

Florida Time-Sharing and Child Support Attorney

Florida Statutes Chapter 61 governs Time-Sharing and Child Support. These two topics more often than not go hand in hand. Time-Sharing can dramatically affect the amount of child support one would have to pay.

Time Sharing:

Time Sharing, formally known as child custody, is maintained through a Parenting Plan. A Parenting Plan is a Court approved visitation schedule that dictates when the child will be with which a certain parent and where the child will be with them. The Parenting Plan plays a big part in determining child support, as you will see below. The Parenting Plan also can determine which parent's address will be used for school districting purposes, do the parents have joint parent responsibility as to the health care of the child and more.

Child Support:

Child Support is calculated by a chart laid out in Florida Statutes Chapter 61.30. Child Support is calculated by combining each parent's gross income. If one parent is unemployed, the Court will use minimum wage to determine the income for that parent.

In the past, whoever made the most money typically had to pay child support, however this changed in 2009. In 2009, the Florida legislature determined that amount of child support payed should be greatly influenced by the number of overnight visits are had with the child by each parent. Simply put, if a parent has less overnights with the child and makes more money, that parent will pay more in child support. This is where child support ties in with Time-Sharing and the Parenting Plan.

Other factors can effect the amount of child support one parent has to pay. Some such examples are paying for the child's insurance and day care costs.

Whether establishing Time-Sharing or Child Support, a petition must be filed with the Court. The Petition sets forth the reasons for wanting to establish the action. The person filing the petition is called the Petitioner. The Petitioner must have the responding party, known as the Respondent, served with the petition by a licensed process server.

The Respondent will have 20 days in order to file a response with the Court to the petition. The Respondent has the opportunity to file a Count-Petition with the Court, outlining what the Respondent would like the Time-Sharing to be, but this is not required.

Mediation: Courts throughout Florida typically require all Family Law cases, especially Time-Sharing and Child Support cases, to attend mediation. Mediation is an informal meeting between the two parties where a third party, the mediator, attempts to negotiate a fair resolution to the issues in a particular case. Mediation is often cheaper and less stressful alternative to a trial. Mediation does not always result in a settlement, but it is useful in narrowing down the issues that cannot be agreed upon.

Mediation and Time-Sharing:

If an agreement is reached at mediation, the parties will enter into a Parenting Plan that is forwarded to the Court for final approval. This final parenting plan will cover all aspects of each parents' visitation with the child, including holidays and summer vacations. Unless there is an objection to the final Parenting Plan, the Court will sign off on the document. All future interpretations of Time Sharing are done through the Parenting Plan. While the Parenting Plan is a Court ordered document, it can be deviated from with consent from both parties.

Mediation and Child Support:

An agreement is typically reached on child support after the Parenting Plan has been settled. Quite often the parties will agree to a lesser amount of child support being paid. The Courts usually have no issue with this practice. However, the Court will not agree to both parties waiving the child support obligation.

Establishing Time Sharing and Child Support is extremely difficult and trying on person's emotions. The stress involved is astronomical because of the issues of children and money. Due to these highly contested issues, it is a necessity that an individual hire an attorney who is well versed in Family Law but also one that you can trust and feel has your best interest in mind.