



LANGSTADT LAW GROUP

THE LAW OFFICES OF OLIVER J. LANGSTADT, P.A

Basic Divorce Law

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If you live in the State of Florida, are married, and are thinking about getting divorced, there is a lot to consider. Since Florida law is very detailed and case-specific, you should consult with an attorney prior to beginning divorce proceedings. The information contained in this article is basic, does not cover all aspects of divorce law, and is meant only to provide a general overview.

To file for divorce in Florida, a Petitioner (the person filing) must allege, at a minimum that: they are legally married, one of the parties to the marriage must be a resident of the State of Florida for at least six (6) months before filing the divorce; the marriage is irretrievably broken; the Respondent (the person not filing) should not be on active duty with the Armed Forces of the United States(*see end-note*), and the Respondent is not incompetent.

If a child or children were born as a result of the marriage, a primary residential parent should be designated. Child Support must be established in accordance with Florida law and in accordance with the Florida Statutes. A visitation schedule should be established, including holiday visitation.

All assets acquired during the marriage, including real estate, furniture, bank accounts, jewelry, pensions and retirements, automobiles, stock and bonds, and IRA's (individual retirement accounts), must be divided. Equally, all debts acquired during the marriage must be divided. Such debts include loans, credit card bills, mortgages, and equity lines. This division of assets and debt is called equitable distribution.

In some cases, alimony may be appropriate. Alimony is support paid by one party, who has the ability to pay to the other party who has a genuine need for it. Florida Statutes outline the criteria which allow for alimony to be paid or awarded. There are different forms of alimony. They are permanent, rehabilitative, lump sum, and bridge the gap.

Mr. Langstad has over twenty (20) years of experience practicing family law. If you are considering getting a divorce, or you have been served with divorce papers, please contact him to schedule a consultation so he can advise you of your rights.

* Individuals on active duty in the US Armed Forces are subject to the Soldiers and Sailors Relief Act of 1940, and therefore certain special rules apply.