



Final Judgment Checklist

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Avoid remand or reversal on appeal for lack of sufficient findings of fact in your proposed Final Judgments. This Checklist is offered to assist trial counsel in drafting a proper Final Judgment which includes all requisite findings with the objective that the Final Judgment be upheld on appeal.

Identify the parties

Date of marriage

Date of filing Petition and Counter Petition

Trial date(s)

Residence requirement

Marriage irretrievably broken

Minor children

- names and dates of birth

Parenting Plan

- jurisdiction
- shared or sole parental responsibility¹
- timesharing schedule
- residence for school

Child support

- income of the parties²
 - imputation³
- present ability to pay
- health care insurance coverage⁴
- child support guidelines
 - deviations
 - 5%
 - > 5%⁵
- tax dependency exemption
- commencement and duration
- Income Deduction Order
 - delay effective date⁶
- uncovered medical expenses
- arrears
- dependent child(ren)⁷
- security / life insurance⁸

Equitable distribution

- identify nonmarital assets / debts⁹
 - value of enhancement / appreciation / marital effort¹⁰
- identify and value marital

assets/debts¹¹

- expert witnesses
- dissipation / marital waste¹²
- date of valuation
- unequal distribution¹³
- QDROs
- real property
 - legal description
 - set offs / credits¹⁴

Alimony

- type, amount and duration¹⁵
- income of the parties¹⁶
 - imputation¹⁷
- taxable / deductible
- security / life insurance¹⁸

Restoration of name

Income tax consequences

Attorney's fees and costs

- need / ability to pay / entitlement
- reasonableness
- *Rowe* factors¹⁹
- *Rosen* factors²⁰
- 57.105

All other relief

Reservation of jurisdiction

- the parties
- the subject matter
- attorney's fees and costs
- QDROs

Date

Additional Considerations:

Business entity as a third party

Partition

- legal description
- names
- ownership interests
- attorney's fees and costs

Tort count

- findings
- damages

Maria C. Gonzalez, Esq. is a partner in the North Miami Beach law firm of Young, Berman, Karpf & Gonzalez, P.A.. She is board certified in Marital and Family Law since 1997 and serves as Vice-Chair of the Family Law Certification Committee of The Florida Bar. Ms. Gonzalez is past

President of the First Family Law American Inn of Court. She currently serves as an Executive Council member of The Florida Bar Family Law Section, is Vice Co-Chair of the Family Law Section's Legislation Committee and serves on numerous other Committees.

Endnotes:

- 1 §61.13(2)(c)(2), Fla. Stat.
- 2 §61.30(2)-(6), Fla. Stat.
- 3 §61.30(2)(b), Fla. Stat. In order to impute income, "[i]t is sufficient that the trial court make the required findings of voluntary unemployment and income to be imputed..." *Bowen v. Bowen*, 927 So.2d 741 (Fla. 4th DCA 2006); *Vazquez v. Vazquez*, 922 So.2d 368 (Fla. 4th DCA 2006); *Burkhardt v. Bass*, 711 So.2d 158 (Fla. 4th DCA 1998). See also, *Stough v. Stough*, 34 Fla. L. Weekly D845 (Fla. 1st DCA 2009) (findings required as to amount and the sources for this imputed income).
- 4 §61.30(2)(b), Fla. Stat.
- 5 §61.30(1)(a), Fla. Stat.
- 6 §61.1301(1)(c), Fla. Stat.; *Robinson v. Robinson*, 657 So.2d 958 (Fla. 1st DCA 1995).
- 7 §743.07(2), Fla. Stat.; *Fagan v. Fagan*, 381 So.2d 278 (Fla. 5th DCA 1980); *Kern v. Kern*, 360 So.2d 482 (Fla. 4th DCA 1978).
- 8 §61.08(3), Fla. Stat.; *Smith v. Smith*, 912 So.2d 702 (Fla. 2d DCA 2005); *Byers v. Byers*, 910 So.2d 336 (Fla. 4th DCA 2005).
- 9 §61.075(3)(a), Fla. Stat.; *Wilson v. Wilson*, 992 So.2d 395 (Fla. 1st DCA 2008).
- 10 §61.075(3), Fla. Stat.
- 11 §61.075(3), Fla. Stat.
- 12 §61.075(3), Fla. Stat.
- 13 §61.075(1), Fla. Stat.; *Franklin v. Franklin*, 988 So.2d 125 (Fla. 2d DCA 2008); *Parham v. Parham*, 968 So.2d 716 (Fla. 2d DCA 2007); *Bryan v. Bryan*, 765 So.2d 829 (Fla. 1st DCA 2000).
- 14 §61.077, Fla. Stat.
- 15 §61.08(1), Fla. Stat.
- 16 §61.08(3), Fla. Stat.
- 17 §61.30(2)(b), Fla. Stat. In order to impute income, "[i]t is sufficient that the trial court make the required findings of voluntary unemployment and income to be imputed..." *Bowen v. Bowen*, 927 So.2d 741 (Fla. 4th DCA 2006); *Vazquez v. Vazquez*, 922 So.2d 368 (Fla. 4th DCA 2006); *Burkhardt v. Bass*, 711 So.2d 158 (Fla. 4th DCA 1998). See also, *Stough v. Stough*, 34 Fla. L. Weekly D845 (Fla. 1st DCA 2009) (findings are required as to amount and the sources for the imputed income).
- 18 §61.08(3), Fla. Stat.
- 19 Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985).
- 20 *Rosen v. Rosen*, 696 So.2d 697 (Fla. 1997).