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## The ABCs of Alimony



By Brette Sember

Alimony, also called spousal support or maintenance, is payments made by one spouse or ex-spouse to the other while the divorce is moving forward or after it is final. These payments are usually designed to help a spouse financially get back on his or her feet after the divorce.

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### Who Gets Alimony

Most people assume it's the wife who gets alimony, but actually either spouse can receive payments if the situation requires it. Alimony is often paid in situations where a spouse was a homemaker/at-home parent through the marriage, a spouse put a career on hold or didn't pursue opportunities because of the marriage, one spouse financially supported the other to allow him or her to get an education or start a business or professional practice, or when one spouse is much wealthier than the other. Many people think that alimony is punitive—meant to punish one of the spouses. In most instances this is not the case. Alimony is ordered to try to even the financial playing field so that the spouse who is at a financial disadvantage has a chance to improve his or her life. Some states do allow punitive alimony (often used when adultery has occurred or one of the spouses has suffered a great deal at the hands of the other).

### How Alimony Is Calculated

Each state has its own laws about how alimony is determined. There are no basic percentages or standard amounts—each case is evaluated separately. There are many, many factors a court considers when calculating alimony and these include:

- The age of the parties
- Any special needs or disabilities or health problems of the parties
- The length of the marriage
- The assets and debts the couple has and how they are being divided
- Custody of the children
- The standard of living the couple had
- The employment status, employment history, skills, education, and career or education needs of the spouse seeking alimony
- Roles the parties played as at-home parents or homemakers
- If child care is necessary for the needy spouse to work
- The earning capacity of the parties and whether either has purposely taken work that pays less than he or she could earn
- How the parties supported each other's educations and careers during the marriage

Alimony can be agreed upon by the parties or ordered by the court based on the evidence.

### Length of Alimony

A common rule of thumb in some states is that alimony is awarded for one third the length of the marriage (so if the marriage lasted fifteen years, alimony would last for five years), but this varies from case to case. Lifetime alimony is possible when the receiving spouse has a disability, is elderly, or is completely unable to return to the workforce.

### Alimony Payments

Alimony is paid directly from one spouse to the other. Alimony is often paid weekly or monthly. A lump sum (one-time) payment is possible, but must meet strict [IRS rules](#) to qualify. Alimony is tax deductible for the spouse paying it and taxable income for the spouse receiving it. Alimony is not dischargeable in bankruptcy (so if the paying spouse goes through a bankruptcy, the bankruptcy cannot wipe out alimony that is owed).

### Modifying Alimony

Alimony can be modified (up or down) if there has been a change in circumstances for either party, such as loss of a job, increase in salary, adding more dependents to the household, or any change which changes the overall financial situation.

*Brette Sember is a former family law attorney and mediator and author of [The Divorce Organizer & Planner](#), [The Complete Divorce Handbook: A Practical Guide](#), and [How to Parent with Your Ex: Working Together for Your Child's Best Interest](#).*

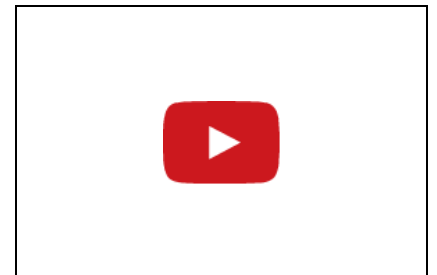
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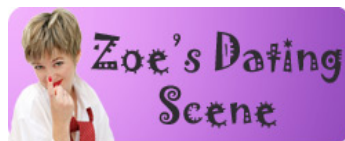


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