



6011 West 16th Avenue, Hialeah, Florida 33012

A Client's Guide to Florida Family Law Litigation

Prepared for our clients to explain, in plain language, what to expect at each stage of a Florida family law case.



*This guide provides general information about Florida family law and is not legal advice for your specific situation.
Every case is different. Please rely on the advice we give you directly about your own matter.*

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Table of Contents

Chapter 1. The Divorce Process in Florida
Chapter 2. Jurisdiction and the UCCJEA
Chapter 3. Case Management Conferences
Chapter 4. Mandatory Disclosure and the Discovery Process
Chapter 5. Depositions
Chapter 6. Temporary Relief Hearings
Chapter 7. Equitable Distribution of Property and Debts
Chapter 8. Parental Responsibility, Parenting Plans, and Time-Sharing
Chapter 9. Alimony
Chapter 10. Child Support
Chapter 11. Income Withholding for Support
Chapter 12. Attorney's Fees and Costs
Chapter 13. Domestic Violence Injunctions
Chapter 14. Paternity
Chapter 15. Related Proceedings: Name Changes, Annulment, and Adoption
Chapter 16. Mediation
Chapter 17. Preparing for Trial
Chapter 18. Trial
Chapter 19. Enforcement and Contempt
Chapter 20. Modification After the Final Judgment
Chapter 21. Time-Sharing Modifications and Relocation

Chapter 1

The Divorce Process in Florida

A dissolution of marriage, which most people simply call a divorce, is the legal process that ends a marriage. Florida is a no-fault state, which means that neither spouse has to prove that the other did something wrong. The only thing that must be shown is that the marriage is irretrievably broken. This chapter walks you through how a case begins, what the major steps look like, and what you can generally expect along the way.

How a Case Begins

Every case starts with a Petition for Dissolution of Marriage. The spouse who files first is called the Petitioner, and the other spouse is called the Respondent. The Petition tells the court what the filing spouse is asking for, which can include the division of property and debts, alimony, a time-sharing schedule for the children, child support, and attorney's fees. After the Petition is filed, it must be formally delivered to the other spouse through a process called service.

Once served, the Respondent generally has twenty days to file a written Answer. The Answer responds to each request in the Petition and may include a Counter-Petition, which is the Respondent's own list of requests. If both spouses agree on everything, the case can move forward as an uncontested matter. If they disagree on one or more issues, the case is contested and will proceed through the steps described in the chapters that follow.

Contested and Uncontested Cases

An uncontested case is one in which the spouses agree on all issues and sign a written settlement. These cases tend to move more quickly and cost less. A contested case is one in which the spouses disagree on one or more issues. Most contested cases still settle before trial, often at mediation, but the case proceeds through disclosure, discovery, and pretrial steps so that each side is prepared in the event a judge must decide.

What to Expect on Timing

The length of a case depends on its complexity and the level of conflict. A straightforward uncontested matter can conclude in a matter of weeks. A contested case involving significant assets, a business, or disputes over children can take many months. We will give you a realistic estimate based on the facts of your case and will keep you informed as circumstances change.

Chapter 2

Jurisdiction and the UCCJEA

Before a Florida court can decide your case, it must have the legal authority, called jurisdiction, to do so. Jurisdiction questions usually arise when one spouse has recently moved, when a spouse or child lives in another state or country, or when property is located elsewhere. This chapter explains the basic rules in plain language.

Residency and the Authority to Grant a Divorce

To file for dissolution of marriage in Florida, at least one spouse must have lived in Florida for six months before the petition is filed. This residency requirement is a condition of the court's authority to dissolve the marriage, and it is typically proven through a Florida driver license, voter registration, or the testimony of a corroborating witness. If neither spouse meets the six-month requirement, the case cannot proceed until the requirement is satisfied.

Jurisdiction Over Your Spouse

Granting a divorce is one thing; ordering a spouse to pay support, divide property, or pay fees is another. To impose those personal obligations, the court generally needs personal jurisdiction over the other spouse, which usually exists when that spouse lives in Florida, is served here, or has sufficient connections to the state. When a spouse lives out of state, additional steps may be required, and we will advise you on how that affects what the court can order.

