

Spousal Support Laws Set to Change

Andrea Miller of East Greenbush said, "It gets ugly when someone doesn't want to be with another person."

A break up can bring out the worst in two people, but a new divorce reform package looks to make things a little bit easier by setting guidelines for temporary spousal support. Now, a judge will use a mathematical formula to determine how much the lesser earning spouse receives during the divorce process.

Barbara King, a family law attorney for Tully Rinckey, said, "Now this formula takes a look how far apart their incomes are. Are they relatively equal wagers or is there a gap in their earnings?" Other factors considered still include standard of living and child care, but there are also new considerations, such as whether there was domestic violence or other acts that may kept one spouse from working or earning an education during the marriage.

King said, "It's meant to level the playing field between the party who went out and got an education and earned an income and now that's it's over, the other person can't get a \$148,000 income."

And some people feel the higher earning spouse should pay up, but others disagree. Miller said, "I would never not get my degree. I think women should consider that. There's no way you should let a man totally have control."

Milton Wright of Albany said, "I say the breadwinner should pay and if the wife never worked and you get divorced, especially if it's the bread winners' fault, I think he should pay. That's what I think about it. I have no problem with that."

Also, this new divorce reform package makes New York officially the last state in the country to legalize no-fault divorce. This allows married couples to split without one person taking the blame for the marriage's failure. And with all this talk of divorce, some people say they're trying to stay positive about the whole idea of marriage.

Wright said, "You never know who you're going to love. Love always seems to find its way. You know what I'm saying?"

This statute is not retroactive, so anyone who is already divorced cannot go back to court and apply the new formula.