

# Stepping Stones for Stepfamilies: Financial and Legal Issues<sup>1</sup>

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Adapted by Millie Ferrer-Chancy<sup>2</sup>

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## Financial and Legal Issues

The financial and legal issues that stepfamilies face can be quite complex. The following general information is for Florida stepfamilies. However, the specific facts of any situation influence the way laws and regulations apply and how families respond.

For more information, consider consulting an attorney. Other professionals—such as a financial adviser, mediator, counselor or therapist—also may be a source of valuable assistance. The Child Support Enforcement program can help in locating an absent parent, identifying the support obligation, and enforcing the support order. Look in a Florida telephone directory under: Revenue, Department of - Child Support, Enforcement Program or call Child Support Customer Service at 1-800-622-5437. Hours: (non-Holiday) Monday thru Friday, 8AM - 5PM.

## Some Realities

- Financial and legal dealings with a former spouse may have to continue, especially if there are children involved. Problems present before the divorce may also continue.
- Emotional and financial conflicts can grow from competition for the children, visitation struggles, guilt feelings, and attempts to substitute money for time with the children.
- Children may use the opportunity to play one parent against the other to their own advantage.
- The noncustodial parent may be asked to pay for unexpected expenses, financial emergencies or special needs of the children without any input into the decision.
- In general, natural parents are legally and financially obligated to support their children, usually until age 18.

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1. This document is FCS2176, one of a series of the Department of Family, Youth and Community Sciences, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences (IFAS), University of Florida. This material was reprinted with permission of Kansas State University Agricultural Experiment Station and Cooperative Extension Service. Publication: May 2000. Reviewed: February 2009. Please visit the EDIS Web site at <http://edis.ifas.ufl.edu>.

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- As a general rule, a stepparent has no legal obligation to support stepchildren. Florida has no law requiring such support.
- A stepparent does not have the legal right to make decisions for stepchildren, such as authorizing medical treatment in an emergency, releasing records, or giving permission to be involved in school-related activities. A handwritten note from the natural parent may be sufficient in some cases. However, this type of informal permission may not be sufficient in other cases, such as where substantial liability exists. A more formal and legal document, such as a limited power of attorney, is needed.
- Stepchildren may or may not be viewed as dependents for employer fringe benefit purposes. Even if considered as dependents, certain actions may need to be taken or requirements met in order for stepchildren to be covered. For example, this may involve: providing official notification to the employer, getting the ex-spouse's signature, or having the step-children's health status determined.
- Stepchildren do not inherit from a stepparent unless there is a will, trust, beneficiary designation, or legal contract indicating such a distribution.

### Making it Work

Each stepfamily is different and what works for one may not work for another. Here are a few tips that have helped some stepfamilies manage their legal and financial affairs.

- Probably the most important tip is: **communicate, communicate, communicate!** Members of a stepfamily need to make sure they understand the legal and financial realities facing the family. They need to discuss past experiences with money and determine how family finances and other related issues will be handled. The ideal time to do this is **before** the remarriage.
- Evaluate the way checking accounts are set up. If separate accounts or a combination of joint and separate accounts are used (rather than one

joint account), determine which expenses will be paid from each account.

- Review savings and investments, insurance policies, retirement benefits and other family assets. Determine how items are titled/owned, who is insured, and who are the beneficiaries.
- Determine whether a limited power of attorney will be established to allow a stepparent to legally make decisions on behalf of the child.
- Give a portion of the child support directly to an older child for personal expenses.
- Draw up a legal agreement about how financial emergencies and unexpected expenses will be handled. If you do not want a legal agreement, at least communicate about these issues.
- Communicate between families about expected expenses. It may help both families to plan and meet the expenses when they are due.
- Express your thanks to the former spouse for little things that are given and received. Accept the importance of the ex-spouse's family needs.
- Talk out feelings with counselors or others in the same situation. Remember, friends can only listen so long before they begin to feel helpless. Friends may also give bad advice.
- Relax expectations—there are no perfect solutions. Think about all the things you can control in your financial situation. Worry less about those you can't control.

### Want to Know More?

A home study course for stepfamilies with children in the home and other stepfamily resources are available through your local county extension office.

### References

This lesson was adapted from: Coleman, Marilyn, and Lawrence Ganong. *Living in Stepfamilies: Making Financial Decisions*. Univ. of Missouri Cooperative Extension Service, 1991.

Morrison, Jeanne. *You and the Law in Missouri: The Rights and Responsibilities of Stepparents*. Univ. of Missouri Cooperative Extension Service, 1989.

Winckler, Judith J. *Building Strong Stepfamilies: Financial and Legal Issues*. Cornell Univ. Cooperative Extension Service, 1992.

## **Acknowledgements**

Prepared by Joyce E. Jones, Associate Professor and Extension Specialist, Family Financial Management, Kansas State University.

Thanks to Paula Seele and Karen Hunter for layout assistance and graphic design.

Thanks to Susan C. Marvin, J.D., Director of the Family Visitation Program of Tallahassee for the review of this publication.

Supported by a grant from the United Methodist Health Ministry Fund, Hutchinson, KS.