Children and the UCCJEA

When children are involved and a parent or child has connections to another state, a separate set of rules controls which state may decide custody and time-sharing. These rules come from the Uniform Child Custody Jurisdiction and Enforcement Act, or UCCJEA, adopted in Florida at sections 61.501 through 61.542. In general, the child's home state, meaning the state where the child has lived for the six months before the case, has authority to make the initial custody decision. Once a Florida court makes that decision, it usually keeps exclusive, continuing jurisdiction over future changes as long as the child or a parent still has a significant connection to Florida.

Practice note: In a true emergency, a Florida court may exercise temporary emergency jurisdiction to protect a child who is present in the state and has been abandoned or is threatened with harm, even if another state would otherwise decide the case.

Chapter 3

Case Management Conferences

A Case Management Conference, often shortened to CMC, is a meeting with the court designed to keep your case moving forward in an orderly way. Florida courts now use these conferences early and throughout a case to set deadlines, identify the issues in dispute, and make sure both sides are meeting their obligations. This chapter explains what these conferences are and how to prepare.

The Purpose of a Case Management Conference

The court uses a CMC to take stock of where your case stands. The judge or magistrate will review what has been filed, confirm that both sides have exchanged required financial information, and set firm dates for the remaining steps, including mediation and, if necessary, trial. The goal is to prevent unnecessary delay and to ensure that the case is ready for resolution at the earliest reasonable time.

What Happens at the Conference

At the conference, the court may address a wide range of matters. The judge often wants to know whether mandatory disclosure is complete, whether there are any pending motions that need a hearing, and how much time the parties expect a trial to take. The court may enter a case management order that lists each deadline. It is important to treat these deadlines seriously, because missing one can have consequences for your case.

How to Prepare

Preparation is the key to a productive conference. We will make sure your financial affidavit and mandatory disclosure are in order, identify the issues that remain genuinely in dispute, and come prepared with a realistic view of the schedule. When both sides arrive organized, the conference is short and useful. When they do not, the court may set additional conferences, which adds time and expense.

Chapter 4

Mandatory Disclosure and the Discovery Process

Florida family law requires both spouses to exchange detailed financial information. This requirement is called mandatory disclosure, and it is governed by Florida Family Law Rule of Procedure 12.285. The purpose is transparency. The court cannot fairly divide property, set support, or evaluate alimony without an accurate picture of each spouse's finances. This chapter explains mandatory disclosure and the broader discovery tools that may be used in your case.

Mandatory Disclosure

Within a set period after the case begins, each spouse must produce a financial affidavit and a list of supporting documents. These documents typically include recent tax returns, pay stubs, bank statements, credit card statements, retirement account statements, and records relating to any real property or business interests. The financial affidavit is a sworn statement of income, expenses, assets, and liabilities, and it must be accurate and complete. We will work closely with you to gather these materials and to present them correctly.

Interrogatories

Interrogatories are written questions that one side sends to the other, which must be answered in writing and under oath. They are used to learn details about income, employment, assets, and other matters relevant to the case. Because the answers are sworn, accuracy is essential, and we will review every response with you before it is served.

Requests to Produce

A Request to Produce asks the other side to provide specific documents or things. In a family case, this often means additional financial records beyond mandatory disclosure, such as records of a particular account or documents relating to a specific transaction. Responding fully and on time is important, and we will help you organize what is requested.

Why Discovery Matters

Thorough disclosure and discovery protect you. They ensure that decisions about property, support, and the children are based on complete and accurate information. They also reduce the chance of surprises later in the case. Cooperating fully with these obligations, even when they feel burdensome, is one of the most valuable things you can do for your own case.

Chapter 5

Depositions

A deposition is a formal session in which a person answers questions under oath, outside of court, with a court reporter present to create a written record. Depositions are a common part of contested family law cases. This chapter explains what a deposition is, why it is used, and how to prepare if you are going to be deposed.

What a Deposition Is

At a deposition, an attorney asks questions and the person being questioned, called the deponent, answers under oath. A court reporter records everything that is said, and the testimony can later be used in the case. Although a deposition does not take place in a courtroom and there is no judge present, the testimony carries the same weight as testimony given in court because it is given under oath.

