

Naples Florida Family Law Attorney Russell Knight Explains the Exclusive Possession of the Marital Home

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Naples, Florida family law attorney Russell Knight (https://divorceattorneynaplesfl.com/exclusive-possession-of-the-marital-home-in-a-florida-divorce/) releases a new article explaining the exclusive possession of the marital home in a Florida divorce. The lawyer mentions that in Florida, there is no official law regarding changing the locks or keeping the house during a Florida divorce. When it comes to the discussion of whether one spouse has the right to change the locks of a home during a divorce will depend on who has exclusive possession of the home.

?When one party files for divorce, there is no immediate determination as to who gets to stay in the marital home. Typically, one party will move out because if you?ve filed for divorce you simply don?t want to live with the other person any longer. Even though one party may have moved out of the home, that does not mean that the party has no right to return to the marital home,? the Naples, Florida family law attorney says.

The lawyer adds that if there is an issue of domestic violence between the couple, one spouse may request a

restraining order from the court. This restraining order almost always includes a clause providing the victim exclusive possession of the marital residence. Then, the award or distribution of the marital home can be resolved in a subsequent divorce action.

Attorney Russell Knight says that a motion for the exclusive use and possession of the marital residence will be awarded once the divorce is filed and before it is finalized. The exclusive possession of the marital residence will usually be granted through a motion for temporary support, time-sharing, and other relief with the dependent or minor child(ren) if the couple has children. Temporary exclusive possession of the marital home will also be granted to the parent who has temporary custody of the children.

In the article, attorney Knight explains, ?In a divorce where a house is awarded to one particular party that award is the result of an agreement between the two parties whether it is a contested or uncontested divorce. If you truly want to keep the marital home or any other property you are better off focusing on negotiating with your spouse in lieu of asking the court to award you exclusive possession of the home.?

Lastly, attorney Russell Knight emphasizes the importance of having an experienced attorney when dealing with divorce and child custody. Having a skilled lawyer may be able to help the client understand if the marriage they have is a common law marriage and whether it is still valid in the state of Florida.

About the Law Office of Russell Knight

The Law Office of Russell Knight was established in 2009 by the family law attorney Russell D. Knight. The lawyer has always focused on family and divorce law. Russell's love for family law is demonstrated by the numerous articles personally written by the lawyer. Attorney Russell has been licensed as a lawyer in both Florida and Illinois. Contact his office today at (239) 202-0455.

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Law Office of Russell Knight

The Law Office of Russell Knight is based out of Naples, Florida, and serves all of Southwest Florida?s family law needs. We recognize that divorce and other family law issues are situations that require both professional experience and compassion.

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