

Spousal Support

When a couple separates or divorces, one spouse may be eligible to receive financial support from the other in the form of spousal support or spousal maintenance (previously referred to as alimony). The two parties can reach a mutual agreement or spousal maintenance may be an Order of the Court. Ideally, the purpose of spousal support is to allow a lower income spouse to become self-sustaining after the termination of the marriage. There are different types of spousal support: Temporary

| Rehabilitative

| Duration

| Purpose

| Potential Factors

Temporary

"Pendente lite" or temporary spousal support can be issued pending the official termination of the marriage. This temporary order is replaced by a final order once a ruling has been made or an agreement reached in the case.

Rehabilitative

Rehabilitative Support is another name for spousal support - payments given to a spouse over a period of time that are designed to enable the individual to obtain a career (through education or training) and become self-supporting.

Duration

Depending on the particular circumstances, support is usually ordered for a limited time period. A typical court order for spousal support will also terminate upon the death or remarriage of the supported spouse. In specific cases, support could be made permanent or for the life of the recipient.

Purpose

Spousal support is different from child support. The difference between the two is the purpose of the support. With spousal support, the intention is to provide for the spouse and make him or her self-sustaining, separate from the support of the children. The amount and duration

may be modified by the Court to increase or decrease, in specific instances, with the help of an attorney. There are different factors that are reviewed to determine amount and duration of spousal support.

Potential Factors

Age and health of both spouses: If the supported spouse is of advanced age or suffers from a medical problem which would prevent him or her from obtaining employment (thus preventing him or her from becoming self-supportive).

Needs of each spouse: The needs of each spouse are based on various criteria, including the standard of living established during the marriage and the obligations and needs of each spouse.

Self-Sustainability: One spouse may have had an impairment of present or future earning capacity due to periods of unemployment during the marriage that were devoted to domestic duties or child rearing. It is often more difficult for this supported spouse to attain self-sustainability upon a divorce or separation. Therefore, spousal support would help him or her create marketable skills for employment, such as attainment of education, training, or a professional license.

If you have any questions or need help with spousal support, please contact us at (518) 218-7100. The most popular City / Village / Town Courts our lawyers serve:

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