (Fla. 1st DCA 2014). Order modifying support reversed when no pleading sought modification of support.

Anderson v. Anderson, 39 Fla. L. Weekly D681 (Fla. 2d DCA 2014). Judgment modifying alimony reversed when it contained provision automatically adjusting alimony in the future to original amount when the party's income returns to previous level.

J.L.B. v. S.J.B., 135 So. 3d 468 (Fla. 5th DCA 2014). Trial court affirmed for calculating support for 3 children instead of 4 when 4th child was adopted and receiving governmental stipend directed to custodial parent. Custodial parent not entitled to retroactive support and other parent not entitled to claim child as a deduction when it was not requested in the pleadings.

deLabry v. Sales, 134 So. 3d 1110 (Fla. 4th DCA 2014). Order modifying child support affirmed. A trial court has inherent authority to modify child support regardless of an agreement between the parties.

Moore v McIntosh, 128 So. 3d 985 (Fla. 1st DCA 2014). Trial court erred as a matter of law by granting a modification of timesharing as a relocation does not constitute substantial change of circumstances.

Parenting:

Assimenios v. Assimenios, 39 Fla. L. Weekly D2598 (Fla. 1st DCA 2014). Provision in parenting plan making wife responsible for future missed medical appointments as it operates as an automatic sanction without opportunity to be heard.

Brummer v. Brummer, 39 Fla. L. Weekly D2570 (Fla. 5th DCA 2014). Trial court erred by requiring psychological evaluation of parties and children at husband's expense before timesharing when no finding husband could afford or evaluations were in children's best interests.

Krift v. Obenour, 39 Fla. L. Weekly D2296 (Fla. 4th DCA 2014). Trial court's 2 month rotating schedule reversed when it was a significant departure from timesharing requested by either party in pleadings. Portion of judgment designating husband as primary parent when child enters kindergarten affirmed.

Vazquez v. Robelledo, 39 Fla. L. Weekly D2289 (Fla. 2nd DCA 2014). Trial court's order allowing temporary relocation affirmed. Order allowing wife unsupervised timesharing one weekend per month reversed when it is not in the children's best interest. Order requiring Husband to pay $500 per month in family therapy reversed when no evidentiary support for amount.

Orizondo v. Orizondo, 146 So.3d 151 (Fla. 5th DCA 2014). Trial courts order abdicating timesharing to desire of 17 ½ year child constitutes reversible error.

Pierson v. Pierson, 143 So. 3d 1201 (Fla. 1st DCA 2014). Error to award wife ultimate authority over children's religious upbringing and prohibiting father from doing anything that conflicts with Catholic religion in front of children when there was no evidence children were harmed by father's religious beliefs.

Mills v. Johnson, 147 So. 3d 1023 (Fla. 2d DCA 2014). Error to fail to include holiday timesharing schedule in parenting plan.

Turnier v. Stockman, 139 So. 3d 397 (Fla. 3d DCA 2014). Trial court's judgment affirmed when judge expressed it "needed a guardian ad litem" but never appointed one and the complaining party never made request. Trial judges have the right and authority, at any time before entering a final judgment, to change their minds and to change any prior interlocutory ruling. Trial court affirmed for crafting parenting plan for deaf child without considering expert testimony.

Lifleur v. Webster, 138 So. 3d 570 (Fla. 3d DCA 2014). Order denying Mother's Motion for Return of Custody from third party reversed. Father was sentenced to 12 years in jail for molesting a child. Father had custody due to mother's history of mental illness. In these circumstances, trial court could not place child with non-party without present evidence the mother was be detrimental to child.

Davis v. Lopez-Davis, 39 Fla. L. Weekly D725 (Fla. 4th DCA 2014). Magistrate erred in denying timesharing to husband who did not appear at final hearing and had not established a relationship with the child. It is public policy that each minor child have frequent and continuing contact with both parents after marriage is dissolved. The privilege of visitation with the child should never be denied either parent so long as they conduct themselves in a manner that would not adversely affect the morals or welfare of child. A parent has a constitutionally protected 'inherent right' to a meaningful relationship with their child. Restriction of visitation is disfavored unless the restriction is necessary to protect the welfare of the child. The judgment is also deficient because it does not set forth steps husband could take to reestablish visitation.