Why Depositions Are Used

Depositions serve several purposes. They allow each side to learn what a witness will say, to lock in testimony so that it cannot change later without explanation, and to evaluate how a witness presents. The information gathered at a deposition often shapes settlement discussions and trial strategy.

How to Prepare and Testify

If you are going to be deposed, we will prepare you carefully beforehand. The most important rules are simple. Listen to the entire question before answering. Answer only the question that is asked, and do not volunteer extra information. Tell the truth. If you do not understand a question, ask for it to be rephrased. If you do not know or do not remember, it is perfectly acceptable to say so. Take your time, stay calm, and remember that we are there with you throughout.

Chapter 6

Temporary Relief Hearings

A divorce case can take time to resolve, and pressing issues often cannot wait. A temporary relief hearing allows the court to put rules in place while the case is pending. The orders entered at this stage are temporary, meaning they last until the final judgment or until the court changes them. This chapter explains what temporary relief is and what the court can address.

What Temporary Relief Covers

At a temporary relief hearing, the court can address many of the same issues that will be decided at the end of the case, but on an interim basis. This can include a temporary time-sharing schedule for the children, temporary child support, temporary alimony, who will remain in the marital home, responsibility for paying certain bills during the case, and temporary attorney's fees. The purpose is to provide stability and to prevent harm while the case proceeds.

How the Hearing Works

A temporary relief hearing is shorter and more focused than a trial. The court typically sets a limited amount of time, so the evidence must be presented efficiently. Financial affidavits are central, and each side may present documents and brief testimony. Because time is limited, careful preparation is essential, and we will help you focus on the points that matter most to the relief you are seeking.

Why It Matters

The arrangements set at a temporary hearing can shape the rest of the case. A temporary time-sharing schedule, for example, often establishes a routine that the court may be reluctant to disturb later without good reason. For that reason, we treat temporary relief hearings as significant, even though the orders are not the final word.

Chapter 7

Equitable Distribution of Property and Debts

One of the central tasks in a divorce is dividing what the spouses own and what they owe. Florida calls this equitable distribution, and it is governed by section 61.075 of the Florida Statutes. This chapter explains how the court separates marital from nonmarital property, how it values what is divided, and how it decides who gets what.

Marital Versus Nonmarital Property

The first step is to classify each asset and debt as either marital or nonmarital. Marital property generally includes assets acquired and debts incurred during the marriage, regardless of whose name is on the title. Nonmarital property generally includes what each spouse owned before the marriage, along with gifts and inheritances received by one spouse individually. Only marital property and debt are divided; nonmarital property is set aside to the spouse who owns it before the division begins.

The Cut-Off Date and Valuation

Florida uses a cut-off date to decide what counts as marital. As a general rule, assets acquired or debts incurred after the date the petition for dissolution is filed are nonmarital. This is a firm rule, not a matter of discretion. Separately, the court selects a date to value the marital assets, which may differ from one asset to another when fairness requires, and may rely on appraisals, account statements, or expert testimony to establish those values.

How the Court Divides

The court begins with the premise that the division of marital property should be equal. It may order an unequal division only if the facts justify it, based on factors the statute lists, such as each spouse's contribution to the marriage, the economic circumstances of each, and any intentional waste or destruction of marital assets by one spouse. When children are involved, the court also considers whether it is desirable and financially feasible for one parent and the children to remain in the marital home for a period of time.

Retirement Accounts and the Marital Home

Retirement accounts and pensions often have both a marital and a nonmarital part, and dividing them may require a special order called a Qualified Domestic Relations Order, or QDRO, which directs the plan administrator how to split the account. The marital home frequently requires its own analysis, including whether it will be sold, whether one spouse will keep it and buy out the other, and how any equity is divided. We will help you identify, value, and present each asset so that the division is accurate and fair.

Practice note: Property division in a final judgment is intended to be final. Unlike support and time-sharing, it generally cannot be modified later, which is why getting it right the first time matters.

Chapter 8

Parental Responsibility, Parenting Plans, and Time-Sharing

When a case involves children, the court must decide how the parents will share decision-making and parenting time. Florida law on these issues is built around one guiding principle: the best interests of the child. These matters are governed primarily by section 61.13 of the Florida Statutes. This chapter explains how parental responsibility and time-sharing are established in the first place. A later chapter explains how they may be changed.

