

Spousal Support [2010-04-02]

Unlike child support which is governed by specific mandatory guidelines, spousal support is based on what is reasonable under the circumstances of the case. The main purpose of spousal support is to balance the incomes and needs of the parties without impoverishing either party. In determining whether spousal support is appropriate and the amount of spousal support, the court considers the following factor:

1. The past relations and conduct of the parties;
2. The length of the marriage;
3. The abilities of the parties to work;
4. The source and amount of property awarded to the parties;
5. The parties' ages;
6. The ability of the parties to pay alimony;
7. The present situation of the parties;
8. The needs of the parties;
9. The parties' health;
10. The prior standard of living of the parties and whether either is responsible for the support of others;
11. Contributions of the parties to the joint estate;
12. A party's fault in causing the divorce;
13. The effect of cohabitation on a party's financial status; and
14. General principles of equity.

The above list is not exhaustive. The Court may take into account any other relevant circumstances. In general, the Court will not award more spousal support than the amount of expenses. Further, the Court will not increase the standard of living beyond what was experienced during the marriage.

In general, there is a trend against awarding spousal support in short term marriages or in marriages where the parties are relatively equal in terms of their earning abilities. Even in long term marriages where only one party worked, the Court will usually award the non-earning spouse less than 50% of the income to be earned in the future. The Courts favor a party who re-enters the workforce or has a specific plan for training or education which will allow them to earn a living.