The Commentator is prepared and published by the Family Law Section of The Florida Bar

AMY C. HAMLIN, ALTAMONTE SPRINGS – Chair
DOUGLAS A. GREENBAUM, FORT LAUDERDALE – Chair-Elect
HEATHER L. APICELLA, BOCA RATON – Treasurer
PHILIP S. WARTENBERG, TAMPA – Secretary
ABIGAIL BEEBE, WEST PALM BEACH – Immediate Past Chair
SARAH SULLIVAN, JACKSONVILLE and ROBIN SCHER, NORTH PALM BEACH – Publications Committee Co-Chairs

WILLE MAE SHEPHERD, TALLAHASSEE — Administrator
DONNA RICHARDSON, TALLAHASSEE — Design & Layout

Statements of opinion or comments appearing herein are those of the authors and contributors and not of The Florida Bar or the Family Law Section.

Articles and cover photos to be considered for publication may be submitted to
Anya Cintron Stern, Esq. (anya@anyacintronstern.legal)
Editor of the Commentator.
MS Word format is preferred for documents, and jpeg images for photos.

ON THE COVER: Rainbow Row Charleston, SC courtesy of Rayna Brachman

INSIDE THIS ISSUE

3 Message from the Chair
5 Message from the Co-Chairs of the Publications Committee
6 Message from the Editor of the Commentator
6 Section Calendar
7 Guest Editor’s Corner
11 Third Party Considerations in Contempt & Enforcement Proceedings
17 ACE’s and Divorce: How We Can Begin to Help Combat the Epidemic
21 Why Hire a Divorce Coach?
22 2019 Fall Meetings (Photos)
23 2019 Out of State Retreat (Photos)
27 Emotional IQ²
31 Application of Fl Stat. 71.076–(or lack of)
37 Special Needs Children and Family Law
40 The Impact of Effective Mentorship and My Path to the Executive Council
I hope everyone is off to a great start this year! Spring is just around the corner.

The 2019-2020 Bar Year has been amazing. The Fall Meetings at Disney were a huge success, with record attendance. After a busy day of committee work, many of us headed to Epcot to enjoy the great weather and the annual Food & Wine Festival. In December, we had a fantastic Retreat in Charleston, South Carolina. Sarah Sullivan put on an engaging CLE about diversity and inclusion. Normally the seminar lasts about an hour, but we went well over the allotted time because everyone wanted to continue the discussion. Please check out the pictures on the Section’s website. I hope you consider joining us for the next retreat, in May, at The Resort at Longboat Key Club. Details are on the Section’s website.

Thank you to everyone who attended the 2020 Marital & Family Law Review Course in January. Once again, the event was sold out. It’s hard to imagine 1700 people in one room!

The committee, Heather Apicella, Sarah Kay, Michelle Klinger Smith, and Kristin Kirkner, did an outstanding job. I was honored to present the Visionary Award to Matthew L. Lundy for his outstanding service to the Section. We are fortunate to have someone as energetic and enthusiastic as he is be involved with Section work. Please join me in congratulating Matt for this well-deserved achievement.

It is that time of year again when the Chair Elect of the Section appoints the committee membership for the next year. I encourage you to submit a Committee Preference Form for the 2020-2021 Bar Year. You can find the form on the Section website, www.familylawfla.org. All levels of activity are appreciated and welcome. The deadline is March 16, so don’t delay!

Shazia Sparkman, the Guest Editor for this edition, has worked hard to put this Winter Edition publication together. I thank her for her dedication and countless hours to make us better practitioners. I hope all of you enjoy!
LawPay Is Five Star!

LawPay is easy, accurate, and so efficient - it has increased our cash flow tremendously. The recurring pay option for clients is the best! Can’t beat the rates and the website is easy to use! We love LawPay—it has really enhanced our firm!

—Welts, White & Fontaine, P.C., Nashua, NH

LawPay is proud to be a Signature Annual Sponsor of The Commentator Magazine.

Special offer for bar members. Call for details

866-451-7773 or visit lawpay.com/floridabar
The importance of rowing in the same direction

As litigators, attorneys take sides and argue fervently for their client’s position. When someone gets into a dispute or disagreement with someone, human nature is to dig into our respective position and actively devalue or discount the other person’s position. However in reality, greatness is rarely created in a vacuum by one person. Having a team row a canoe gets you to a destination faster than rowing alone. Each rower may have a different skill set, but rowing in the same direction is what gets the canoe to the finish line. Healthy conflict and discord should not be avoided, nor dismissed when working with a group towards a common goal. Differing perspectives and talents are essential to making something great. The Publications Committee is fortunate to have attorneys with diverse backgrounds, practice areas, problem solving techniques and talents. Some of us are organizational geniuses, some of us are creative, some of us are great writers, and others are great editors—but it takes all of us to publish the Family Law Commentator. It is a job too big for one person—just like the canoe is too big to row alone. The Section has an audience too big to satisfy with one voice. The Commentator and the other publications of the Family Law Section reflect a lot of contemplation, time, effort, hard work and harmonization of differing ideas with the ultimate goal of providing you, our readers, with information that will enhance your practice serving Florida’s families. We hope you enjoy the Winter edition!

Visit FAMSEG and see what’s new!

The Family Law Section’s FAMSEG is a monthly e-newsletter that keeps section members apprised of section activity. It includes upcoming meetings, events and announcements, and occasionally features substantive topics of interest.

www.familylawfla.org
Message from the Editor of the Commentator

It gives me great pleasure to welcome you to this edition of the Commentator! It is a dynamic time for family law professionals following the holidays, Committee meetings, the family law seminar held in Orlando, and what is commonly reported as Divorce Month (January). We are thankful to our authors and editors who volunteered their time and expertise to bring this edition to our readers. Of particular note, thank you to our Guest Editor, Shazia Sparkman, and the Co-Chairs of the Publications Committee, Robin Scher and Sarah Sullivan. The Commentator provides family law professionals with a platform to share knowledge, concerns, ideas and tips to guide, educate and motivate. If a professional goal is to become engaged in a scholarly publication process, discuss family law-related concepts, connect with readers who share similar interests, and sharpen writing and research skills, the Commentator welcomes your article submissions. Submissions may be emailed directly to anya@anyacintronsn.legal.

It is with pride and enthusiasm to present this latest edition of the Commentator.

ANYA CINTRON STERN, ESQ.

SECTION CALENDAR

Look for information on the Family Law Section’s website:  www.familylawfla.org/event/

March 12
The Collaborative Process Rules, Ethics, Forms & Credentialing
12 PM - 1 PM

April 16
Cohabitation Agreements: Creating Contractual Relationships Outside of a Marriage
12 PM - 1 PM
I am excited to serve as a Guest Editor for this Winter 2020 edition of the Florida Bar’s, Family Commentator Magazine. I cannot speak enough about the benefits and importance of being active and involved in our Family Law Section of the Florida Bar. As a mom to three, active little ones and working full time, managing my law firm, I know how first-hand how we all tend to become busy and focused in our respective family law practices and with our own lives, as we seek to strike that balance, time always becomes a commodity; however, the building of professional relationships statewide, expanding our network, and learning from one another is an invaluable commodity as family law attorneys. I am honored to serve as the editor for this edition and thankful for the authors who have contributed to this edition. Two articles in this edition provide us a great resource on the issue of equitable distribution and division of benefits that certainly pops up in our divorce cases. The others provide some great insight on how Divorce Coaching can assist our clients maneuver through the emotionally taxing divorce process and wading through the myriad of emotions with purpose and mindfulness, with a focus on mental health well being. These are great topics that without a doubt will benefit our readership.

I once again thank everyone who has contributed and I encourage my colleagues to get involved in the Family Law Section of the Florida Bar. Lastly, a big thanks to the chairs and co-chairs who put in tireless energy to help in making the Family Commentator Magazine a fantastic resource.
Practicing complex civil appellate litigation throughout Florida.

Toll Free 1-866-FL APPEALS
(866.352.7732)

floridaappeals.com
DOUBLE your volunteer impact by taking a PRO BONO CASE and MENTORING a Florida law student.

- All 12 Florida law schools are competing to see which can take the most pro bono cases!
- In February, visit the site to pick a case and match with a student.

THE COMPETITION:
- Satisfies lawyers’ professional obligation for pro bono
- Boosts law school pride
- Introduces lawyers and students to local legal aid programs

FloridaLawSchoolChallenge.org

SCAN TO VIEW FAQs
DID YOU KNOW?
Non-Attorneys Can Become Affiliate Members of the Family Law Section of the Florida Bar!

Benefits of becoming a member:

• Attend and participate in live meetings concerning cutting edge Marital & Family Law issues.
• Network with Family Law attorneys, judiciary, and members from across the State of Florida at meetings and social events.
• Receive a discount for Family Law Section CLEs, including the Marital & Family Law Review Course.
• Receive the Family Law Section’s Commentator, a quarterly publication containing all of the latest news involving the Family Law Section and Florida family lawyers.
• Receive the Family Law Section’s e-Newsletter, FAMSEG.
• You can even publish articles concerning your field in the Commentator and FAMSEG.
• Receive recognition for your credibility and dedication to the area of Marital & Family Law.

Affiliate members consist of:

Mental Health Professionals  CPAs & Forensic Accountants  Business Evaluators
Vocational Experts  Collaborative Professionals  Paralegals
Parenting Coordinators  FL Law School Students & Professors  Expert Witnesses
Social Investigators  Guardians Ad Litems  Appraisers
Mediators  

Please visit the Family Law Section of the Florida Bar website to register as a member at familylawfla.org.

Membership is only $65.00.
Third Party Considerations in Contempt & Enforcement Proceedings

By Andrew D. Reder, Esq.

Certain contempt and enforcement proceedings require decisive action against third parties. Take Mary and Larry for example. Mary and Larry are engaged and in love. The lovebirds choose not to wed however, fearing Mary will become entangled in a post-judgment proceeding, exposing Larry’s scheme to limit his income and deceive the family law court.

