

# Family law attorney Janet Reed comments on the issue of dependent spouse for alimony purposes

*A recent North Carolina case addressed "dependent spouse" for alimony purposes, important for family law proceedings. Attorney Janet Reed explains the issues.*

JACKSONVILLE, NORTH CAROLINA, UNITED STATES, May 26, 2019 /EINPresswire.com/ -- The Flores case is an unpublished opinion from the North Carolina Court of Appeals. The court reviewed the trial court's determination that plaintiff was not a dependent spouse. Attorney [Janet Reed](#), based in North Carolina, has published a comment that reviews this case. The complete article will be published on her Blog at <https://janetreedesq.blogspot.com/>

"Plaintiff Bessie Goff Flores and defendant Luis Fernando Flores were married on 5 June 1999 and separated on 30 November 2014. During the marriage, two children were born, who were ages sixteen and fourteen at the time of the proceedings. From May 2015 until September 2015, defendant made child support payments in the amount agreed to by the parties of \$1,039.00 per month and remained current on his monthly payments."



Janet Pittman Reed, lawyer in North Carolina

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The court explained that alimony depends on three factors, that the party seeking alimony is a dependent spouse, the other party is a supporting spouse, and an award of alimony would be equitable”  
*Janet Pittman Reed, lawyer in North Carolina*

“On 10 September 2015, the parties entered into a consent order as to child support and post-separation support. The parties agreed that defendant would pay plaintiff \$450.00 in post-separation support and \$1,287.20 in child support per month. A judgment for absolute divorce was entered on 24 May 2016 and incorporated the parties' separation agreement and property settlement, which divided marital assets and debts.”

Plaintiff also sought “to recover the difference in child support from May 2015 until the entry of the consent order in September 2015. In addition, plaintiff sought permanent alimony, attorney's fees, and court costs from defendant.” Trial court determined that the plaintiff

grossly inflated her expenses and that she was not a dependent spouse. Therefore, the trial court denied plaintiff's claim for alimony.

On appeal, the Court of Appeals explained that "[t]he trial court's first determination as to whether a party is entitled to alimony is reviewed de novo. If the trial court determines that a party is entitled to alimony, then a second determination is made as to the amount of alimony to be awarded, which we review for abuse of discretion." (internal citation omitted).

The court then explained that entitlement to alimony depends on three factors: "(1) that [the] party [seeking alimony] is a dependent spouse; (2) the other party is a supporting spouse; and (3) an award of alimony would be equitable under all the relevant factors." "By statute, a 'dependent spouse' is one 'who is actually substantially dependent upon the other spouse for his or her maintenance and support or is substantially in need of maintenance and support from the other spouse.' N.C. Gen. Stat. § 50-16.1A(2) (2017). '[T]o properly find a spouse dependent[,] the court need only find that the spouse's reasonable monthly expenses exceed her monthly income and that the party has no other means with which to meet those expenses.'"

Examining the record, the Court of Appeals concluded that the trial court correctly determined that the Plaintiff inflated her expenses. The Court of Appeals also concluded that the Plaintiff excluded certain items from her income. Therefore, the court affirmed the trial court's ruling. - The case is Flores v. Flores, No. COA18-230.

About [Janet Pittman Reed](#)

[Janet P. Reed](#) is an attorney in Jacksonville, North Carolina, and handles Family Law cases such as Divorce & Separation, Personal Injury, Traffic, Criminal Law, Driver's License Restoration Services, and Civil Litigation cases.

Website: <https://janetreedlaw.com/>  
Blog: <https://janetreedesq.blogspot.com/>



Janet Pittman Reed, family lawyer in Jacksonville, North Carolina



Janet Pittman Reed, family lawyer in North Carolina

Attorney Profile:

<https://solomonlawguild.com/janet-p-reed>

News: <https://hype.news/janet-p-reed-attorney-in-north-carolina/>

LinkedIn: <https://www.linkedin.com/in/janetpittmanreed/>

Twitter: <https://twitter.com/leglone?lang=en>

Janet P. Reed, Esq.

The Law Office of Attorney Janet Pittman Reed

+ +1 910-381-1758

[email us here](#)

Visit us on social media:

[Twitter](#)

[LinkedIn](#)



Janet Pittman Reed lawyer in North Carolina



Janet Reed Attorney in North Carolina

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