

# SPOUSAL SUPPORT ENDINGS

By K. Dean Kantaras and Maurice Q. Thurman

Alimony serves as a vital form of support for a spouse in need of financial assistance after a marriage has ended. However, it is not uncommon for a former spouse to enter into a new, loving relationship after a divorce. What happens when a former spouse who is receiving alimony enters into a new relationship after a divorce? Under Florida law, the spouse paying alimony has the ability to reduce or terminate the alimony obligation if the receiving spouse enters into what is known as a supportive relationship.

Florida law allows courts to award a spouse alimony, both payable during the divorce process and after the divorce is finalized. Under Florida Statute § 61.08, the primary factors considered by the court when determining an award of alimony are whether the requesting spouse has an actual need for alimony and whether the other spouse has the ability to pay alimony. The court may also reduce or terminate an alimony award if a former spouse enters into a supportive relationship. There are several factors that courts consider when determining whether a former spouse is involved in a supportive relationship, including: the extent to which the former spouse and his or her significant other have held themselves out as a married couple, the period of time they have lived together, and whether they support each other financially.

Florida courts recently addressed the issue of reducing alimony payments when the receiving spouse enters into a supportive relationship in the case of *Martin v. Robbins*, 194 So. 3d 563 (Fla. 5th DCA 2016). In *Martin*, the former husband petitioned the court to modify his alimony payments to his former wife because she was involved in a supportive relationship. The former



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husband presented evidence to the court that the former wife was living with a man named Carlson and, while not formally married, they had participated in an elaborate wedding ceremony. There was additional evidence confirming the couple's relationship on social media. The former husband also presented evidence that his former wife and Carlson were supporting each other financially.

The Fifth District Court of Appeals noted two important factors in Florida Statute § 61.14 that determine when a spouse has entered into a supportive relationship: (1) The extent to which the persons have "held themselves out as a married couple by engaging in conduct such as using the same last name, using a common mailing address, referring to each other in terms such as 'my husband' or 'my wife,' or otherwise conducting themselves in a manner that evidences a

permanent supportive relationship;" and (2) the extent to which the persons have supported one another, "in whole or in part."

The Fifth District Court of Appeals then applied the two factors to the case at hand, observing that the former wife and Carlson had held themselves out as a married couple through wedding pictures and social media postings. The Fifth District Court of Appeal also noted that the former spouse and Carlson financially supported one another and therefore, the former wife had entered a supportive relationship.

*Martin v. Robbins* is an important case that demonstrates how supportive relationships can result in the reduction or termination of a former spouse's alimony obligation. For more information on Florida alimony law, contact K. Dean Kantaras, P.A. (727) 781-0000. ■■■

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