During Larry’s divorce to his ex-wife Gabrielle, Larry burned the proverbial house down to avoid paying alimony. His profitable real estate business? Sold to Mary for $10. His renowned consulting business? Also sold to Mary for $10. His six-figure executive salary? Gone; Mary pays him minimum wage. The final judgment nonetheless ordered Larry to pay Gabrielle permanent periodic alimony and established a temporary alimony arrearage.

A decade after divorce, Larry boasts of immense success as a real estate titan. Cohabitating with his fiancée-boss Mary has perks. Larry drives a new Porsche, travels the world first class, and has season tickets to all the local teams. Even more fortunate, Larry has no ability to self-fund his nascent political campaign for City Council without the $100,000 election year "bonus" he received from Mary.

Gabrielle hires counsel to discover how Larry is self-funding a political campaign while his $75,000 temporary alimony arrearage remains unpaid and her monthly permanent alimony is less than her need. To succeed in this post-judgment proceeding, Gabrielle must follow the money—wherever and to whomever—it may lead.

This Article examines third-party financial considerations in contempt and enforcement proceedings, including: (I) Privacy Implications of Third Party Discovery; (II) Relevance of Third Party Financial Information; (III) Joinder of Third Parties; and (IV) Financial Assistance from Third Parties.

I. Privacy Implications of Third Party Discovery.

Mary received a subpoena for documents from Gabrielle’s attorney for her bank statements and tax returns. Privacy, security, and other concerns cause many third parties to resist disclosing sensitive financial information revealing income, assets, and spending habits. In this digital age, concerns are appropriately heightened given the readily accessible nature of court records under Florida’s broad public records laws and prevalence of identity theft.

Mary’s attorney advised her to file an objection and move for a protective order based on her rights under the Florida Constitution. Article I, section 23, of the Florida Constitution guarantees all persons “the right to be left alone and free from governmental intrusion into the person’s private life.” This constitutional safeguard prevents the forced disclosure of personal financial information from third parties “if there is no relevant or compelling reason to compel disclosure.” Florida law affords this protection because

[continued, next page]
personal finances are a private matter most people keep secret.

In ruling on Mary’s motion, the trial court must weigh her objections and constitutional right to privacy against Gabrielle’s right to conduct “broad discovery into a debtor’s finances... even if the other discovery concerns property jointly owned with others.” 2245 Venetian Court Bldg. 4, Inc. v. Harrison, 149 So. 3d 1176, 1179 (Fla. 2d DCA 2014). Although courts have articulated slightly different standards to balance Mary and Gabrielle’s competing interests, the dispositive issue is whether the requested information is relevant.

A relevance determination requires an evidentiary hearing, Rowe v. Rodriguez-Schmidt, 89 So. 3d 1101, 1103 (Fla. 2d DCA 2012), and ordering Mary to produce financial documents without a hearing is a departure from the essential requirements of law, entitling Mary to certiorari relief. In Rowe, the Second District Court of Appeal granted the petition for writ of certiorari and quashed a nonfinal order compelling a former spouse to produce an unredacted copy of a federal income tax return filed jointly with her new husband because the order was issued without an evidentiary hearing.

II. Relevance of Third Party Financial Information.

The critical issue in every discovery dispute is relevance. Generally, a third party’s personal financial information is discoverable when the information “is related to the pending issues in the case” or when it “may lead to the discovery of admissible evidence.” In the post-judgment context, discoverable evidence includes any information “that will enable the judgment creditor to collect a debt” or will lead to “the discovery of assets available for execution.” As the judgment creditor, Gabrielle bears the “burden of proving that the information sought is relevant or is reasonably calculated to lead to the discovery of admissible evidence.” A relevance determination must consider the relationship between the obligor and third party.

A. New Spouse.

Schneider v. Schneider, 348 So. 2d 612 (Fla. 4th DCA 1977), established the operative rule regarding discovery of personal financial information of a party’s new spouse. In Schneider, the Court held a new spouse’s present income is relevant if the obligor “terminated or reduced... employment in order to keep from paying alimony and... was relying upon his present wife for his living expenses in completion of the scheme.” The Schneider rule has been cited and approved by four of Florida’s five appellate courts.

In Pratt v. Pratt, 645 So. 2d 510 (Fla. 3d DCA 1994), former husband intentionally limited his income and established a business in his new wife’s name. The Third District Court of Appeal adopted the Schneider rule in finding the new wife’s finances were relevant because former husband deliberately limited his income and was living off the income of his new wife to avoid paying alimony. Accepting husband’s claim that his income was limited to pension income would unfairly disregard the fact husband benefited from his new wife’s business income which he also had the right to unilaterally withdraw.

If the evidence fails to establish a deliberate reduction in income, an alternative basis for discovery arises when the obligor transferred significant assets to a new spouse. In Hayden v. Hayden, 662 So. 2d 713, 716 (Fla. 4th DCA 1995), the Fourth District Court of Appeal reaffirmed Schneider and ruled a new spouse’s income is also discoverable upon proof of: 1) significant asset transfers between the obligor and their new spouse; and 2) the transfers have left the...
obligor with no assets of their own with which to satisfy support obligations.

**B. Unrelated Third Party.**

When the obligor and third party are unrelated, 1) cohabitation; and 2) financial transactions between the former spouse and cohabitating non-party establish “a basis for requiring disclosure of such financial records as may reasonably be expected to disclose transactions with or in any manner related to the husband and his property.” *Smith v. Bloom*, 506 So. 2d 1173, 1175 (Fla. 4th DCA 1987) (noting cohabitation alone, however, is insufficient). Mary and Larry’s cohabitation coupled with financial transactions opens the door to critical discovery of Mary’s finances.

**C. Business Entity.**

When the third party is a business entity, the Second District Court of Appeal authorizes discovery upon proving a: 1) “good reason”; and 2) “close link between the unrelated entity and the judgment debtor.” *GE Capital Corp. v. Nunziata*, 124 So. 3d 940, 942 (Fla. 2d DCA 2013) (denying the third party discovery request); *2245 Venetian Court*, 149 So. 3d at 1180 (authorizing the third party discovery request). An independent cause of action against the business is not required. The Fifth District Court of Appeal will deny the third party discovery request “unless some issue is raised as to alleged improper financial dealings between [the obligor] and his employer which are intended to or which results in secreting... income or assets.”

**III. Joinder of Third Parties.**

Contempt and enforcement proceedings may require the joinder of third parties. Fla. Fam. L. R. P. 12.210 provides in part: “All persons having an interest in any subject of the action may be joined. Any person may at any time be made a party if that person’s presence is necessary or proper for a complete determination of the cause.”

Joinder of a non-party is essential when the judgment creditor seeks to claw back or access assets owned by the third party because a trial court does not have the authority to adjudicate property rights of non-parties. Thus, while a court may determine third party financial information is relevant and discoverable, the judgment creditor is unable to utilize assets owned by the third party to satisfy the judgment in the absence of joinder.

**A. Joinder Based on Conduct.**

A third party’s conduct may provide grounds...
for joinder. The case of *Martinez v. Martinez*, 219 So. 3d 259, 262 (Fla. 5th DCA 2017) is instructive. In *Martinez*, the Fifth District Court of Appeal held “a trial court may determine whether a third person has acted with a spouse to deprive the other spouse of his or her share in the marital estate.” This determination requires joining the third party to the proceeding; however, like corporations, no independent cause of action against the third party is required. *Id.* at 263.

Although *Martinez* was an initial proceeding, it stands to reason that post-judgment joinder is permissible if a former spouse acted in concert with a third party to deprive the obligee of court ordered alimony or child support. For example, Larry claims little ability to pay alimony but divested himself of a profitable business to Mary for nominal value. Larry continues to manage and operate the business but earns negligible income. Mary is a no-show CEO but receives substantial income from the business Larry built. Gabrielle should argue the transaction and unreasonable reduction of Larry’s income is tantamount to fraud and effected with the specific purpose to deprive her of alimony. Under these circumstances, *Martinez* provides persuasive authority to join Mary to the post-judgment proceeding.

**B. Joinder Based on Interest.**

Third parties are properly joined in initial divorce proceedings when they own an interest in marital property. *Picchi v. Picchi*, 100 So. 2d 627, 629-630 (Fla. 1958) (noting “it is not inappropriate to bring the case any third party claimants to property in which the husband and wife claim a joint interest”); *Fields v. Fields*, 35 So. 2d 722 (Fla. 1948) (“It would not be difficult to generate two law suits from the situation but the divorce, the title to the home, the matter of alimony and the matter of restitution are all so involved that the same evidence may have to do with each of them so there is every reason why they should be adjudicated in one suit.”)

In *Goldberg v. Goldberg*, 309 So. 2d 599 (Fla. 3d DCA 1975), the Third District Court of Appeal ruled it was error for the trial court to deny wife’s motion to amend her petition to join husband’s parents in a divorce proceeding because husband’s parents claimed ownership of the parties’ marital home and wife sought equitable distribution of the home. The dissolution of marriage proceeding was the logical and proper cause to litigate the claims. Further, the wife may have been prejudice if the issues are not presented in the dissolution of marriage action.

The analysis in *Picchi, Fields*, and *Goldberg* logically applies in post-judgment proceedings where there are assets jointly owned by the judgment debtor and a third party that are available to satisfy a judgment. For example, if Mary claims an ownership interest in an asset Gabrielle seeks to levy to satisfy the alimony arrearage, such as the business, cars, or joint bank account, Mary must be joined to the proceeding.

