

Possible End of Alimony

By K. Dean Kantaras and Lia Comeau

When a court orders a former spouse to pay alimony, there are few guaranteed ways your legal obligation will terminate prior to the expiration date determined by your final judgment; one is your former spouse's marriage to another. In the Sunshine State, alimony automatically terminates upon a former spouse's date of marriage. While this awareness may be comforting to some, the issue sincerely depends on a former spouse's intention to continue receiving spousal support. What is to be done when the former spouse purposely avoids or delays marriage even though he or she is financially interdependent with someone else?

This is known as a supportive relationship, and it is defined by Florida Statute 61.14. In it, the Legislature provided factors to assist the court with determining whether said supportive relationship does in fact exist. For instance, whether a former spouse holds himself or herself out in the world to be married to another, regardless of whether he or she is in fact married, carries weight in a courtroom. Another factor, one that typically triggers the obligor to retain an attorney, contemplates whether the former spouse and their significant other have the same mailing address or reside at the same address.

Upon a request to modify or terminate alimony, you can obtain your former spouse's financial documents, which will alert you to whether your former spouse and the person he or she may be financially interdependent with have provided financial assistance to one another, pool their assets or income, share a bank account, or implicate other financial interdependence. Financial support can also be seen by way of making payments



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of another's debt, expenses, or liabilities, even if it is only in part.

Whether this new, other person has performed valuable services for your former spouse is also a factor that demands the court's attention. If your former spouse's new someone special performs yardwork, or cooks, or physically fixes your former spouse's broken things, be sure to notify the court. If applicable, this factor also lends itself to whether this person has aided your former spouse's business.

Be keen to ask about any new assets and liabilities and how they were obtained. This includes the purchase of a home, a car, or a boat, items that were not on your former spouse's financial affidavit at the time of your final judgment. Are they titled in both parties' names? Did the other person provide money to purchase said asset? Bank statements will also provide you with key insight as to how much money is transferred between the two.

Finally, what is their understanding

of their financial interdependence? Depositions of both your former spouse and your former spouse's other will help you pinpoint what the court will need to know about your case. Maybe this person pays for your former spouse's vacations, or always foots the bill for activities and restaurants. This is an act or a credit of value to your former spouse, for which he or she does not have to pay.

No matter what, be sure to continue paying your alimony obligation, as this is also a factor of the alimony statute. It is best you contact a board-certified family law attorney who can assist you with navigating your request to terminate or modify your alimony obligation.

Simply because you can prove a supportive relationship exists does not mean your alimony will automatically terminate. This is because the court will still have to determine whether the former spouse has a need for your financial support. Perhaps the real question for the Legislature is why, upon your former spouse's marriage, does alimony terminate without the need of court intervention, while a supportive relationship, if proven to be true, can still demand assistance and the ability to prove a need. ❖

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