

Often times when a divorce case is newly filed and one of the parties needs some temporary financial assistance during the divorce, that person's attorney will file something called a Motion for [Temporary Relief](#). Temporary Relief could be anything from exclusive use and possession of the home to temporary spousal or temporary child support. The most frequent temporary relief hearings are usually financial, but these hearings could also be used to establish a temporary parenting plan.

A case came out this week from the Fourth District Court of Appeals from a non-final order that gave some guidance to trial court Judges on just how much is too much support to be paying on a temporary basis. If the Temporary support award consumes a vast majority of the paying spouse's available income, to the extent that he/she has very little money upon which to live, the court could have exceeded it's award to payee spouse.

The Court in [Wilder v. Wilder](#), 4D10-205, 2010 WL 3418402 (Fla. Dist. Ct. App. Sept. 1, 2010) held that "temporary relief awards are among the areas where trial judges have the broadest discretion" and an appellate court will not reverse such an order in the absence of an abuse of that discretion." [Robbie v. Robbie](#), 591 So.2d 1006, 1008 (Fla. 4th DCA 1991). It is an abuse of discretion, however, for a trial court to enter a temporary support order that "exceeds or nearly exhausts a party's income." [Bolton v. Bolton](#), 898 So.2d 1084, 1084 (Fla. 4th DCA 2005) (reversing temporary support order that left husband with only \$300 per month for own living expenses); see also [Williams v. Williams](#), 10 So.3d 651, 652-53 (Fla. 5th DCA 2009) (reversing award of temporary child support and "in-kind" alimony that consumed ninety-seven percent of husband's monthly income). That is the case here as the husband's financial obligations under the temporary support order consume his income to the extent that he is left with little or nothing for his own reasonable living expenses.

The Court in the [Wilder](#) case found that the Husband was left with very little money after his payment of the Temporary Support. The Court reversed the trial courts order with instructions to recalculate the temporary support that was ordered.

If you are facing or thinking about divorce or have a family law matter, and want more information, please visit our [website](#) or call the office to schedule your initial consultation. We employ a client based approach, which means that we are selective in the cases we take so that we can be available to our clients. We spend time with you to thoroughly understand the facts of your case, so that we can provide you with a comprehensive and realistic legal evaluation. Our process begins with a half-hour low-cost consultation, all of which is credited back to your account if we accept your case.