**IV. Financial Assistance from Third Parties.**

A critical issue in contempt and enforcement proceedings involving financial matters is the obligor’s income and ability to pay. To sustain a contempt finding, Fla. Fam. L. R. P. 12.615(d) (1) requires proof the alleged contemnor has the present ability to pay but willfully failed to comply with the Court order. Otherwise, a finding of contempt is facially erroneous and reversible error. While the original order creates a rebuttal presumption of ability to pay, changed circumstances since entry of the order may negate the obligor’s *present* ability to pay, thereby defeating the presumption. Financial assistance from third parties may impact the analysis.
A. Assets Owned by Third Parties but Available to Obligor.

A determination of present ability requires an analysis of all assets available to the obligor. Bowen v. Bowen, 471 So. 2d 1274, 1279 (Fla. 1985). While the general rule examines only assets owned by the obligor, two cases after Bowen broaden the definition of available assets and provide a useful mechanism to rely on a third party’s assets to determine the obligor’s ability to pay.

For instance, in Sibley v. Sibley, 833 So. 2d 847 (Fla. 3d DCA 2002), former husband was held in contempt of court after accruing a substantial child support arrearage. The trial court established a purge of $100,000 and former husband appealed claiming the record did not support the finding of his ability to pay the purge. Former husband’s father provided him substantial financial assistance except to discharge the arrearage. The Third District Court of Appeal affirmed the purge provision noting former husband “may command, simply by asking, the payment of the purge amount through his very wealthy father -- who has in effect given many hundreds of thousands of dollars to [former husband] for any and every purpose except the discharge of this particular obligation.” Accordingly, the trial court properly considered funds available to former husband from his father when determining former husband’s ability to pay.

Similarly, in Mendana v. Mendana, 911 So. 2d 130 (Fla. 3d DCA 2005), the obligor was living with his fiancée in her condominium and making minimal contributions to shared monthly expenses. The fiancée loaned former husband $17,000 to pay his attorney’s fees, an amount far exceeding former husband’s delinquent support obligation. The order holding former husband in civil contempt was affirmed on appeal. Id. at 135.

Under Sibley and Mendana, when an obligor such as Larry receives significant financial assistance from family members or other third parties, arguably the assistance is implicitly under his control, and therefore available to satisfy court-ordered financial obligations.

Recognizing Sibley and Mendana are narrow exceptions to the general rule, the Third District Court of Appeal subsequently refused to consider the assets of an obligor’s sister when determining ability to pay. In Aburos v. Aburos, 34 So. 3d 131. 134 (Fla. 3d DCA 2010), the trial court established the purge amount based on former husband’s access to his sister’s business account, the assistance previously provided by his sisters, and his sisters’ ability to pay the purge amount. These findings were inadequate to include the value of the sister’s business account when determining former husband’s ability to pay. Unlike Sibley and Mendana, there was no evidence former husband was attempting to perpetrate a fraud on the court. Id. at 135.

B. Regular and Continuous Gifts May Increase Ability to Pay.

Generally, courts may not consider gifts from third parties when determining an obligor’s income and ability to pay. However, the definition of income in § 61.046(8), Fla. Stat., includes payments “made by any individual,” and § 61.30(2)(a)13, Fla. Stat., includes as income “in-kind payments to the extent that they reduce living expenses.” Accordingly, regular and continuous gifts are properly included as income when there is evidence that the gifts will continue in the future.

Conversely, past gifting creates no vested rights to future gifts. Therefore, it is error for the trial court to impute gift income without evidence that gifts will continue in the future. Shiveley v. Shiveley, 635 So. 2d 1021, 1022 (Fla. 1st DCA 1994) (‘Gifts which have not yet been received are purely speculative in nature, mere
Contempt & Enforcement Proceedings
CONTINUED, FROM PAGE 15

expectancies, and as such are not proper included in the calculation of income for purposes of determining the need for, or the ability to provide, support.)

Conclusion.
Following the money and aggressively pursuing third parties will position your client for success in certain contempt and enforcement proceedings. In our hypothetical, discovery of Mary’s finances is an essential component of Gabrielle’s litigation strategy. Gabrielle’s likelihood of recovery is grim if Mary’s finances remain shielded. Discovery will unlock a broad new realm of financial information; the precise financial information necessary to identify available assets to satisfy the judgment. Discovery is also likely to reveal Mary’s substantial financial assistance to Larry; assistance increasing Larry’s ability to pay support.

Endnotes
1 A fictitious couple. Names, occupations, events, etc. are products of the author’s imagination. Any resemblance to actual persons or events is coincidental.
2 See generally, Chapter 119, Florida Statutes.
3 Bureau of Justice Statistics, Victims of Identity Theft. 2016, https://www.bjs.gov/content/pub/pdf/vit16_sum.pdf (accessed October 10, 2019). “In 2016, 10% of persons age 16 or older reported that they had been victims of identity theft during the prior 12 months.”
4 Inglis v. Casselberry, 200 So. 3d 206 (Fla. 2d DCA 2016) (quoting Borch v. Borch, 906 So. 2d 1209, 1211 (Fla. 4th DCA 2005)); Mogul v. Mogul, 730 So. 2d 1287, 1290 (Fla. 5th DCA 1999) (asserting “[t]he financial information of private persons is entitled to protection by this state’s constitutional right to privacy.”).
5 Woodward v. Berkley, 714 So. 2d 1027, 1035 (Fla. 4th DCA 1998).
6 Bradstreet v. Taraschi, 529 So. 2d 809, 810 (Fla. 5th DCA 1988) (holding “it is improper to require a third party to disclose financial records which are not relevant to any economic issues in the action. Trial courts must perform a delicate balancing act; an inquiry which is too limited may prevent a spouse from obtaining evidence necessary to show the misconduct alleged, while an overbroad inquiry becomes an unfettered fishing expedition.”).
7 See Borch, 906 So. 2d at 1211; Vega v. Swait, 961 So. 2d 1102 (Fla. 4th DCA 2007). A three-pronged test must be satisfied to establish entitlement to certiorari relief: 1) a departure from the essential requirements of the law; 2) resulting in material injury for the remainder of the trial; and 3) that cannot be corrected on post-judgment appeal.”
8 Parkway Bank v. Fort Myers Armature Works, Inc., 658 So. 2d 646, 648 (Fla. 2d DCA 1995).
9 Rowe, 89 So. 3d at 1103-04.
10 Letchworth v. Pannone, 168 So. 3d 288, 290 (Fla. 5th DCA 2015).
11 Ingles, 200 So. 3d at 209; Regions Bank v. MDG Frank Helmerich, LLC, 118 So. 3d 968 (Fla. 2d DCA 2013) (holding “the creditor has the right to discover any assets the debtor might have that could be subject to levy or execution to satisfy the judgment, or assets that the debtor might have recently transferred.”).
12 Windeing Invs., LLC v. Furnell, 144 So. 3d 598, 602 (Fla. 2d DCA 2014).
13 See e.g., Montgomery v. Montgomery, 426 So. 2d 1255 (Fla. 1st DCA 1983); Hamor v. Harman, 523 So. 2d 187 (Fla. 2d DCA 1998); and, Pratt v. Pratt, 645 So. 2d 510 (Fla. 3d DCA 1994).
14 Pratt, 645 So. 2d at 510-512.
15 2245 Venetian Court, 149 So. 3d at 1180.
16 Bradstreet, 529 So. 2d at 810.
17 Minsky v. Minsky, 779 So. 2d 375, 377 (Fla. 2d DCA 2000); Noormohamed v. Noormohamed, 179 So. 3d 379, 380 (Fla. 5th DCA 2015); Buchanan v. Buchanian, 225 So. 3d 1002, 1004 (Fla. 1st DCA 2017); Sandstorm v. Sandstorm, 617 So. 3d 327 (Fla. 4th DCA 1993); Keller v. Keller, 521 So. 2d 273 (Fla. 5th DCA 1988); Good v. Good, 458 So. 2d 840 (Fla. 2d DCA 1984).
18 See § 61.14(5)(a), Fla. Stat.; See also Driggers v. Driggers, 127 So. 3d 762, 764 (Fla. 2d DCA 2013) (“Unquestionably, the final judgment of dissolution created a presumption that [former husband] has the ability to pay alimony. He bears the burden to show that he can no longer pay due to changed circumstances.”).
19 Rogers v. Rogers, 824 So. 2d 902, 903 (Fla. 3d DCA 2002); Bromante v. Bromante, 577 So. 2d 662, 663 (Fla. 1st DCA 1991).
20 See e.g., Ordini v. Ordini, 701 So. 2d 663 (Fla. 4th DCA 1997); Cooper v. Kahn, 696 So. 2d 1186 (Fla. 3d DCA 1997); Oluwek v. Oluwek, 2 So. 3d 1038 (Fla. 2d DCA 2009).

Andrew D. Reder is an attorney at Sessums Black Caballero & Ficarrotta, P.A., in Tampa, Florida. He devotes 100% of his practice exclusively to marital and family law. Andrew was recently elected by his peers to the Executive Council of the Marital and Family Law Section of the Hillsborough County Bar Association for the 2019-2022 term, and he is actively involved in numerous other legal and non-legal organizations. If you would like any additional information, you may email Andrew directly at andrew@sbcf-famlaw.com.
Adverse Childhood Experiences (ACEs) are traumatic events from one’s childhood that can have long-lasting, lifetime effects on a person’s life. They are common, and pervasive, with about 61% of surveyed adults in twenty-five states reporting that they have experienced at least one type of ACE in their childhood. Studies have shown that ACEs have a direct connection to a person’s increased likelihood of chronic health problems, mental illness or their own substance abuse issues in adulthood. ACEs were the subject of research conducted by Kaiser Permanente and the Centers for Disease Control, with researchers focusing on seven specific categories of ACEs, including the impact of divorce on a child’s life. Some common categories and examples of ACEs identified in these studies include a child witnessing domestic violence in the home, having a family member die by suicide, substance abuse issues in the home, or the child being a victim of violence or abuse.