Griffith v. Griffith, 133 So. 3d 1184 (Fla. 2d DCA 2014). Order modifying custody remanded due to lack of findings of substantial change and whether best interest of child considered.

Matura v. Griffith, 135 So. 3d 377 (Fla. 5th DCA 2014). Judgment allowing timesharing with father in Jamaica when he was guilty of domestic violence of children and who threatened to kidnap children reversed. Monetary bond was not sufficient to ensure return of children from non Hague country.

Sordo v. Camblin, 130 So. 3d 743 (Fla. 2d DCA 2014). Order modifying timesharing affirmed even without findings of substantial change of circumstances or change was in child's best interest because deficiencies were not raised in rehearing and were therefore waived.

Herrera-Frias v. Frias, 130 So. 3d 733 (Fla. 2d DCA 2014). Award of sole parental responsibility affirmed when one parent in violation of improperly removing child from the jurisdiction.

Paternity:

Alls v. DOR, 138 So. 3d 592 (Fla. 5th DCA 2014). Trial court reversed for ordering paternity test when final judgment naming party as father had not been vacated. Here, judgment entered against Alls due to default. Alls sought to set aside. Court must conduct Privette hearing before ordering paternity testing.

Flores v. Sanchez, 137 So. 3d 1104 (Fla. 4th DCA 2014). Order compelling paternity test quashed when mother failed to demonstrate "good cause". Here, the male party was listed as "father" on child's birth certificate. Neither party sought to rescind voluntary acknowledgment within 60 days pursuant to Fla. Stat. 742.10. In this event, presumption may be rebutted by proof of fraud, duress, or material mistake of fact and must be in child's best interest.

C.G. v. J.R., 130 So. 3d 776 (Fla. 2d DCA 2014). Trial court affirmed for vacating paternity and timesharing agreement between biological father and mother concerning child born into intact marriage with person other than biological father, as dual paternity is a "legal fiction". Dismissal of biological father's paternity action affirmed.

Prenuptial Agreements:

Geraci v. Geraci, 39 Fla. L. Weekly D2582 (Fla. 2nd DCA 2014). Trial court affirmed for concluding over life of marriage effected an abandonment of the antenuptial agreement. The law of the 2nd DCA has long recognized abandonment is a factual possibility. See McMullen, 85 S.2d 191 (Fla. 2nd DCA 1966).

Giddins v. Giddins, 39 Fla. L. Weekly D2325 (Fla. 1st DCA 2014). Error to enter final judgment over objection and pending motion to set aside agreement without first giving opportunity to be heard and present evidence.

Elias v. Elias, 39 Fla. L. Weekly D2495 (Fla. 4th DCA 2014). Trial court reversed for determining separation date was filing date when prenuptial agreement clearly provides separation is "when parties become legally separated pursuant to judicial proceedings or an agreement." Florida has no legal status for separation and court erred because agreement was not unambiguous.

Hahamovitch v. Hahamovitch, 133 So.2d 1020 (Fla. 4th DCA 2014), Trial court's order denying fees incurred after parties' divorce affirmed based on provision in agreement. It is against public policy to waive attorneys' fees incurred during marriage, but once marriage is dissolved, fees may be waived.

Hahamovitch v. Hahamovitch, 133 So. 3d 1008 (Fla. 4th DCA 2014). 4th DCA determines that a waiver to acquisition of future property includes a waiver of active appreciation in those assets as well. 4th certifies conflict with 2nd and 3rd DCA.

Procedure:

In re: Amendments to Family Laws of Procedure, 30 Fla. L. Weekly S775 (Fla. 2014). Creates rule 12.012 (minimization of sensitive information which requires compliance with Fl. R. Jud. Admin. Rule 2.425. Amends 12.070 (process) concerning constructive process. Amends 12.200 (case management) for consideration of agreements, objections, or form of production of electronically stored information. Adopts new rules 12.364 (social investigations) to address social investigations under 61.20. Amends 12.490 (general magistrate) to require appointment of specific magistrate.

