

Opinion

READER'S VIEW

Flexibility needed in divorce law

For divorcees paying — or receiving — alimony, a bill being considered in the Florida Legislature could change how long people pay — or receive — alimony. The bill is a start,



BY BARRY FINKEL

but significant changes must be made to ensure the interests of both parties are protected.

Florida law currently allows long-term or “permanent” alimony in cases where a marriage lasted more than 17 years and when one spouse has given up a career to raise children. Sponsors of HB 549 seek to curb long-term alimony payments, whose only end date would come with remarriage of the recipient or death of the ex-spouse.

The automatic alimony cessation in the bill causes concern. It would increase the marriage period to 20 years for long-term alimony, cap long-term alimony at 20 percent of the working ex-spouse's income, and end alimony at retirement. The inflexibility ignores individual situations.

The bill also calls to remove much of the flexibility afforded judges under current law. Such changes would be too restrictive; hard-and-fast rules don't apply with alimony. Judges need flexibility to consider the facts of a given case, caps and limits may be inappropriate in some cases. The idea of reviewing alimony statutes is laudable and much needed. Guidelines for some elements of alimony would remove guesswork and add predictability. Guidelines similar to how child support is determined, that allow a judge a certain amount of flexibility, would be more effective than hard limits and caps. Guidelines also would help remove or curtail litigation, reducing in many cases, the time for finalizing a divorce.

A bill modifying the current alimony laws is a start, but in its current form this bill restricts many of the safeguards in place.

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