Parental Responsibility Is About Decisions

Parental responsibility refers to how major decisions about a child are made, such as decisions about education, health care, and religious upbringing. Florida law presumes shared parental responsibility, meaning both parents confer and decide together, unless the court finds that sharing would be detrimental to the child. In some cases the court may give one parent ultimate decision-making authority over a specific area, and in more serious cases it may award sole parental responsibility to one parent. Importantly, shared parental responsibility is about decision-making and is not the same thing as an equal division of overnight time.

The Parenting Plan and Time-Sharing Schedule

Every case involving children results in a parenting plan, which the court must approve. The parenting plan describes how the parents will share decision-making and sets out a time-sharing schedule that states where the child will be on weekdays, weekends, holidays, school breaks, and summers. If the parents agree on a plan, the court will approve it as long as it serves the child's best interests. If they cannot agree, the court decides the plan after a hearing.

The Best Interests Standard and Equal Time-Sharing

In deciding parental responsibility and the time-sharing schedule, the court weighs a long list of factors set out in the statute, including each parent's ability to provide a stable and consistent routine, the moral fitness and the mental and physical health of each parent, the child's home, school, and community record, and the capacity of each parent to put the child's needs ahead of their own. As of 2023, Florida law applies a rebuttable presumption that equal time-sharing is in the best interests of the child. A parent who believes equal time-sharing is not appropriate may overcome that presumption by showing, by the greater weight of the evidence, that it is not in the child's best interests. The old preference favoring mothers, sometimes called the tender years doctrine, no longer exists.

When Safety Is a Concern

Where there is evidence of domestic violence, abuse, or a parent's reasonable belief that a child is in danger, the court treats that as highly relevant and may limit time-sharing, require supervised exchanges or visitation, or order other protective measures. Recent legislation reinforced the court's duty to consider these safety concerns in shaping a parenting plan.

Practice note: For contested parenting decisions, the court is required to make written or on-the-record findings explaining how the best-interest factors were applied. A guardian ad litem may be appointed to investigate and report on what arrangement serves the child.

Chapter 9

Alimony

Alimony, also called spousal support, is money that one spouse may be ordered to pay the other after a divorce. Florida law on alimony changed significantly in 2023, and this chapter explains the current framework in plain language. Alimony is governed by section 61.08 of the Florida Statutes.

When Alimony May Be Awarded

Before awarding alimony, the court must first determine that one spouse has an actual need for support and that the other spouse has the ability to pay. If either of these is missing, alimony is not appropriate. Once need and ability to pay are established, the court considers a list of factors, including the length of the marriage, the standard of living established during the marriage, the age and health of each spouse, the financial resources of each spouse, and the contributions each made to the marriage, including contributions as a homemaker.

Types of Alimony

Florida law now recognizes several forms of alimony. Temporary alimony is paid while the case is pending. Bridge-the-gap alimony helps a spouse transition to single life and is limited to a short period. Rehabilitative alimony supports a spouse while he or she develops the education or skills needed to become self-supporting, and it requires a specific plan. Durational alimony provides support for a set period of time. Florida law eliminated permanent alimony, so support is no longer awarded for an indefinite lifetime period.

Limits on Duration and Amount

The current statute places caps on how long durational alimony can last, measured against the length of the marriage, and it limits the amount based on the recipient's need or a percentage of the difference between the spouses' net incomes, whichever is less. The length of the marriage is central to the analysis, with shorter marriages generally supporting shorter or no awards and longer marriages supporting longer ones, within the statutory caps. We will evaluate how these rules apply to the specific facts of your situation.

As a general guide, Florida classifies marriages by length: a short-term marriage is less than ten years, a moderate-term marriage is ten to twenty years, and a long-term marriage is twenty years or more. Durational alimony may not be awarded for a short-term marriage beyond fifty percent of the length of the marriage, for a moderate-term marriage beyond sixty percent, or for a long-term marriage beyond seventy-five percent, and it is not available at all for marriages under three years. The amount is capped at the recipient's need or thirty-five percent of the difference between the parties' net incomes, whichever is less.