Jonas v. Jonas, 39 Fla. L. Weekly D2545 (Fla. 4th DCA 2014). Trial court did not err dismissing former husband's claim for relief based on principles of comity and priority.

Lieberman v. Lieberman, 39 Fla. L. Weekly D2457 (Fla 4th DCA 2014). Order disqualifying husband's attorney who was husband's current wife because she was a material witness at a contempt hearing was overbroad as it disqualified attorney from entire case when law provides she could not be attorney at contempt hearing. Wife sanctioned with attorney's fees because of wife's failure to acknowledge clear and unambiguous law turned "simple" matter into an unnecessary and protracted matter.

Castillo v. Castillo, 39 Fla. L. Weekly D2403 (Fla. 4th DCA 2014). Sworn allegation that judge failed to allow party to present evidence or argument prior to ruling was sufficient to place a reasonably prudent person in fear of not receiving a fair trial, and therefore sufficient to support a disqualification.

Garcellv. Garcell, 39 Fla. L. Weekly D2297 (Fla. 4th DCA 2014). Trial court abused it's discretion entering final judgment while court authorized discovery was still pending.

Schmidt v. Schmidt, 39 Fla. L. Weekly D2243 (Fla. 1st DCA 2014). Final judgment reversed when written judgment differed from oral pronouncements and matter not corrected by successor judge.

Scheller v. Sollecito, 146 So. 3d 86 (Fla. 4th DCA 2014). Trial court erred vacating judgment sua sponte 9 months after judgment entered. Rule 1.530 allows court to vacate judgment sua sponte within 15 days of judgment, or 10 if correcting subject of judgment.

McGee v. McGee, 145 So. 3d 955 (Fla. 1st DCA 2014). Error to transfer venue to county where venue would not be appropriate.

Julia v. Julia, 146 So. 3d 516 (Fla. 4th DCA 2014). Court deprived wife due process in denying her opportunity to present case or provide closing argument.

In re: Amendments to Family Rules Procedure, 142 So. 3d 831 (Fla. 2014). Revises rule 12.742 re: parental coordinators.

In re: Amendments to Family Forms, 142 So. 3d 856 (Fla. 2014). Revises domestic, repeat, dating and sexual violence and stalking forms.

Carnicella v. Carnicella, 140 So. 3d 697 (Fla. 5th DCA 2014). 6 month delay in rendering judgment alone, without more, does not require reversal. If Court forgets or confuses major issue, it would have constituted reversal.

Kilnapp v. Kilnapp, 140 So. 3d 1051 (Fla. 4th DCA 2014). Trial court deprived litigant of due process when it ended hearing before party could cross other party, complete his own examination and call expert witness.

Horowitz v. Horowitz, 139 So. 3d 929 (Fla. 4th DCA 2014). Writ of prohibition attempting to prevent trial court from proceeding with modification trial when final judgment under appeal denied. Trial court has jurisdiction to conduct hearing on modification but may not enter a final judgment disposing of modification until appeal is final and Mandate issues.

Rivero v. Leal, 147 So. 3d 997 (Fla. 2d DCA 2014). Litigant cautioned for pursuing meritless litigation.

Baricchi v. Barry, 137 So. 3d 1196 (Fla. 2d DCA 2014). Final Judgment reversed when amended petition which sought additional relief was not served on defaulted party.

Behnam v. Zadeh, 132 So. 3d 951 (Fla. 1st DCA 2014). Trial court erred treating a motion to dismiss as motion for summary judgment.

Leming v. Jenkins, 132 So. 3d 1216 (Fla. 5th DCA 2014). Order denying motion to transfer based on inconvenient forum affirmed as trial court did not abuse its discretion.