One of the most significant ACEs that can impact a child’s life is divorce. The traumatic conflict and stress experienced by children whose parents are divorcing is intense and severe. For these children, they are often experiencing instability and uncertainty in their family and at home for the first time in their lives. Quite often the parents display extreme rage, and the economic stress of divorce takes its toll on the entire household. Children often find themselves being bounced back and forth between different houses, are often faced with moving out of the only home they have known, and are being separated from one or both parents during this chaotic time. While some children are resilient and may handle the divorce of their parents better than others (or at least appear to be handling the divorce better), we should not underestimate the long-lasting effect that divorce has on these children, and why divorce is one of the most significant ACEs in childhood. Family law practitioners may consider resiliency in children as their ability to “bounce back” from stress, adversity, and even trauma—but not every child “bounces back” in the same way as another child might. With 40-50% of marriages in the United States today ending in divorce, it is highly likely that many children will be directly impacted by this significant ACE.

ACEs are preventable with early intervention. Much of the intervention in combatting ACEs begins with the educating of parents, caregivers, and early childhood professionals. By raising awareness and providing education about ACEs, we can create a much more trauma-informed community. Also, by providing resources to these families and professionals that assist in creating safe and stable home environments for these children, we are assisting in combatting ACEs. Some of the cornerstones in conquering ACEs is to create home environments free of violence, substance abuse and mental illness, as well as focusing on the creation of safe places for these children to thrive in.

continued, next page
The majority of family law attorneys have had minimal training in mental health or mental illness. While the Florida Bar recently raised awareness regarding our own self-care and mental health as attorneys, there still needs to be an even greater push to educate family law attorneys on how to REALLY help our clients by recognizing the signs of mental illness or substance abuse in our clients, as an example. We, as family law attorneys, also need greater education on resources, agencies, programs, and treatment options in our communities to which we can properly refer and recommend to divorcing parents and their children. The disconnect between the practice of law and mental health services must be bridged for the sake of the families we impact through our representation. We should always remain cognizant of the effects our work has on our clients as well as their children. Being aware of the existence and impact of ACEs should be foundational to any family lawyer’s case plan.

Often in our work, we only “see” what presents in our office through the words and actions of our own clients. We need to dig deeper and ask tough questions. We need to really get our hands dirty and delve into the lives (and home lives) of our clients, their children, and the home environment. We need to focus on making recommendations (and referrals) to our clients regarding their own self-care, mental health treatment, substance abuse assistance, or violence prevention education. We frequently find ourselves placing far too much emphasis on what “effect” something will have on our “case” that we neglect to acknowledge that our clients, and their children, need REAL help. If our client really needs assistance with parenting skills, we need to reduce the stigma on encouraging our clients to seek that help. And if our client is repeatedly mentioning how “depressed” he/she is feeling, we need to reduce the stigma on ensuring that our clients are getting the proper mental health treatment they need and deserve. While most divorce proceedings are short-lived in a child’s life, the lasting impact of ACEs will permeate a child’s development and impact his/her ability to function as an adult, thus having major impact on the physical and emotional health of that person. By focusing on ensuring that our clients are getting that REAL help, we are taking steps to help combat many of those ACEs that our client’s children are exposed to at home. A happier, healthier, stable, substance-abuse-free parent makes for a much safer, stable, and nurturing home environment in which their child(ren) will grow and thrive.

So, MAKE those recommendations. HAVE those discussions with your clients. CALL OUT your client on those negative remarks he/she is making to the other parent in front of the children. Really LISTEN to what your client is telling you—and even what your client may not be telling you. RECOGNIZE those changes—even the smallest ones—in your client which may be signs that something far worse is happening below the surface, or at home. And for those of you who feel as though you do not know enough about HOW to help—take the initiative yourself: seek out training, CLEs, and presentations on these topics. For clients sitting in our office, going through a divorce may very well be the most traumatic event in their entire life. BE AWARE of that. Most importantly, think about how each of these symptoms, addictions, illnesses and actions of our clients impact even the youngest child living in their home. We are attorneys and counselors at law—so take those dual-roles seriously. It’s not a coincidence that those words are often used interchangeably to describe our profession across the globe.

In both my prior practice as a mental health counselor and guidance counselor, and my current practice as a family law attorney, I
concentrate my help with clients on solution-focused assistance, rather than dwell on the past and those things we cannot change. My “mantra” is to always leave a client in a better place than where I found them. This methodology is good to consider for each and every one of us practicing in this field when we work with clients. While we cannot control every aspect of our clients’ lives, we can certainly work on minimizing the stigmas associated with needing help, and we can guide and connect our clients to appropriate resources to ease the emotional, physical, and financial toll divorce can take on a parent and their children. In doing so, we take an active role in this global effort to combat ACEs.

Endnotes
2  Id.

Caryn A. Stevens is a Partner at the law firm of Ward Damon in West Palm Beach, where she focuses her practice exclusively in the areas of marital and family law. Prior to practicing law, Caryn spent over 12 years working in the mental health and counseling fields, as a mental health counselor in private practice, as a counselor for the Department of Children & Families, and later as an Elementary School Guidance Counselor. Caryn is a graduate of Florida State University, where she earned her Bachelors degree in Psychology, and her Masters and Specialist Degrees in Counseling & Human Services. Caryn received her Juris Doctorate from Nova Southeastern University, and received pro bono honors for her volunteer legal work. In her prior work as a mental health counselor, Caryn has had the unique opportunity to assist thousands of children, families and couples through difficult life circumstances, which allow her to bring a unique and compassionate perspective to the clients she represents currently. Caryn is a current member of the Florida Bar Family Law Section, where she serves on the Children’s Issues Committee and the Domestic Violence Committee. Caryn also serves as the Treasurer of the Susan Greenberg Family Law Inn of Court of the Palm Beaches, and is a graduate of the Leadership Palm Beach County Class of 2019. Caryn is a native South Floridian, and currently lives in Palm Beach County with her Husband, and their adorable Mini Aussie.
FRUSTRATED WITH BILLING?

FABAbill CAN HELP

A Billing Program designed for Solo Practitioners and Small Firms

- UNPRECEDENTED EASE OF USE
- NO BILLING CODES TO MEMORIZE
- NO MORE FORGOTTEN HOURS MEANS MORE MONEY FOR YOU
- SPEND MUCH LESS TIME BILLING
- INVOICES ARE EASY FOR CLIENTS TO UNDERSTAND
- TRANSITION IS PAINLESS
- EASILY CREATES ATTORNEY FEE AFFIDAVITS

Recommended by attorneys and paralegals based on ease of use & uncomplicated capabilities

www.fababill.com

FABAbill is the only billing program specifically designed for solo & small law firms, and it's ideally suited for small Family Law firms. In fact, FABAbill was originally designed by a Family Law attorney.

FABAbill provides a fast, easy, and convenient way to track your billable time and invoice clients, without the learning curve or complexity that is usually required. If you're worried that learning a new billing program will be a time-consuming and frustrating experience, you'll be pleasantly surprised by FABAbill. You won't need a consultant or specialist to set things up or teach you how to use it; FABAbill is extremely simple and intuitive. The single biggest compliment we receive from our customers is just how easy it is to use.

Special Offer for Florida Bar Family Law Section Members

Section members who begin a free trial in 2019 will automatically receive a 3 month free trial period (instead of the normal 30 days).

You can learn more about FABAbill, watch a brief video demonstration, or request a free trial by visiting the FABAbill website (www.fababill.com).
Why Hire a Divorce Coach?
By Jennifer Medwin

Getting divorced is an emotionally charged process that can be time consuming and challenging. Many people overlook the impact feelings have on the divorce process and the importance of having the necessary professional support. Emotional overwhelm is felt by several individuals contemplating the dissolution of marriage. During this time, people find themselves plagued by intense feelings that are difficult to manage and can have a profound effect on their ability to think and act rationally. The powerful sense of overwhelm leads to costly emotional and financial mistakes in divorce, which have long-term consequences for all parties involved. This is one of the many reasons that in 2013, the American Bar Association added Divorce Coaching to its list of alternative dispute resolution methods. Together, divorce coaches work alongside the other members of a client’s professional team to provide the best possible outcomes regarding the dissolution of marriage.

As defined by the American Bar Association, “Divorce coaching is a flexible, goal-oriented process designed to support, motivate, and guide people going through divorce to help them make the best possible decision for their future based on their particular interests, needs, and concerns.” Family Law attorneys who partner with divorce coaches say that they are able to use their time more efficiently because the divorce coaches offer non-legal services like walking clients through the practicalities of divorce and providing emotional support to the client, which allow the attorneys to focus on their area of expertise, the law. Accountants similarly agree that divorce coaches assist clients in gathering and organizing financial information, which saves them a lot of time and creates more informed clients thus allowing them to focus more diligently on the financial aspect of divorce.

There are several benefits for individuals getting divorced to work with a divorce coach:

A Divorce Coach creates a nonjudgmental partnership.
- Clients work with an unbiased advocate and experienced coach who is the client’s voice of reason and who fosters resiliency in the clients through self-discovery
- Clients acquire a professional to assist them in managing the divorce process and supporting them through the challenging events
- Clients gain a sounding board and thinking partner
- Clients do not feel alone and have someone on their side that they can brainstorm ideas with
- The coach is there to celebrate the client’s successes and capabilities for future growth.
- The coach assists in managing clients’ expectations and educating them about the process of divorce such as clarifying the different options to dissolve a marriage and discussing the most efficient ways of obtaining and completing needed documents; and

continued, page 24
2019 Fall Meetings
September 20-21, 2019 – Walt Disney World Dolphin Hotel – Lake Buena Vista, FL
Out of State Retreat
December 4–7, 2019  –  Restoration Hotel  –  Charleston, SC
Why Hire A Divorce Coach?
CONTINUED, FROM PAGE 21

-The coach assists the client in creating a strong team of professionals.