Chapter 10

Child Support

Child support is the financial support that a parent provides for the benefit of a child. In Florida, child support is calculated using guidelines set by statute, which means the amount is determined largely by a formula rather than left to discretion. Child support is governed by section 61.30 of the Florida Statutes. This chapter explains how the guidelines work.

How the Guidelines Work

The guideline calculation begins with the net income of each parent. Net income is gross income minus certain allowable deductions, such as taxes and health insurance premiums. The two parents' net incomes are combined, and the statute provides a schedule that sets a basic support amount based on the combined income and the number of children. That basic amount is then divided between the parents in proportion to their share of the combined income.

Adjustments to the Basic Amount

Several items are added to or adjusted within the basic obligation. The cost of health insurance for the children and work-related child care costs are typically included and allocated between the parents. The number of overnights each parent has with the children also matters. When a parent exercises a substantial number of overnights, the guidelines apply an adjustment that accounts for the costs that parent bears directly while the children are in his or her care.

Deviations from the Guideline Amount

The guideline figure is presumptively correct, but the court may order a different amount in certain circumstances if it explains in writing why the guideline amount would be unjust or inappropriate. Examples include extraordinary medical or educational needs or other special circumstances. In most cases, however, the guideline amount controls, and we will prepare an accurate calculation so that you know what to expect.

Chapter 11

Income Withholding for Support

When a court orders child support or alimony, it often also orders that the payments be made through income withholding. This chapter explains what income withholding is, why it is used, and how it affects both the paying and receiving spouse.

What Income Withholding Is

Income withholding is a process by which support payments are deducted directly from the paying party's wages by his or her employer and sent to the appropriate state agency, which then forwards the payment to the receiving party. It works much like the withholding of taxes from a paycheck. An income deduction order is the court order that directs the employer to make these deductions.

Why Courts Use It

Income withholding is the standard method for collecting support in Florida because it is reliable and creates a clear record of payments. It reduces conflict between the parties, because the receiving party does not have to ask for payment and the paying party does not have to remember to send it. It also provides protection for the paying party, who has proof of every payment made.

How It Works in Practice

Once the income deduction order is entered and served on the employer, the employer begins deducting the support amount and remitting it through the state depository. Payments are recorded, which makes it easy to confirm that support is current. If employment changes, the order can be served on a new employer. We will make sure the income deduction order is properly prepared and processed so that support begins flowing without unnecessary delay.

Chapter 12

Attorney's Fees and Costs

Family law cases can be expensive, and Florida law allows the court to order one spouse to contribute to the other spouse's attorney's fees and costs in appropriate circumstances. This authority comes from section 61.16 of the Florida Statutes. This chapter explains when fees may be awarded and why.

Need and Ability to Pay

The central purpose of the fee statute is to make sure that both spouses have a similar ability to obtain competent legal representation, so that one spouse cannot gain an unfair advantage simply by having more money. The court looks primarily at one spouse's need for help with fees and the other spouse's ability to pay them. Where there is a significant difference in the parties' financial resources, the court may order the spouse in the stronger position to contribute to the other's fees, even before the case is over.

Fees Based on Conduct

The court may also consider how each party has conducted the litigation. If one spouse has taken unreasonable positions, caused unnecessary delay, or litigated in bad faith, the court may award fees against that spouse as a consequence of the conduct, separate from need and ability to pay. This is one reason it is in everyone's interest to approach the case reasonably and to focus on the issues that genuinely matter.

What This Means for You

Whether you may receive a contribution toward your fees, or may be asked to contribute to your spouse's, depends on the financial circumstances of both parties and on how the case unfolds. We will advise you candidly about how the fee rules are likely to apply in your situation and will factor that into our strategy.

Chapter 13

Domestic Violence Injunctions

Family law sometimes intersects with safety concerns. Florida provides a separate court process, an injunction for protection, often called a restraining order, for people who are victims of or in reasonable fear of domestic violence. This chapter explains the basics. If your safety or your children's safety is at risk, tell us immediately so that we can act quickly.

What an Injunction Is

An injunction for protection against domestic violence is a court order that restricts one person's contact with another to prevent violence. It can require the other person to stay away from your home, workplace, and the children's school, prohibit contact, and address temporary use of a home, temporary support, and temporary time-sharing. Related injunctions exist for dating violence, repeat violence, sexual violence, and stalking.