Passamondi v. Passamondi, 130 So. 3d 736 (Fla. 2d DCA 2014). After case bifurcated, divorce entered then spouse dies, jurisdiction remains for other party to complete property distribution.

Baricchiv v. Barry, 137 So. 3d 1196 (Fla. 2d DCA 2014). A default was entered against husband on original petition. Wife should be precluded from relief in amended petition which was never served upon the Husband.

Tannenbaum v. Shea, 133 So. 3d 1056 (Fla. 4th DCA 2014). 12.540 order vacating agreed order reversed when agreed order reducing support arrears to money judgment not against public policy because arrears can still be enforced.

Cazi v. Prophete, 130 So. 3d 723 (Fla. 3d DCA 2014). Trial court's order adopting magistrate's report reversed when Court failed to have a hearing on timely filed exception.

In re: Amendments to Family Law Rules of Procedure, 39 Fla. L. Weekly S525 (Fla. 2014). Supreme Court adopts new procedures for assigning related family law cases and five new rules of procedure to further unify family court model.

Fritz v. Fritz, 39 Fla. L. Weekly D715 (Fla. 2d DCA 2014). An oral agreement announced in court is a fully enforceable settlement agreement so long as there is evidence of mutual assent on all essential elements. The party seeking to enforce the agreement has the burden to establish mutual reciprocal assent to each and every term.

Glaister v. Glaister, 137 So. 3d 513 (Fla. 2d DCA 2014). Magistrate erred in admitting evidence of change in income when only basis for modification pled was due to emancipation of child. Magistrate further erred by substituting her own personal experience of cost of pedicures in Palm Beach County. Trial court erred in striking amended exceptions filed 5 days before hearing where original exceptions were timely filed.

Kozell v. Kozell, 142 So. 3d 891 (Fla. 4th DCA 2014). Five additional "mailing days" does not apply to deadlines for rehearings. Rehearing is due 10 days after the "entry" of an order, as opposed to "service".

Relocation:

Rolison v. Rolison, 144 So. 3d 610 (Fla. 1st DCA 2014). 61.13001 does not apply if parent relocates with child before petition for dissolution of marriage is filed.

Albanese v. Albanese, 135 So. 3d 532 (Fla. 2d DCA 2014). Order granting temporary relocation reversed when no finding relocation was in child's best interest and decision was not based on substantial competent evidence. Lengthy opinion.

Wing v. Wing, 136 So. 3d 1219 (Fla. 1st DCA 2013). Relocation reversed as a matter of law when pleadings failed to strictly comply with directives in 61.13001(3).

Same Sex Marriage:

On August 21, U.S. District Court Judge Robert Hinkle struck down Florida's ban on marriage for same-sex couples, the first federal court victory in Florida. On December 3, the U.S. Court of Appeals for the 11th Circuit denied the state's request to extend a stay in this ruling, declaring that the stay will be lifted on January 5, 2015.

The decision followed four previous rulings, beginning with the July 17 decision from Chief Circuit Judge Luis Garcia, who ordered the Monroe County Clerk to stop enforcing Florida's anti-marriage constitutional amendment. Florida Attorney General Pam Bondi appealed, which immediately stayed the ruling. Over the next two weeks, two additional judges - Miami-Dade County Circuit Court Judge Sarah Zabel and Broward County Circuit Judge Dale Cohen - also ruled that Florida's marriage ban is unconstitutional.

Shaw v. Shaw, 39 Fla. L. Weekly D1813 (Fla. 2nd DCA 2014). Same sex couple legally married in Massachusetts and relocated to Florida. Relationship failed and parties resolved all issues in written agreement. Parties asked court to adopt agreement and dissolve marriage. Trial court dismissed action for lack of jurisdiction "that which does not exist under law." 2nd DCA certifies that order on appeal requires immediate resolution by Supreme Court.

Shaw v. Shaw, 39 Fla. L. Weekly S561 (Fla. 2014). Supreme Court sends same sex marriage issue back to 2nd DCA and declines jurisdiction over issue.

