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JACKSONVILLE
FAMILY MEDIATION

The Dasher Report

Published by Lisa A. Dasher, Mediator

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Jacksonville Family Mediation welcomes referrals of family, dependency, guardianship, probate, elder and civil mediation. Call 904.866.0268 or Email Lisa@JacksonvilleFamilyMediation.com to schedule your next mediation.

[Visit Our Website or Schedule An Appointment](#)

Appellate Cases

Clicking on the case name will take you to the case.

Attorney Fees

[Cherry v Viker](#)

Child Support

[DOR/McMillan v Magloire](#)

[Swearingen v Swearingen](#)

Imputation of Income

[Masino v Masino](#)



Time Sharing

[Garcia v Guiles \(Corrected\)](#)

Register Now For the Next
Legal Education Series Workshop

Date: Tuesday, October 9
Time: Noon - 1 p.m.
Topic: Cybersecurity

There will be 1 Technology CLE available.

Register Now

Online Appointment Scheduling for Mediation Now Available

You can now schedule an appointment for mediation or other service on the Jacksonville Family Mediation website.

Visit <https://www.jacksonvillefamilymediation.com> and click on **Request An Appointment**.

Updated Social Evaluator List Available

There is now an updated Social Evaluator List available from Family Nurturing Center, or by contacting Jacksonville Family Mediation. Thanks to all who participated in the survey.

Parent Coordination Services Available

Jacksonville Family Mediation now provides Parent Coordination services. To schedule an appointment online, visit <https://www.jacksonvillefamilymediation.com> or call 904.866.0268

High 3 Calculator

You can find a High 3 Calculator at

<https://militarypay.defense.gov/calculators/active-duty-retirement/high-36-calculator/>

JALA Office in Green Cove Springs

There is a JALA office in the Green Cove Springs Courthouse. If you have low-income veterans who need legal services, please encourage them to apply for services by calling or by going to our website: www.jaxlegalaid.org >Get Help >Apply for Services. Or, if they'd rather call: 904-284-8410, ext. 3006.

Upcoming Events

JWLA Luncheon

Wednesday, Oct. 10, Noon - 1 p.m.

The River Club

Contact: jamie.karpman@gmail.com

ADR Committee Meeting

“Intimate Partner Violence & Domestic Violence for Mediators: The Other Story.”

Speaker: Board Certified Clinical Psychologist, Dr. Justin D’Arienzo

Tuesday, October 16, Noon - 1:15 p.m.

Florida Coastal School of Law

8787 Baypine Road

Jacksonville, FL 32257

Check in with Security for Room number.

Please RSVP by October 12 at the [JBA website](#).

If you are unsure if you can attend, please register with "No Lunch." Please arrive early for parking. We will be discussing topics and events for the coming year.

CLE approved.

JWLA Luncheon

Thursday, Nov. 8, 2018, Noon - 1 p.m.

The River Club

Contact: jamie.karpman@gmail.com

Jacksonville Bar Association Luncheon

November 14, 2018 11:45 a.m. - 1 p.m.

Hyatt Regency, Jacksonville

Contact: admin@jaxbar.org

Florida Family Law Update: House Bill No. 639

House Bill 639, set to take effect July 1, 2018, outlined much of the same as Senate Bill No. 676. The bills better defined “marital assets and liabilities” for equitable distribution purposes. Marital assets and liabilities now provides “...that the term includes paydown of principal of notes and mortgages secured by nonmarital real property and certain passive appreciation in such property under certain circumstances.” More importantly, the legislation provides us with defined formulas and guidelines for determining the amount of such passive appreciation.

Kaaa is the most often referred to case as it relates to calculation of the marital portion of passive appreciation of non-marital property. The trial court stated, “passive appreciation of the marital home that accrues during the marriage is subject to equitable distribution even though the home itself is a non-marital asset.”

With HB 639 setting to take affect it states, “The coverture fraction must consist of a numerator defined as the total payment of principal from marital funds of all notes and mortgages secured by the property during the marriage, and a denominator, defined as the value of the subject real property on the date of the marriage, the date of acquisition of the property, or the date the property was encumbered by the first note and mortgage on which principal was paid from marital funds, whoever is later.

I am a numbers guy, so I find the following example useful in articulating the OLD vs. NEW calculations.

Background

Premarital home is worth \$500k and a has a mortgage attached to of \$250k at the time of marriage. During the marriage marital funds paid down \$50k of mortgage.