**A Divorce Coach enhances the client's organizational skills.**

- Coaches tailor a forward-looking, goal-oriented, step-by-step process for clients which is based on bridging the gap between where they are and where they want to be.
- Coaches guide individuals as they sort through and organize their thoughts and documents needed by attorneys and accountants.
- Coaches help clients clarify what is important in divorce and assist them in understanding and avoiding the common pitfalls such as short sightedness, letting emotions take control, seeing only one piece, lacking compromise, desire for revenge, overusing a divorce lawyer, allowing family and friends to have too much control, and forgetting about the children’s best interest.
- Coaches encourage clients to define and redefine their personal goals to devise a strategy to empower them and fulfill their desires post-divorce; and
- Coaches often attend professional meetings with their clients to assist in moving things along in a productive and healthy manner.

**A Divorce Coach provides emotional support.**

- Coaches prepare clients mentally for the waves of emotion that might be experienced.
- Coaches assist in building up their client’s resiliency to dealing with unexpected issues.

- Coaches help clients develop a sense of control during a challenging time when many feel their lives are coming apart at the seams.
- Coaches create a safe, calm, and grounding place for clients during a difficult time.
- Coaches help to build and strengthen their client’s skills to cope with their emotions and minimize conflict.
- Coaches encourage clients to break free from their feelings of victimhood and to show up as their best selves.
- Coaches help to structure self-care plans for their clients so they are energized to move forward and take action; and
- Coaches assist clients in developing a plan on how to tell the children about the upcoming family changes.

**A Divorce Coach improves communication skills:**

- Clients learn to make and express more informed and less emotional decisions.
- Coaches help to create credible and efficient clients who are more effective communicators so they can be heard and be a full participant in their divorce process.
- Coaches help clients negotiate for their future by implementing conscious thought and intentional decision-making; and
- Coaches assist in lowering the cost of attorney fees because the client has moved beyond the story and is prepared for the business of divorce.

Divorce coaches prepare clients, one step at a time, to turn the emotional side of divorce into the business of divorce. It is a time when many clients experience a gap between where they are and where they want to be. With the guidance of a divorce coach, clients work...
through the fears and obstacles keeping them stuck, develop a strategic roadmap for their divorce, have help organizing for the process, and learn skills necessary to negotiate and effectively communicate their needs, wants, and desires without being hijacked by their emotions. The goal is to help the clients show up as their best self, navigate efficiently through the divorce process, gain insight, and create a life vision for themselves based on specific intentions.

*https://www.americanbar.org/groups/dispute_resolution/resources/DisputeResolutionProcesses/divorce_coaching/ (September 10, 2019)*

Jennifer Warren Medwin is the founder of Seeking Empowerment: Clarity through Partnership, LLC in Pinecrest, Miami. She is a CDC Certified Divorce Coach. Jennifer specializes in working alongside individuals contemplating divorce, those already engaged in the divorce process, and those involved in the post-divorce process who are fearful of high conflict. She partners with clients to develop the clarity, confidence, courage, and communication skills needed to navigate the dissolution of their marriage. Jennifer is also a Supreme Court of Florida Family Mediator. She uses her life experience and her formal training in mediation and coaching to help her clients emotionally prepare for divorce in the most organized, time efficient, and productive manner. Additionally, Jennifer is a member of the National Association of Divorce Professionals (NADP). Her approach to divorce coaching is one that provides clients with guidance and compassion through a challenging time in their lives.

---

![Soberlink](https://www.soberlink.com)

**PROOF. PROTECTION. PEACE OF MIND.**

Soberlink supports accountability for sobriety and child safety through a cloud-based, alcohol monitoring system.

“The immediate notifications that Soberlink provides gives me reassurance that my daughter is safe. It’s the perfect tool for parents struggling with custody.”  
– SOBERLINK CONCERNED PARTY

Learn why Soberlink is the #1 remote alcohol monitoring solution for Family Law.  
714.975.7200 | soberlink.com
LAWYERS DON’T NEED TO TRACK EVERY MINUTE OF EVERY DAY, THANKS TO ME.

Watch all of the videos at www.smokeball.com/Florida
In those sometimes exaggerated moments between mediation caucuses or intense meetings scrutinizing the other parties’ financial disclosure, I am struck by the similarities between the shock and loss of divorce and the shock and loss from other maladies. My intent in writing this article is to share the messages of encouragement passed on by those who have, at times, felt like they would not again see the light. It is my hope that the common theme arising from each story offers encouragement to move forward and positively assert Emotional IQ.

Sally

Sally arrived at my office, her facial expression and body language exhibiting shock, weariness, and defeat. "My Gosh," I said, "what the heck happened to you?" Composing herself as best she could, Sally confessed that she had succumbed to the amber of self-pity during the midst of her divorce proceedings and that as a result, her life felt unmanageable. The unmanageability, she thought, came more from self-pity than from the devastating conflicts with David, her soon-to-be ex. Sally and David shared a history of physical wellbeing and healthy lifestyle choices, yet their opinions differed strikingly and fatally when it came to financial and parenting issues. So now, the gloves were off, and both became self-reliant warriors battling as never before.

Seizing this moment to encourage her to decide to open up to me, I shared, "I know what this feels like", indicating there was a story to tell if she was inclined to listen. Her eyes opened as if to encourage me to share my story so over the next few minutes I told her about the Circuit Court Judge who included in his final order a firestorm attack on my professional character- back in 2016. I mentioned to Sally that the Judge’s career-staining words spoke more of his well-known, cranky demeanor than my character; but his words caused me to consider whether self-pity might serve me well for a moment. Sally opined brightly, “Why in the world did you make him mad like that?” To which I frowned and said, “That was certainly not my intention, Sally! As it is with most people we encounter briefly, we truly do not know what they may be suffering with inside."

“Whatever Tom, just tell me how you managed to overcome the self-pity,” she said. I responded, “A wise divorce client once told me that no matter how much she did not deserve what befell her, she needed to forgive God and to forgive her spouse (eventually) not because either deserved her forgiveness but because she deserved to be free of the negativity in her body, mind, and soul.” She said that she felt as though her entire circulatory system was constricted in a way that made her feel stressed, uncomfortable, unproductive, and weak.

I told Sally, "I have kept that client’s message close to my heart.” Then I encouraged Sally, “Please talk to your closest friend and share with her or with him the deepest fears that you have experienced as it relates to your divorce.” Look deeply into those fears to see if perhaps you are afraid of losing your social status, or afraid of losing access to your beloved family.

continued, next page
members, or fearful of your ability to earn a good living, or afraid of dying alone. Any or all of these things can drive you to self-pity, and I can see that you truly do not want to go there." "Are you willing to give it a try?"

Cheered-up by our conversation, Sally decided to research the issue of fear-driven self-pity and that she would "get back to me when she found something."

Sue Klebold

After a few weeks had passed, Sally returned to my office with two books that she found on overcoming self-pity. Sally plops the first book onto my desk and proudly, states, "See, this woman overcame self-pity." "I am going to do what she did." "I hope you find some encouragement in there too, Tom." Feeling agreeable and interested, I read on:

In her book "A Mother’s Reckoning" Sue Klebold spends most of the two-hundred-eighty pages describing her continued love for her son and how she was and remained completely dumbfounded by his horrific act of murder and suicide as one of two shooters at Columbine High School on April 20, 1999. On page 31, she ends the chapter saying "to her son and then to God," "How could you? How could you do this?" In other words, fear with its seemingly endless, myriad forms had settled in solidly within her body, her mind, her soul. Sue’s reputation, once beholden, now was nothing more than that of a pariah. Threats of physical violence dogged her every move as she struggled to physically navigate the small Colorado town, looking for shelter and safety with her loving husband and one remaining son while sought-after by a blood-thirsty media and a vengeful public.

Throughout the book, Sue mentions that it was her unending feelings of anger, feelings of grief, and overwhelming feelings of self-pity (not the horrendous events that befell her) that became the harbingers of her downfall just as sure as a gunshot. The narrator states: "For the last sixteen years, Sue Klebold, Dylan’s mother, has lived with the indescribable grief and shame of that day." She came to realize over the following days, weeks, and months that no matter how much she did not deserve what befell her, she needed to forgive God and to forgive her son not because either deserved it but rather because she deserved to be free of the negativity in her body, mind, and soul.

Ms. Klebold chose to embrace her purpose in life, which had been and will again be to share her compassion, understanding, patience, and humility with others.

In her grief and shame, Ms. Klebold may have felt thus:

“No one ever told me that grief felt so like fear. I am not afraid, but the sensation is like being afraid. The same fluttering in the stomach, the same restlessness, the yawning. I keep on swallowing. At other times it feels like being mildly drunk or concussed. There is a sort of invisible blanket between the world and me. I find it hard to take in what anyone says. Or perhaps, hard to want to take it in. It is so uninteresting. Yet I want the others to be about me. I dread the moments when the house is empty. If only they would talk to one another and not to me.” A Grief Observed; C. S. Lewis; 1961

Notably, Ms. Klebold received over 3,600 letters in support from around the nation as she struggled mightily to survive in the aftermath of the horror brought about by her son. She responded as best she could to a few letters whose authors suffered from thoughts of suicide and murder. She has “become a passionate and effective agent working tirelessly to advance mental health awareness and intervention.” All author profits from the book are donated to research and charitable organizations focusing on mental health issues.”
Thordis Elva

The second book left on my desk by Sally was truly humbling when I compared my small personal life-grievances to the rape of Thordis Elva, a sixteen-year-old girl and the unlikely events that would unfold between her and her rapist over the ensuing years.

Now, at the age of twenty-four, Ms. Elva boarded her plane in Reykjavik, Iceland to fly to Cape Town South Africa to meet with the man who had raped her the day after she had willingly and lovingly given him her virginity as a sixteen-year-old girl. Initially and over the years that followed, the man, Tom Stranger, had vehemently denied to himself and others that a rape had taken place, but slowly and with the encouragement of Thordis over the course of the previous eight years, he finally admitted what he had done.

