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District Court of Appeal of Florida,
Fourth District.

Howard ELIAS, Appellant,
v.
Cindy ELIAS, Appellee.

No. 4D14-1854. | July 1, 2015.

Appeal of a non-final order from the Circuit Court for the
Fifteenth Judicial Circuit, Palm Beach County; David E.
French, Judge; L.T. Case No.2013DR006430XXXXSB.

Attorneys and Law Firms

Howard M. Rudolph and Caryn A. Stevens of Rudolph &
Associates LLP, West Palm Beach, for appellant.

Joel M. Weissman of Joel M. Weissman, P.A., West Palm
Beach, for appellee.

Opinion

PER CURIAM.

*1 Howard Elias, the husband, appeals a non-final order
on temporary child support in his pending dissolution of
marriage proceeding. This court has jurisdiction pursuant
to rule 9.130(a)(3)(C)(iii)a. We reverse.

In determining that neither party needed to pay child
support to the other, the trial court concluded that the
wife's annual income of over \$1 million allowed her to
provide for most of the children's needs by direct
payments to vendors and providers, as she volunteered to

do. The court treated any expenditures on the parties'
three minor children made by the husband, who enjoys
fifty-percent time-sharing, as largely incidental. Over his
objection, the trial court declined to apply the child
support guidelines contained in section 61.30, Florida
Statutes (2014). This was error.

The guidelines are the starting point for determining
temporary child support, just as they are for final child
support orders. § 61.30(1)(a), Fla. Stat. (2014) ("The
child support guideline amount as determined by this
section presumptively establishes the amount the trier of
fact shall order as child support.... This requirement
applies to any living arrangement, whether temporary or
permanent."); *Migliore v. Migliore*, 792 So.2d 1276, 1277
(Fla. 4th DCA 2001); *Hauser v. Hauser*, 778 So.2d 309,
310 (Fla. 1st DCA 2000); *Burkhart v. Burkhardt*, 620
So.2d 225, 226 (Fla. 1st DCA 1993).

After calculating a guideline amount based on each
parent's net monthly income and the children's need for
support, the trial court may deviate from the guideline
amount based on a variety of factors. § 61.30(1)(a), (11),
Fla. Stat. (2014). But child support pursuant to the
guidelines must be determined before the trial court
deviates. *See generally Finley v. Scott*, 707 So.2d 1112,
1117 (Fla.1998); *Crouch v. Crouch*, 898 So.2d 177,
180-81 (Fla. 5th DCA 2005).

On remand we direct the trial court to follow the statutory
procedure.

Reversed and remanded.

CIKLIN, C.J., WARNER and STEVENSON, JJ., concur.

All Citations

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