The OLD method of taking the indebtedness at the time of the marriage (\$250k) and dividing it by the value of the asset at the time of the marriage (\$500K). Thus, in our example the non-propertied spouse would receive 50% of the appreciated value or \$125k. The OLD method left no value to the use of marital funds in the paydown of the indebtedness.

The NEW coverture tells us to take \$500k (Home Value as of the Date of Marriage) and divide it by \$50k (Paydown). The output of 10% is what is used to calculate the passive appreciation. Thus, if the home has a value as of the date of filing of \$750k (not subject to any improvements during the marriage) than \$250k (\$750k minus \$500k) is multiplied by 10% and \$25k is added to Marital Assets.

Where does this leave us? It leaves many of us to scramble to identify if during the marriage there is evidence of additional paydowns, or credits, related to many other unknown marital assets. Records indicating what marital funds were used for in relation to non-marital property will be key as well as a “global” understanding of a couple’s finances to understand if marital funds were used for some other debt or asset transaction but assisted in a non-direct way with non-marital debt paydowns will also have to be analyzed. What the examples above show is that it is not a dollar for dollar benefit with the new statute.

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New language with updated ADA for contempt notice of hearing (Clay and Duval).

FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD (FLORIDA FAMILY LAW PROCEDURE 12.615(B))

You are strongly urged to prepare and file a Florida Family Law Rules of Procedure Financial Affidavit prior to the hearing, as your ability to pay is a critical issue in this contempt proceeding.

You will be provided with an opportunity at the hearing to respond to allegations and questions about your present financial status.

STATEMENT OF PROFESSIONALISM

All attorneys appearing at the hearing shall be familiar with, and shall conduct themselves in accordance with, the guidelines for professional conduct of the Trial Lawyers Section of the Florida Bar and the Jacksonville Bar Association as well as the 1998 Handbook on Discovery Practice published by the Joint Committee of the Trial Lawyers Section of the Florida Bar and conferences of Circuit and County Court Judges.

AMERICANS WITH DISABILITIES ACT (ADA) NOTICE

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at crtintrap@coj.net or (904) 255-1695 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

YOU ARE ADVISED THAT FOR THIS HEARING

A. _____ Electronic Recording is provided by the court. A party may provide a court reporter at that party's expense.

B. _____ A court reporter is provided by the court.

C. _____ No electronic recording is provided by the court and the court does not provide a court reporter. A party may provide a court reporter at the party's expense.

**2019 Marital & Family Law Review Course
January 25 - 26, 2019
Gaylord Palms Resort & Conference Center
Kissimmee, Florida**

Register at <https://aamlflorida.org/review-course/>

[Click Here](#) or call 877-491-0442 to make your Gaylord Palms Resort hotel reservations at the special seminar rate of \$229 per night (standard room).

Includes Wireless Internet in room, 24-hour access to Fitness Center, scheduled shuttle service to Walt Disney World Theme Parks and Disney Springs, and more!

For more information visit www.AAMLFlorida.org



FREE LEGAL ASSISTANCE
ADVANCE DIRECTIVES FOR SENIOR CITIZENS
IT'S TIME TO GET THIS IMPORTANT
LEGAL WORK DONE

ADVANCE DIRECTIVES NIGHT
3RD TUESDAY OF EACH MONTH*, 5:30-7:30,
126 W. Adams Street, 32202.
BY APPOINTMENT ONLY

Call Jacksonville Area Legal Aid, 356-8371,
to make an appointment for this free legal service,
for income-qualifying individuals. You may also apply on line by going to
www.jaxlegalaid.org > Get Help > Apply for JALA Services >
Submit Request for Assistance

You will be meeting with an attorney and a trained law student.
You will leave your appointment with these legal documents:

- Durable Power of Attorney
- Health Care Surrogate Designation
- Living Will
- Designation of Pre-Need Guardian

For all of us, it's important that we have legal documents designating those trusted persons who will make decisions on our behalf if we become unable to make those decisions for ourselves. CALL JACKSONVILLE AREA LEGAL AID, 356-8371, to make an appointment.

*This service is offered monthly in January through November. It is available to income-qualifying individuals. It is made possible through a collaboration of the Association of Corporate Counsel, The Jacksonville Bar Association Elder Law Committee, Florida Coastal School of Law, Jacksonville Area Legal Aid, and pro bono attorneys from the private bar.



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