Tom’s admittance came when Thordis finally had enough of her own bitterness, remorse, anger, and self-pity. She wanted to forgive Tom, not because he deserved it, but rather because she deserved to be free of the negativity in her body, mind, and soul. The story unfolds when Thordis and Tom agree to meet so that her forgiveness and his confession of the truth would replace what was once bitterness and hatred between them.

As if this story were not strange enough (and encouraging) on its face, Thordis and Tom experienced super-natural encouragement on at least two occasions during their week-long meeting. On day four of their stay in Cape Town, Thordis is ready to begin the difficult conversation with Tom about their life stories but cannot “find a way back…to the important yet difficult topic.” As she and Tom stroll along a city street with their to-go cups of coffee, they both, at the same time, notice on the church in front of them a two-meter-long bright-yellow banner which said: Women & men are equal in God’s eyes. So… in who’s name do men rape? The banner recently placed in honor of Anene Booysen, a girl who had become a poster-child for the horrendous violence that some women and children in South Africa are subjected to. However, of course, this church and this banner beckoned Thordis and Tom at precisely the right moment in each of their lives. The deafening and uncomfortable silence between them had broken.

As the two cautiously entered the church, a sense of higher-purpose came over them as if their burdens would soon be lifted. Thordis would no longer suffer the indignity of her victim role steeped in self-pity, anger, and revenge; Tom would no longer suffer the indignity of self-pity and shame for what he had done.

Uplifted by the presence of this power greater than herself, Thordis became further buoyed and reassured “as ‘Flower Duet’ from Lakme’ starts to play over the church’s sound system in all its delicate glory. The exquisite sopranos intertwined, braiding me a chaplet. Smiling, I look up to the sky and add...and thanks for the song request too.” Thordis reminisced about a time years-ago when her father relayed that same calming and reassuring song to her over a long-distance phone call from Reykjavik to the U.S. when she was diagnosed with abnormal cells that “seemed to be rapidly developing into cancer.”

Ms. Elva chose to re-embrace her forgotten purpose in life, which had been and will again be, to share her compassion, understanding, patience, and humility with others so that she may live in peace.

Forgiveness

“Thordis Elva a rape victim, and Sue Klebold the reputation-stained mother of a mass-murderer overcame their grief, their self-pity, their anguish, and anger but how am I ever going to overcome my self-pity during this awful divorce? This divorce is really bad for me, don’t you see?” said Sally.

continued, next page
Sally weighed the risk of letting go of that inevitable, low-power, double bind that comes with holding on to bitterness, remorse, shame, and the amber of self-pity. Anger seemed like the correct response to this messy divorce, but the anger itself had become overwhelming to her and was holding her back from her joy.

To my relief, Sally concluded for herself that forgiveness, in her words “is a way to let go of our need or desire to collect on a debt owed to us.” On her most recent visit to my office, Sally also pointed out that, “As in grief there is no comfort in comparing my suffering to yours as if either would diminish even slightly because of it.” “Nope,” she said, “I have found something else that encourages grief and self-pity to leave my soul and to become a mere wisp of memory.”

Sally followed the example of Thordis and Sue choosing to embrace her heartfelt purpose in life which had been and will once again be to share her compassion, understanding, patience, and humility with others. In doing so, Sally, and the others may have avoided the inevitable physical tie-in to mental wellness, as discussed in Alhadi v. Commissioner, T.C. Memo. 2016-74, “Where the Code itself assumes a dualist view of the mind and body” – not to mention other more esteemed writings on mind-body connection regarding physical wellness.

The Math Behind it All

Our self-esteem and reputation (numerators of joy) can only lessen by our self-pity, and self-doubt (denominators of despair).

Exhibits on the continuum of mental health from a forensic accountant’s viewpoint:

Final Thoughts

In the author’s experience encouraging clients to visit a trusted friend and to share truthfully with them in the comfort of a Sangha, Mosque, Church, or Synagogue can hardly be a mistake. They may not follow your guidance, but a power seemingly greater than their own may eventually lead the way to mental health and well-being. If there is one common thread in each of the stories, it is one of forgiveness—not because a person is deserving of forgiveness, but because each of the protagonist deserved to be free of negativity in their body, mind and soul. Perhaps that forgiveness leads to a higher Emotional IQ.

References

Application of Fl. Stat. 61.076—(or lack of)

By Timothy C. Voit

Most family law attorneys are familiar with Fl. Stat. 61.075 “Equitable Distribution of Marital Assets”, but very little attention is paid to Fl. Stat. 61.076 “Distribution of retirement plans upon dissolution of marriage”. What is the reason for this lack of attention? It simply does not apply to most divorces in Florida, nor most retirement plan distributions pursuant to a divorce. It is an ineffective statute that either requires legislators to revise Fl. Stat. 61.076 or do away with it altogether.

Fl. Stat. 61.076 is rooted in the Diffenderfer case¹ in which the court addressed the issue of treating a pension as a marital asset and/or as a form of support. This case not only went up on appeal but went to the Florida Supreme Court and was subsequently codified in Fl. Stat. 61.076 in 1988. As will be discussed, the legislators also, and erroneously, applied military concepts utilized for dividing military retired pay into Fl. Stat. Fl. Stat. 61.076, with the gist of Fl. Stat. 61.076 not having much to do with “retirement plan” distributions at all. Therefore, the origins of the military reference in a domestic relations statue (Fl. Stat. 61.076) negates 95% of its application to divorce cases occurring here in Florida involving retirement plans.

It is important to point out from the onset that even though the domestic relations laws of our State, namely Fl. Stat. 61.075, determine what a spouse may be entitled to receive in a divorce, a distribution from a retirement plan is solely up to the distribution policy of the plan or specifically, a plan administrator pursuant to the qualification of a domestic relations order² (QDRO), or court order approved by the plan. Concerning distributions, the terms and conditions of a plan will prevail over a state’s domestic relations law. That is, if a court’s decision is inconsistent with the plan’s policy, the court cannot order a plan how to make a distribution or when to make a distribution. Private sector retirement plans are governed by federal law, i.e., Employee Retirement Income Security Act (ERISA)³ and therefore a state court pursuant to a QDRO or otherwise, cannot dictate to a retirement plan when to make a distribution. The same is true with federal employee plans and the military. So then, what is the purpose of Fl. Stat. 61.076?

On the surface, the sole purpose of Fl. Stat. 61.076 appears to be the sole distribution of retirement plan assets pursuant to a divorce; as implied by its title, “Distribution of retirement plans upon dissolution of marriage.” Comprised of three (3) sections, Fl. Stat. 61.076 outlines a method of apportioning “something”. Unfortunately, that “something” is unrelated to most retirement benefits encountered in divorce. Again, Fl. Stat. 61.076 simply does not apply to 95% of the retirement plans encountered in divorce and instead has more to do with military retirement plans, or military retired pay. It is here where we find the underlying problem, the language was taken directly from the Uniform Services Former Spouse’s Protection Act (USFSPA). The legislators who drafted

continued, next page
Fl. Stat. 61.076 clearly had the military in mind, which is not representative of the vast majority of retirement plans encountered in divorce. The following is Fl. Stat. 61.076 in its entirety:

Fl. Stat. 61.076 Distribution of retirement plans upon dissolution of marriage. -

(1) All vested and nonvested benefits, rights, and funds accrued during the marriage in retirement, pension, profit-sharing, annuity, deferred compensation, and insurance plans and programs are marital assets subject to equitable distribution.

(2) If the parties were married for at least 10 years, during which at least one of the parties who was a member of the federal uniformed services performed at least 10 years of creditable service, and if the division of marital property includes a division of uniformed services retired or retainer pay, the final judgment shall include the following:

(a) Sufficient information to identify the member of the uniformed services;

(b) Certification that the Servicemembers Civil Relief Act was observed if the decree was issued while the member was on active duty and was not represented in court;

(c) A specification of the amount of retired or retainer to be distributed pursuant to the order, expressed in dollars or as a percentage of the disposable retired or retainer pay.

(3) An order which provides for distribution of retired or retainer pay from the federal uniformed services shall not provide for payment from this source more frequently than monthly and shall not require the payor to vary normal pay and disbursement cycles for retired or retainer pay in order to comply with the order.

The USFSPA was enacted for the purpose of protecting military spouses in divorce, which begs the question: Why would the Florida statute reiterate what is already addressed in a federal statute?

In Fl. Stat. 61.076(2), the reference to 10 years of marriage overlapping with 10 years of service clearly relates to the military, which is supported if you continue to read further into Fl. Stat. 61.076(2)(a) where it states, “Sufficient information to identify the member of the uniformed services.” What about nonuniform service members receiving a distribution from a retirement plan in a divorce? Again the beginning of Fl. Stat. 61.076(2)(b) states, “certification that the Servicemembers Civil Relief Act was observed,” this language is also in the USFSPA and does not apply to the majority of Florida divorces. Military terms like "retired or retainer pay" and “disposable retired pay” can be found throughout Fl. Stat. 61.076; and, that language can primarily be found in Orders Dividing Military Retired Pay.

In fact, all of the sections of Fl. Stat. 61.076 are inapplicable as they either are addressed in the USFSPA or in Fl. Stat. 61.075, as in the case of Fl. Stat. 61.076(1).

As Fl. Stat. 61.076 currently stands, a cunning attorney could rely on this statute and argue that if the parties were not married more than 10 years then a spouse/former spouse is not entitled to the other spouse's retirement benefits. After all, what is referred to as the “10/10 rule” in military divorces for direct payments to a former spouse, currently exists in Florida’s domestic relations laws.

