

SPOUSAL MAINTENANCE (ALIMONY)

What is Spousal Maintenance:

- Spousal maintenance is the payment of support by one spouse to the other spouse. The purpose of spousal maintenance is to prevent financial and social hardship and disruption that the divorce may cause a financially dependent spouse.

The Right to Receive Spousal Maintenance:

- The court may order spousal maintenance if one spouse does not have enough income, property, or both to support his or her reasonable needs, and the spouse is unable to support him or herself by working. Reasonable needs are measured not by the poverty level but by the standard of living the spouses had during the marriage.
- The court may order long-term maintenance or (short-term) rehabilitative maintenance, which is temporary. If, as an example, a spouse has been away from the job market for a while, or needs more education or training to become self sufficient, spousal maintenance may be ordered for the time necessary for the training or education to be completed. If, however, there is a big difference between the incomes of the spouses, there has been a long marriage during which the dependent spouse was a homemaker, and this spouse will never be able to earn enough to live in the life style established during the marriage, long term maintenance may be more appropriate.

It's Now or Never:

- If you do not request any spousal maintenance at the time of the divorce, you cannot ask for it after the divorce is final. But once spousal maintenance is ordered by the court, the amount and the length of time it is ordered may be changed later if there are changes of circumstances.

How the Court decides the Amount of Spousal Maintenance and the Length of Time Spousal Maintenance should be Received:

The court has to make spousal maintenance decisions based on the following:

1. The money and property available to the spouse who is asking for maintenance, the property awarded in the divorce, the spouse's ability to meet his or her needs independently, and whether the amount of child support includes any sum for the spouse (such as housing allowance);
2. The time it will take and the cost to get sufficient education or training to enable the spouse seeking maintenance to find appropriate employment;
3. How well the spouses lived during the marriage;
4. The length of the marriage;
5. The age and physical and emotional condition of each spouse;
6. The ability of the spouse from whom maintenance is sought to meet his or her reasonable needs while also meeting the needs of the other spouse;
7. Whether there should be an adjustment for inflation.

Maintenance does not necessarily stop upon Remarriage:

- Even if the spouse who receives maintenance remarries, such remarriage does not necessarily improve that spouse's financial security. Therefore, the court may order maintenance to continue after remarriage depending on the circumstances. The paying spouse, however, may request the court to change the maintenance order if remarriage causes an increase in income so that the maintenance is no longer necessary.
- Maintenance may also be ordered in part as repayment for the contributions made to the marriage partnership, such as helping a spouse through school. In those circumstances remarriage does not affect the spousal maintenance payment.

Modification of Maintenance after Divorce:

- The amount of the maintenance and the length of time it is to be received may be changed by the court after the divorce only if significant and unanticipated changes of circumstances occur. If, as an example, the paying spouse becomes disabled, or the receiving spouse wins in the lottery or remarries, the court may change the order regarding maintenance. Insignificant changes, or changes which had been expected, are not sufficient for the court to change the order.

**You can obtain helpful information, as well as court forms at:
www.VermontJudiciary.org.**