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WHO ARE WE

Florida Rural Legal Services, Inc. (FRLS) is a private non-profit 501(c)(3) corporation that provides free civil legal assistance to indigents and low income elderly persons in thirteen counties in South Florida. FRLS also provides legal assistance to migrant farm workers throughout the entire State. Our agency has been in existence since 1966, providing high quality services in such areas as housing, public benefits, civil rights, employment and family law.

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Questions & Answers about Divorce in Florida

Florida Rural Legal Service, Inc.
www.frls.org



Florida Rural Legal Services

Q's & A's about Divorce in Florida

Q. What should I think about when making a decision about divorce?

A. Remember that divorce (which is actually called a “dissolution of marriage” in Florida) is a big step which affects everyone in the family. All couples have problems from time to time and you should try to work things out, if possible. Talk to a marriage counselor, religious leader or other professional to see if this is an option.

Q. Will a divorce cost me money?

A. Yes, divorce can be costly. The court will charge a filing fee of \$363 to start your paperwork. Sometimes if you do not have the full amount, you will be permitted to start a payment plan. There are usually other costs connected to divorce but some costs can be waived for persons with very little money. Also remember that divorce splits one household into two which means there will be twice as many bills to pay with the income available to the spouses.

Q. What are the requirements to get a divorce?

A. In most cases, there are only two things you must prove in order to get divorced. You must show that 1) you, or your spouse have lived in Florida continuously for the past six months or more and that 2) your marriage is irretrievably broken, which means that there is no way your marriage can be put back together. You do not need your spouse to consent or give permission and you do not need to prove that your spouse is at fault to be divorced in Florida. However, the Court will require that you notify your spouse that you have filed for divorce. If you can not locate your spouse, the Court will require that you make a search and then place a notice in

your local newspaper or at a courthouse. Where there is any dispute about custody, property, debts, etc., the Court will require the spouses to attend mediation in order to discuss a possible settlement. Only after mediation will the court hold a hearing to decide these issues.

Q. Who will get custody of the children?

A. A Florida court can generally make decisions about children so long as they live here and have lived here for at least six months, and so long as there is no other court order about their custody. The court will be guided by what is in the best interests of the children. Normally, one parent will be the primary residential parent (the one with whom the children will live, most of the time), and one parent will be given reasonable parenting time or visitation with the children. The court will decide this based upon many factors, such as, who is in the best position to house, feed, and care for the children. One important factor the court will look at is which parent is likely to encourage a loving relationship between the children and the other parent. Also, parents seeking custody of children in Florida are required to take a parenting class.

Q. How much child support will be awarded for the children?

A. Once residential custody and parenting time are decided, the court will decide how much child support will be paid according to legal guidelines. The actual amount is determined by the parents’ incomes and ability to pay.

Q. What will happen to our bills and our property?

A. Normally, these things are divided in a fair and equitable way between the spouses. In most cases, property and debts acquired during the marriage are split equally between the spouses, but there are other factors a court can consider.

Q. Can I get alimony?

A. If you have been married for a long time (more than 17 years), the court can award regular ongoing alimony to either spouse. In making this decision, the court looks at the facts of each case individually, especially the needs of one spouse and the ability of the other spouse to pay. For marriages of less than 17 years, other kinds of short term alimony may be possible.

Q. What should I do if I have been subject to abuse or violence in my marriage?

A. If you have been the victim of violence, or threats of violence, a court can sign an emergency order telling your spouse to stay away from you. If you believe that you are in danger, you should call your local abuse shelter and speak with the clerk of the court in your county. They will help you apply for an emergency order of protection. The shelter may also talk with you about a safety plan.

* This pamphlet provides only general advice. For more information about your situation, please consult an attorney.