The military applies the 10/10 rule (at least ten years of marriage that overlap with ten years of service) in cases where a spouse’s military retired pay is being divided as marital property for the purpose of making direct payments to a former spouse. Conversely, when less than ten years of marriage exist, the military will not make direct payments to a spouse or former spouse. The military spouse/former spouse may very well be entitled to their share, but again, if they do not have ten years of marriage overlapping with service, the military will not make direct payments. This is a cause for
concern because we have the 10/10 rule exists in Fl. Stat. 61.076 and may be construed as an issue of nonentitlement for a spouse/former spouse.

**Suggested Changes and/or Amendments**

There are thousands of plans each having their own plan administrators that have their own preference as to what they want to see in QDROs, or like orders. Absent the removal of Fl. Stat. 61.076 in its entirety, given it has little to do with the distribution of retirement assets in a divorce, Fl. Stat. 61.076 can be amended to be consistent with the common aspects of retirement plans found in the majority of divorces. Making suggested changes or amendments to Fl. Stat. 61.076 may take some time, however, if the intent is to retain Fl. Stat. 61.076 as a reference to distributing retirement benefits, some notable inclusions can be made to the statute.

In a divorce, the distribution of a retirement assets will likely require the preparation of a QDRO or similar order. It seems only fitting to then include language in Fl. Stat. 61.076 concerning what a spouse can receive pursuant to a QDRO, or like order. What about benefits not addressed in the marital settlement agreement ("MSA") or Final Judgment (Blaine v. Blaine), or payment of a pension benefit not contemplated in an MSA or Final Judgment such as DROP or cost-of-living-adjustments?

The inclusion of DROP can become a problem when the MSA or Final judgment remain silent on the issue. Though, even under the Florida Retirement System (FRS), a former spouse receives DROP unless the MSA or Final Judgment specifically sets out that they are NOT to receive a share of the DROP account. There are several cases that have gone up on appeal on this issue (Russell v Russell, Pullo v. Pullo, Arnold v. Arnold, Swanson v. Swanson, Ganzel v. Ganzel), all of which have consistent results.

In keeping with the distribution of a retirement plan in a divorce, the issue of gains and/or losses and whether they apply to a former spouse’s share can be addressed. We often encounter this issue and are called to testify on whether gains and/or losses apply to a former spouse’s share in extreme downturns or upswings in the market. The court in Hoffman v. Hoffman addressed this issue as well. Generally, when a percentage of a retirement account is awarded as a marital asset, and not to mention as of a specific date (e.g. date of filing), gains and/or losses apply to a former spouse’s share to the date of distribution.

If amended, cost-of-living-adjustments on a monthly pension benefit is another example of an issue that should be addressed in Fl. Stat. 61.076. Even though case law exists recognizing a former spouse’s rights to the same COLAs a spouse receives on their pension, it is still an issue of contention in divorces involving pension plans.

Benefits attributed to years of marriage, such as subsidized benefits, or based on years of service (including years of marriage), could be addressed versus those still accruing or granted post-dissolution. Then again, defining what a spouse is entitled to receive would be contained in Fl. Stat. 61.075, and not Fl. Stat. 61.076.

If Fl. Stat. 61.076 is to remain in place, and truly from a benefits perspective, legislators should perhaps consider replacing sections 2, 3, and 4 with:

1. all orders shall include all items necessary under the terms of and conditions of the plan.
2. If a plan provides for ancillary benefits such as survivor benefits, death benefits, and cost of living adjustments, then the Court shall have the ability to apportion these benefits and cost related thereto.

An order such as a Qualified Domestic Relations Order, or Order having the same
effect as a Qualified Domestic Relations Order, shall be entered by the Court to provide for distribution of retirement, pension, profit sharing, annuity, deferred compensation and insurance plans of employees of state agencies, municipalities, governmental entities and other non-Employee Retirement Income Security Act (ERISA) employee benefit plans (“governmental plans”).

Lastly, how pension benefits are to be distributed when a pension plan administrator does not recognize QDROs should perhaps be addressed, since most municipal pension plans do not accept QDROs or make direct payments to a former spouse. As we have debated the issue of amending certain sections of the Florida Statutes for many years in the Family Law Section Equitable Distribution committee meetings, where municipal pension plans are exempt from QDROs, fixing Fl. Stat. 61.076 to make it more applicable is a start.

Having a statute that attempts to address retirement plan distribution issues when such issues are clearly in the hands of the plan administrators, renders FL Stat. 61.076 ineffective. Either FL Stat. 61.076 should be amended to address actual retirement plan distribution issues in divorce OR the statute should be removed altogether.

Tim Voit is the author of Retirement Plan Benefits & QDROs in Divorce whose firm, Voit Econometrics Group, Inc., (www.vecon.com) specializes in the preparation of QDROs and valuation issues involving pensions. Mr. Voit is retained to consult on appellate briefs involving retirement plans in divorces and testifies to the applicability of appellate decisions to certain retirement plans. Tim Voit is a regular speaker for CLE credits related to QDROs and has testified as an expert in state and federal courts.

Endnotes
1 Diffenderfer v. Diffenderfer, 491 So.2d 265 (Fla.1986)
2 IR. C 414(p)
3 Employee Retirement Income Security Act of 1974, as amended under the Retirement Equity Act of 1984 (REA) under 29 USC 1003(b)(l) and 29 USC 1051
4 Blaine v. Blaine, 872 So.2d 383, 384 (Fla. 4th DCA 2004)
5 Arnold v. Arnold, 967 So.2d 392 (Fla. 1st DCA 2007)
6 Swanson v. Swanson, 869 So.2d 735 (Fla. 4th DCA 2004)
7 Pullo v. Pullo, 926 So.2d 448 (Fla. 1st DCA 2006)
8 Russell v. Russell, 922 So.2d 1097 (Fla. 4th DCA 2006)
9 Ganzel v. Ganzel, 770 So.2d 304 (Fla. 4th DCA 2000)
10 Hoffman v. Hoffman, 841 So.2d 695, 696 (Fla. 4th DCA 2003).
The Florida Bar Family Law Section

In State Retreat
May 14–17, 2020
Longboat Key Club
Sarasota, FL
### Agenda

**Thursday, May 14, 2020**
- 4:00 p.m. Check In To Hotel
- 6:00 p.m. – 8:00 p.m. Registration and Welcome Reception

**Friday, May 15, 2020**
- 7:00 a.m. – 8:00 a.m. Meditation on the Beach
- 8:00 a.m. – 9:00 a.m. Breakfast
- 9:00 a.m. – 10:00 a.m. CLE | Compassion Fatigue & Vicarious Trauma in the Lives of Lawyers
  - Presented by Molly Paris, Esq. & Scott Weinstein, PhD.
- 10:00 a.m. – 10:30 a.m. Executive Council Meeting
- 2:30 p.m. Meet in Hotel Lobby to Depart to Ringling
- 3:00 p.m. – 5:00 p.m. Ringling Tour
- 5:30 p.m. Leave Ringling and return to Hotel
- 6:30 p.m. – 7:30 p.m. Reception

**Saturday, May 16, 2020**
- 7:00 a.m. – 8:00 a.m. Meditation on the Beach
- 8:00 a.m. – 9:00 a.m. Breakfast
- 9:00 a.m. – 3:00 p.m. On Your Own | Explore Sarasota
- 3:30 p.m. Meet in Hotel Lobby to Depart to Marina
- 4:00 p.m. – 6:00 p.m. LeBarge Tropical Cruise
- 6:30 p.m. – 9:00 p.m. Cocktail Reception and Section Dinner at Marina Jacks

**Sunday, May 17, 2020**
- Depart

### Registration Information

This booking link will take you directly to the online reservation system. You may also call the reservation desk, at 800-237-8821. When calling, please be sure to mention The Florida Bar Family Law Section In State Retreat. **The reservation cut-off date is April 11, 2020.**

**Hotel Rate is for Registered Members of the In State Retreat Only.**

### Register Now!

**Registration Deadline**
**Friday, May 1, 2020!!**

**Online:** Log into The Florida Bar Member Portal at www.member.floridabar.org, search for In State Retreat 2020.

**By Phone:** Call The Florida Bar Accounting Department at (850) 561-5831.

### Registration Type:

- **Section Member** – $275
- **Guest of Section Member** – $225
- **Non-Section Member** – $325
- **Children 12 yrs. – 18 yrs.** – $50
- **Children under 12 free**
The statistics speak for themselves – one size does not fit all when it comes to children. It is estimated that Autism Spectrum Disorder occurs in about one in every 59 children.1 According to a 2016 national survey, about 6.1 million children in the United States have been diagnosed with Attention Deficit Hyperactivity Disorder.2 Cerebral Palsy, the most common motor disability in childhood, is identified in roughly 1 in every 345 children.3 Roughly 2 or 3 out of every 1,000 children born in the United States have a detectible amount of hearing loss in one or both ears.4 Down Syndrome occurs in about 1 in every 700 children.5 Approximately 1,000 new cases of cystic fibrosis are diagnosed each year, about 75% of which are diagnosed before the child reaches 2 years of age.6 The list goes on. While each child is unique, some children’s uniqueness requires additional parental and professional support to help them succeed, and sometimes that support will need to continue past the child’s age of majority.

The Florida Supreme Court has issued three approved parenting plan forms: a Parenting Plan, a Safety-Focused Parenting Plan, and a Long Distance/Relocation Parenting Plan.7 Each form is considered complete once the blanks are filled and the boxes are checked but what happens when the extra parental and professional support is not reflected on the parenting plan form? Generally, parenting plan terms expire upon the child reaching age 18, but what happens when the child needs life-long parental support? When it comes to parenting plans in Florida, three sizes do not fit all.

On October 11, 2019, the Family Law Section presented an all-day CLE seminar on Special Needs Children and Family Law.8 Speakers included the first member of The Florida Bar to be open with her diagnosis of Autism Spectrum Disorder, a special education attorney, an education and family advocate, a guardianship and special needs trust attorney, and a member of the judiciary. Many of the speakers were parents of children with special needs and spoke from personal experiences. The CLE was designed to educate family law attorneys on the unique issues that families with special needs members face when their family structures change.