Support:

Van Exter v. Diodonet-Molina, 39 Fla. L. Weekly D2476 (Fla. 3rd DCA 2014). Trial court's order of support and arrears reversed when no findings of fact as to income and deductions or how arrears were calculated. Error to award mother attorney's fees with no findings of ability to pay.

Merkulova v. Elbouatmani, 39 Fla. L. Weekly D2440 (Fla.5th DCA 2014). Trial court erred in calculating retroactive support as mother's income not supported by competent substantial evidence.

Gillislee v. DOR o/b/o Hamilton, 39 Fla. L. Weekly D2433 (Fla. 1st DCA 2014). Trial court committed fundamental error in not crediting child support payments made during retroactive period.

Clark v. Clark, 39 Fla. L. Weekly D2399 (Fla. 2nd DCA 2014). Trial court could not modify temporary support at contempt hearing when modification was not noticed for hearing.

Terkeurst v, Terkeurst, 39 Fla. L. Weekly D2332 (Fla. 5th DCA 2014). Trial court erred calculating support as if both children lived with wife when 1 child lived with the husband.

Ayra v. Ayra, 148 So. 3d 142 (Fla. 2nd DCA 2014). Trial court erred by failing to allocate uncovered medical expenses in the same percentage of parties' respective share of child support obligation.

Knudson v. Drobnak, 149 So. 3d 114 (Fla. 4th DCA 2014). Error to include day care not actually incurred in support arrears.

Cameron v. Cameron, 145 So. 3d 986 (Fla. 5th DCA 2014). Court cannot include contribution from employer to health insurance premium to gross income without subtracting cost of insurance from gross. Trial court also erred when it pronounced orally parties would divide cost of day care pro rata to parties' income, then obligate one party to 100% of expense in judgment.

Christensen v. Christensen, 147 So. 3d 118 (Fla. 1st DCA 2014). Error not to include alimony paid when calculating support.

Bower v. Hansman, 39 Fla. L. Weekly D1685 (Fla. 3d DCA 2014). Error to include child support received for child from another relationship as income when calculating support.

Ballard v. Ballard, 39 Fla. L. Weekly D1670 (Fla. 1st DCA 2014). Trial court erred by failing to impute income to determine support to father who voluntarily retired early and was capable of work.

Johnson v. Mccullough, 143 So. 3d 1129 (Fla. 4th DCA 2014). Trial court reversed for adopting a child support worksheet submitted after hearing as this is not evidence.

Fairchild v. Fairchild, 135 So. 3d 537 (Fla. 5th DCA 2014). Trial court erred allocating responsibility of medical expenses equally. Must be allocated in same percentage as the child support allocation.

J.L.B. v. S.J.B., 135 So. 3d 468 (Fla. 5th DCA 2014). Trial court affirmed when child support based on 3 children instead of 4 when 4th child was adopted and residential parent received a stipend from the state. Trial court erred in rotating tax dependency when that relief was not requested.

Nassirou v. Nassirou, 135 So. 3d 437 (Fla. 1st DCA 2014). Order on arrears reversed when it improperly included private school tuition arrears.

DOR ex rel. Ramirez v. Verrette, 133 So. 3d 540 (Fla. 2d DCA 2014). Trial court erred basing child support on written, signed and notarized parenting plan because it was not authorized by court order.

DOR ex rel. Walker v. Cody, 131 So. 3d 823 (Fla. 1st DCA 2014). Trial court erred deducting child support payment for another child from gross income when support was not actually paid.

LaFountain v. LaFountain, 134 So. 3d 460 (Fla. 2d DCA 2014). Trial court erred in including day care payments in child support calculation when expense was not being incurred.

DOR v. Williams, 129 So. 3d 1193 (Fla. 2dDCA 2014). Child support calculations reversed when based on time sharing schedule which has not been approved by a Court.

Supportive Relationships:

Gregory v. Gregory, 128 So. 3d 926 (Fla. 5th DCA 2013). Once supportive relationship found to exist, burden shifts to recipient to prove continued need for alimony. In this case, former wife failed to meet burden and case remanded to terminate alimony.