

ALIMONY – REQUIRED FACTOR-BASED SUBMISSION

Florida law requires the Court, when determining a claim for support, maintenance, or alimony, to make written findings of fact regarding the statutory factors, based upon competent, substantial evidence presented at hearing or trial. The Court must first determine whether the party seeking alimony has established a need for support and whether the opposing party has the ability to pay. Only if both are established does the Court consider the statutory alimony factors in determining the appropriate form, amount, and duration of any award.

In order to efficiently manage the case and to identify the issues in dispute, **in all cases in which a party is proceeding without counsel, and prior to the Pretrial Conference**, each party asserting or opposing a claim for alimony shall complete, if applicable, each factor set forth in subsection (a) through (h) below and shall provide a brief summary of the facts the party contends will be supported by evidence at hearing or trial. If a factor is not applicable, the party shall so state. If additional space is required, additional pages may be attached, provided each response clearly identifies the corresponding factor.

This submission is intended solely to assist in case management and issue identification. It does not constitute evidence, does not replace sworn testimony or admissible exhibits, and may not be relied upon by the Court as proof of any fact absent proper evidentiary support presented at hearing or trial.

This completed document **must be attached to the party's proposed Final Judgment and presented to the Court at the Pretrial Conference**. Failure to comply may result in the Court proceeding based upon the evidence available or imposing appropriate sanctions.

- (a) The duration of the marriage.

- (b) The standard of living established during the marriage and the anticipated needs and necessities of life for each party after the entry of the final judgment.

(c) The age, physical, mental, and emotional condition of each party, including whether either party is physically or mentally disabled and the resulting impact on either the obligee's ability to provide for his or her own needs or the obligor's ability to pay alimony and whether such conditions are expected to be temporary or permanent.

(d) The resources and income of each party, including the income generated from both nonmarital and marital assets.

(e) The earning capacities, educational levels, vocational skills, and employability of the parties, including the ability of either party to obtain the necessary skills or education to become self-supporting or to contribute to his or her self-support prior to the termination of the support, maintenance, or alimony award.

(f) The contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, child care, education, and career building of the other party.

(g) The responsibilities each party will have with regard to any minor children whom the parties have in common, with special consideration given to the need to care for a child with a mental or physical disability.

(h) Any other factor necessary for equity and justice between the parties, which shall be specifically identified in the written findings of fact. This may include a finding of a supportive relationship as provided for in s. 61.14(1)(b) or a reasonable retirement as provided for in s. 61.14(1)(c)1.