Many conflicts and gaps between laws that affect families and special needs children were identified and discussed during the CLE. A few examples of conflicts and gaps: Under the Individuals with Disabilities Education Act (“IDEA”),9 and the corresponding Florida Statutes,10 only one parent’s permission is required for the school to perform evaluations on a child to determine if the child is eligible for exceptional student education (“ESE”) services11 while Florida law normally grants shared decision making authority over children.12 Special education laws provide for educational support and services up through a child’s 21st birthday13 while Florida law provides that a person is considered emancipated upon reaching his/her 18th birthday.14 Should a child continued, next page
lack the competency to make sound self-care decisions in his/her best interest, then it may be necessary for parents to seek an order of full or partial guardianship before the child’s 18th birthday. And, if a child is fully incompetent, should there be a provision in Florida law that allows for post-18th birthday timesharing? Also, services from professionals such as occupational therapists, speech and language therapists, psychologists, psychiatrists, physical therapists, pediatricians, and the like may be required past a child’s 18th birthday however, Florida’s child support laws extinguish upon the child reaching his/her 18th birthday unless certain limited circumstances apply. However, even then the child support does not extend past the child’s 19th birthday. This is by no means an exhaustive list of issues that were discussed and many more exist that were not discussed.

The Family Law Section exists “to promote the highest standards of professionalism and legal advocacy in the delivery of a wide array of services to Florida families as we seek the consistent, fair, and expeditious administration of justice.” Keeping the Section’s mission statement in mind, the October 11th CLE inspired Family Law Section Chair Amy Hamlin to create the Special Needs Children ad hoc Committee (“Committee”) to review, draft, and propose updates to legislation, rules of procedure, and forms. The Committee ensures the rights of children with disabilities are promoted, improved, and respected; and to educate and promote awareness among family law practitioners and the judiciary regarding the unique needs and rights of children with disabilities. The Committee is co-chaired by Philip Schipani, Esq., BCS of Sarasota and Sarah E. Kay, Esq., BCS of Tampa. The Committee has a special education attorney, a family and educational advocate, a guardianship attorney, and several psychologists as consultants and its general membership is open to any regular or affiliate member of The Family Law Section of The Florida Bar.

The Special Needs Children Committee is just beginning its work. It has sub-committees on: parenting plan form updates to address the unique needs of special needs children; education to spread the word about the unique needs of Florida’s special needs children through publications, CLEs, and other means; and legislation to review existing statutes and identify areas that should be revised to better meet the needs of special needs children who are subject to legal proceedings under Chapters 61 and 742. The Committee’s work is expected to extend past the end of this current bar cycle and continue for years to come. If you are interested in joining the Special Needs Children Committee or know of a professional who may be a helpful committee consultant, please do not hesitate to contact Section Chair Amy Hamlin, or one or both of the committee co-chairs. Thank you to all who have begun this great work. Expect to see more CLEs, publications, and proposed legislation and rule changes in the future.

Endnotes
8 The course is approved for 7.5 CLE Credits and is available for download at: https://tfb.inreachce.com/Details/Information/8b9f03ee-d0d6-4d05-9b17-2e48c9c6c6c4.
10 Chapter 1000, Florida Statutes (2019).
11 Under many laws, the term “exceptional student education” is used to refer to what many know as “special education services”. This Article will use the terms interchangeably.
15 Chapter 744, Florida Statutes (2019).

Sarah is a trial-tested litigator Board Certified in Marital and Family Law by The Florida Bar who also is experienced in collaborative divorce. She is a Certified Family Law Mediator by The Florida Supreme Court and serves as a Guardian ad Litem. Sarah is passionate about supporting her community by helping families resolve, reduce and perhaps even prevent family conflicts in positive, effective, efficient, and dignified ways. Because Sarah is experienced in both private dispute resolution and litigation, her family law and special needs law clients can choose from options that are the most beneficial to their cases. She is also mother to three children, two of whom have unique needs and gifts. For Sarah, it’s all about family. She offers a professional commitment to understand and embrace each family’s exceptional qualities. Sarah proudly serves the greater Tampa Bay area through her law firm Kay Family Law PLLC in Tampa, Florida.

Family Law Section
Annual and Semi-Annual Sponsors

- **Signature Annual Sponsor**
- **Platinum Sponsor**
- **Gold Level**
- **Law Firm**
The Impact of Effective Mentorship and My Path to the Executive Council

By Chelsea A. Miller

As a young professional, one of the most important relationships to establish early in your career is that of a mentor-mentee relationship. I have found mentorships to be a rewarding and transformative relationship for both participants. A good mentor provides professional guidance to their mentee that both encourages and promotes their personal and professional development. In return, the mentee should be open minded and willing to accept the suggestions and guidance that is provided by their mentor. Mentors are volunteering their personal time to assist their mentees in navigating the path to professional success, providing assistance in refining their trade and guiding their mentees to become better practitioners. The mentor-mentee relationship is not one-sided: mentors also learn from their mentees—whether it be new marketing strategies (i.e. social media), new approaches to problem solving, etc. The beauty in the relationship comes from the knowledge each participant can provide to the other.

I consider myself extremely fortunate to have had multiple mentors throughout my career. Shortly after I was admitted to practice law, I was hired by my current law firm to practice in the firm’s Family Law Department. It became apparent early on that my supervising attorney saw the value in mentorship and quickly encouraged me to become involved on both a local level with community organizations and on a statewide level with The Florida Bar Family Law Section. There is value in volunteering at both the local and statewide levels as it allows you to become invested in the organizations that you are working with and provides you with the ability to effect change.

As family law practitioners, we are fortunate that The Florida Bar Family Law Section is an extremely active and diverse section of The Florida Bar. There are numerous benefits to becoming involved with The Florida Bar Family Law Section. I have found that a significant benefit to participation in the Section is the opportunity to meet other family law practitioners from around the State in a non-adversarial environment and the opportunity to build your professional network. Attending and participating in the Section’s committee meetings will also provide you with the ability to learn about “hot topics” in family law and legislation that is being addressed by the Section. Given that the Section has over twenty committees, there are multiple avenues available to find an area of the law that will pique your interest. When I first became involved in the Section, I joined the Continuing Legal Education Committee ("CLE Committee"). I found that the CLE Committee provided me with the ability to become integrated into the Section. Another benefit to Section participation is that members are able to keep abreast of the issues that other practitioners in the State are experiencing. Further, Section participation provides members with the opportunity to assist with drafting legislation that effects
Florida’s families. I have found Section participation highly rewarding and quickly joined multiple committees over the years; such as the Equitable Distribution Committee, Children’s Issues Committee, Support Issues Committee, CLE Committee and Publications Committee. After three years of active participation in the Section, I was encouraged to apply for a position on the Executive Council of The Florida Bar Family Law Section; and, I was sworn into the Executive Council at the Florida Bar Annual Convention in June 2019. I have found that taking on a leadership role in the Section, through my position on the Executive Council, has been a welcomed challenge and one of the most rewarding experiences of my involvement with the Section to date.

A mentor once said to me, “you have to live well to give well”. When I refer to “live well,” it is in reference to mental and physical health. It is important to maintain a healthy balance between your professional and personal life. The Florida Bar Family Law Section offers numerous opportunities for membership participation and it is easy to find yourself volunteering to chair CLEs, chair subcommittees, and to research, review and refine legislation. There is value to getting involved and giving back, but know your limits and try not to overextend yourself too soon.

Professional development is extremely important regardless of what point you are in your legal career; and Section participation provides practitioners with an invaluable opportunity for both professional and personal development. The best advice that I can give as a young attorney that became actively involved in the Family Law Section three (3) years ago and is now serving on the Executive Council, is do not let fear of the unknown discourage you from taking a leap of faith and becoming involved. The benefits I have received from my participation within the Section far outweigh my initial apprehension. If you have any interest whatsoever in getting involved with the Section I encourage you to do so; you will not regret it.

Editors’ Note: Committee Preference Forms, and applications for membership on the Legislation Committee and Executive Council, as well as to become Section Secretary were emailed to all Section members in early February. Committee Preference Forms, and applications for membership on the Legislation Committee are due to incoming Section Chair, Doug Greenbaum at douggreenbaum@earthlink.com and applications for membership on Executive Council, as well as to become Section Secretary, are due to Section Chair, Amy Hamlin at amy@hamlinfamilylaw.com, by 5:00 p.m. March 16, 2020. If you cannot locate your email, the applications and forms can be found on the Section website, with links to them on our Facebook page and in the March edition of FamSeg.

Chelsea A. Miller is an associate at Rossway Swan where she joined the firm in 2014 upon graduation from Seton Hall University School of Law and practices exclusively in the areas of marital and family law. Ms. Miller is a member of the Florida Bar Family Law Section where she serves on the Executive Council and is a member of the Support Issues and Membership committees and is currently serving as the vice-chair of the CLE Committee and Children’s Issues Committee. Ms. Miller is a member of the Brevard County Association of Women Lawyers and is currently the president-elect of the Junior League of Indian River.
SAVE THE DATE

8.20.2020

FAMILY LAW SECTION LEADERSHIP RETREAT 2020

LEADERSHIP RETREAT
8.20.20
FALL MEETINGS
8.21.20
EXECUTIVE COUNCIL
8.22.20

THE DON CESAR
3400 GULF BLVD.
ST PETE BEACH, FL
33706
Fastcase is one of the planet’s most innovative legal research services, and it’s available free to members of the Florida Bar.

LEARN MORE AT 
www.floridabar.org

DOWNLOAD TODAY

Get it on iTunes

Google Play
Keep up with what’s new in the Section!!

Follow us on Social Media!
- Be the in the know!
- See lots of pictures!
- Stay Connected!
- Get Involved!

Florida Bar Family Law Section
www.familylawfla.org