How the Process Works

A person seeking protection files a sworn petition describing the events that give rise to the fear of violence. If the petition shows an immediate danger, the court may enter a temporary injunction the same day, without the other person present, that lasts until a full hearing can be held, usually within about fifteen days. At that hearing, both sides may present evidence, and the court decides whether to enter a final injunction, which may last for a set period or until further order of the court.

How It Affects a Divorce or Paternity Case

An injunction is a separate case, but it can have a direct effect on a related family law matter. Evidence of domestic violence is treated as relevant to parental responsibility and time-sharing, and it may support supervised exchanges or other protective conditions. If an injunction is sought against you, it is important to take it seriously and to respond properly, because the outcome can affect both your case and your record.

Chapter 14

Paternity

When a child is born to unmarried parents, the legal relationship between the father and the child is not automatically established the way it is in a marriage. A paternity case establishes that relationship and addresses the same parenting and support issues that arise in a divorce. This chapter explains how paternity works in Florida.

Establishing Paternity

Paternity can be established in several ways: by the parents signing a voluntary acknowledgment of paternity, by marriage in some circumstances, or by a court order in a paternity action. When paternity is disputed, the court can order genetic testing. Establishing paternity is significant because it creates legal rights and responsibilities, including the right to seek time-sharing and the obligation to pay child support.

What a Paternity Case Decides

Once paternity is established, the court can enter a parenting plan with a time-sharing schedule and can order child support, applying the same best-interest standard and the same child support guidelines used in divorce cases. A father who establishes paternity gains the standing to seek a meaningful relationship with his child, and a mother gains a basis to obtain support. Until paternity and a parenting plan are in place, the legal rights of an unmarried father can be uncertain, which is why addressing paternity promptly matters.

Practice note: Signing a voluntary acknowledgment of paternity has legal consequences and is difficult to undo after a limited time. If there is any question about biological parentage, it is important to raise it before signing.

Chapter 15

Related Proceedings: Name Changes, Annulment, and Adoption

Several other proceedings arise in or alongside family law cases. This chapter briefly explains three that clients ask about most often.

Name Changes

A spouse may ask the court to restore a former last name as part of a divorce, and this is routinely granted at the client's request. A separate statutory process exists for other name changes, which generally requires a petition and, for adults, a criminal background check. Changing a child's name is more involved and is decided based on the best interests of the child.

Annulment

An annulment is different from a divorce. A divorce ends a valid marriage, while an annulment declares that a marriage was never valid in the first place, for reasons such as fraud, bigamy, or incapacity to consent. Annulments are narrow and fact-specific, and most cases that clients describe as candidates for annulment are in fact resolved through dissolution of marriage. We will tell you honestly whether annulment is realistic in your situation.

Adoption

Adoption creates a permanent legal parent-child relationship. In the family law context, it most often arises as a stepparent adoption, in which a stepparent adopts a spouse's child, which usually requires the consent or the termination of the rights of the other biological parent. Adoption is a specialized area with its own procedures, and we will guide you through the requirements if it applies to your family.

Chapter 16

Mediation

Mediation is a confidential process in which a neutral third person, called a mediator, helps the spouses try to reach an agreement. Florida courts often require mediation before a contested case can go to trial, and for good reason. Most family cases settle, and mediation is where many settlements happen. This chapter explains how mediation works and how to make the most of it.

The Role of the Mediator

The mediator does not decide anything and does not take sides. The mediator's job is to facilitate conversation, help each side understand the other's position, and explore possible solutions. Anything said in mediation is generally confidential, which allows both sides to speak freely and to consider options without fear that their words will be used against them later.

How a Mediation Session Works

In many family mediations, each spouse sits in a separate room with his or her attorney, and the mediator moves between the rooms carrying offers and ideas. This arrangement reduces tension and lets each side think clearly. The process continues until an agreement is reached, the parties reach an impasse, or the session ends. If an agreement is reached, it is put in writing, signed, and becomes binding.

