

## Breaking the Tie: Did Tom Cruise or Katie Holmes Receive “Ultimate Decision Making Authority”?

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The surprise divorce action initiated by **Katie Holmes** against **Tom Cruise** just two weeks ago sparked a wide-spread interest among millions of individuals nationwide. Celebrity magazines reported a substantial increase in sales; such magazines claiming that Katie’s decision to surreptitiously file for divorce and claim irreconcilable differences was largely due to her conflicting beliefs as it relates to Tom’s strong commitment to the **Church of Scientology (the “Church”)** and its present and future impact on their minor child.

The parties reached an expeditious settlement agreement, the terms of which remain sealed. It is likely, however, that the terms of the parties’ marital settlement agreement dealt with their minor child’s involvement in the Church, or lack thereof. Had this case been initiated in Florida, he or she or any spouse similarly situated might have asked the Court for “ultimate decision making authority over any matters involving religion as well as health, education, and/or other areas concerning the general health and welfare of the children.”

Although Florida law strongly supports both parties jointly making any and all major decisions that impact the minor child, there are situations where the child’s best interests are better served by providing one of the parents with appropriate authority to invoke the “tiebreaker” when the parties cannot agree. Under **Florida Statute Section 61.13**, the court “may grant to one party the ultimate responsibility over specific aspects of the child’s welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include education, health care, and any other responsibilities that the court finds unique to a particular family.” By way of example, a doctor spouse may want to make health decisions or a teacher spouse may want to make the educational decisions.

If you are involved in a legal action concerning the shared parenting of your children, and there are certain areas where you feel it would be in their best interests for you to be awarded ultimate decision making authority, you should speak with an experienced family law attorney to ensure that these issues are properly addressed. Recognize, however, that this goal may be hard to obtain without clear indications why such an award should be the result.

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