Getting the Most Out of Mediation

Mediation works best when you come prepared and with a realistic view of your goals. We will help you identify what matters most to you, understand the likely range of outcomes if a judge were to decide, and develop a strategy for the session. Settling at mediation gives you control over the outcome, saves the cost and stress of trial, and often produces an agreement both sides can live with.

Chapter 17

Preparing for Trial

If your case does not settle, it will proceed to trial, where a judge will hear the evidence and decide the unresolved issues. Good preparation is what wins cases, and most of the work happens before anyone sets foot in the courtroom. This chapter explains how we prepare a case for trial and what your role will be.

Organizing the Evidence

Trial preparation begins with the evidence. We gather and organize the documents that prove the facts of your case, such as financial records, communications, and other exhibits. Each exhibit must be identified and prepared so that it can be properly admitted. We also prepare a clear theory of the case, which is the story we will tell the judge supported by the evidence.

Preparing Witnesses

Witnesses are a central part of most trials. We prepare each witness, including you, to testify clearly and truthfully. Preparation means knowing the questions that will be asked, understanding the documents that will be discussed, and being ready for cross-examination by the other side. Preparation is not about memorizing answers. It is about being comfortable, organized, and honest.

Your Role Before Trial

Your participation in trial preparation is essential. You know the facts of your life better than anyone, and your input helps us build the strongest case. We will meet with you to review the evidence, prepare your testimony, and make sure you understand what to expect. The more engaged you are in this process, the better prepared we will both be when the trial date arrives.

Chapter 18

Trial

A family law trial is the formal proceeding in which a judge hears the evidence and decides the issues that the parties could not resolve. There is no jury in a Florida family case. The judge alone makes the decisions. This chapter explains what happens at trial so that you know what to expect on the day.

The Structure of a Trial

A trial generally follows a set order. Each side may give an opening statement that previews the evidence. The Petitioner then presents witnesses and exhibits, and the Respondent has the chance to cross-examine each witness. The Respondent then presents his or her case, with the same opportunity for cross-examination. After all the evidence is in, each side may give a closing argument that ties the evidence to the result being requested.

Presenting Testimony and Evidence

Witnesses testify under oath, and documents are offered into evidence according to the rules. When you testify, the same principles from deposition preparation apply. Listen carefully, answer the question asked, tell the truth, and stay calm. The judge is paying attention not only to what is said but also to how credible and reasonable each party appears.

After the Trial

After the trial concludes, the judge will make a decision. Sometimes the judge rules from the bench at the end of the trial, and sometimes the decision comes later in a written final judgment. The final judgment is the court's official ruling and sets out the terms that both parties must follow. We will review the final judgment with you carefully and explain what it means and what comes next.

Chapter 19

Enforcement and Contempt

A court order only helps if it is followed. When a former spouse or parent does not comply with a final judgment, Florida law provides tools to enforce it. This chapter explains how enforcement works, including the court's contempt powers.

Enforcing Support

When support is not paid, the court can enforce the obligation in several ways, including entering a judgment for the unpaid amount, ordering income withholding, intercepting tax refunds, suspending a driver or professional license, and, in appropriate cases, holding the nonpaying party in contempt. Because the obligation to pay support is taken seriously by the courts, falling behind has real consequences, and addressing a problem early is far better than letting arrears build up.

Enforcing Time-Sharing

When one parent denies the other the time-sharing the order provides, the court can order make-up time to compensate for what was missed, require the offending parent to pay the other parent's costs and attorney's fees, order parenting classes or community service, place the burden of travel costs on the offending parent, and in serious cases modify the parenting plan. The court can also use its contempt powers. A parent may not withhold the child because the other parent is behind on support, and a parent may not stop paying support because time-sharing is being denied; these are separate obligations.

Civil and Criminal Contempt

Contempt is the court's authority to compel compliance with its orders. Civil contempt is meant to coerce a party into doing what the order requires, and the party usually can end any sanction by complying. Criminal contempt is meant to punish a completed violation. The remedies can include fines and, in serious cases, incarceration. The court applies careful procedures before imposing these sanctions, and we will explain what to expect if contempt becomes an issue in your case.

Chapter 20

Modification After the Final Judgment

A final judgment ends your case, but life does not stand still. When circumstances change in a significant way, Florida law allows certain parts of a final judgment to be modified. This chapter explains what can be changed, what cannot, and what you generally must show to obtain a modification.

What Can Be Modified

Provisions that deal with ongoing obligations can generally be modified. These include child support, alimony in many cases, and time-sharing arrangements. The division of property and debts in the final judgment, by contrast, is final and is not subject to modification. The reason is that property division is meant to be a one-time settling of accounts, while support and time-sharing address ongoing needs that can change over time.

The Substantial Change Standard

To modify a support obligation, you generally must show a substantial change in circumstances that was not contemplated at the time of the final judgment and that is material, permanent, and involuntary. A significant change in income, a serious illness, or the loss of a job are examples of circumstances that may support a modification. The party asking for the change carries the burden of proving it.

How to Pursue a Modification

A modification is started by filing a supplemental petition that explains the change in circumstances and the relief requested. The case then proceeds much like the original case, with disclosure, possible mediation, and a hearing if the matter is not resolved. If you believe your circumstances have changed enough to justify a modification, we will evaluate your situation and advise you on the likelihood of success before you proceed.

Chapter 21

Time-Sharing Modifications and Relocation

Among the most sensitive post-judgment matters are requests to change a time-sharing schedule or parenting plan. Because these decisions affect children directly, the law applies a careful standard. Time-sharing and parenting issues are governed primarily by section 61.13 of the Florida Statutes, and relocation is governed by section 61.13001. This chapter explains how time-sharing modifications work.

The Standard for Changing Time-Sharing

To modify a time-sharing schedule, the parent seeking the change must show a substantial and material change in circumstances since the final judgment and must show that the modification is in the best interests of the child. Until recently, Florida also required the change to have been unanticipated at the time of the original order. That requirement was removed by the Legislature effective July 1, 2023, so a parent no longer has to prove that the change was unforeseen, only that it is substantial, material, and in the child's best interests. This remains a demanding standard, and it exists to provide children with stability. Courts are cautious about disrupting an established routine unless there is a genuine reason to do so.

The Best Interests of the Child

The best interests of the child are always the central concern. The statute lists many factors the court considers, including the ability of each parent to provide a stable routine, the moral fitness and mental and physical health of the parents, the home, school, and community record of the child, and the capacity of each parent to put the child's needs first. The court weighs these factors together rather than treating any single one as decisive.

Understanding Overnights

Time-sharing is often described in terms of overnights, meaning the number of nights per year the child spends with each parent. Overnights matter not only for the parenting schedule but also for child support, because the guideline calculation takes each parent's share of overnights into account. The table below illustrates how different weekly patterns and holiday arrangements add up across a year. It is provided as a planning aid; the precise count in any case depends on the specific schedule in the parenting plan.

Variation	Wk 1 / Wk 2	Summer	Holidays (alt.)	Approx. Annual Overnights
A. 7 and 0, all alternated	7 / 0	10 weeks	alternated	180 (about half the year)
B. 3 and 0, all alternated	3 / 0	10 weeks	alternated	108
C. 4 and 1, all alternated	4 / 1	10 weeks	alternated	144
D. 3 and 1, all alternated	3 / 1	10 weeks	alternated	126
E. 3 and 1, 2-week summer	3 / 1	2 weeks	alternated	98

The annual figures assume the regular weeks rotate biweekly across the non-holiday portion of the year and that holidays and summer alternate yearly, with each counted at one-half across the two-year cycle. They are planning estimates; the controlling number in any case is the schedule actually set in the parenting plan.

Relocation

When a parent wishes to move with a child a significant distance away, Florida applies specific relocation rules under section 61.13001. A parent generally may not relocate fifty miles or more from the current residence for sixty consecutive days or more without either the other parent's written agreement or the court's permission. If the parents agree, they can sign a written consent that is ratified by the court. If they do not agree, the relocating parent must file a petition to relocate that meets specific content requirements, and the other parent has a limited time to object. The court then decides based on the present best interests of the child, weighing a list of statutory factors, with no automatic presumption for or against the move. Relocating without following these rules can carry serious consequences, so it is essential to address relocation correctly and in advance.

Questions?

We are here to help. If anything in this guide raises a question about your case, please reach out to us.

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