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Tipping divorce scale

09/22/2009 01:00 AM EDT

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MCT / Rick Steinhauser

It's not rare anymore. In fact, in the last 30 years, like it or not, more and more women who end their marriages are stuck paying support to their ex-spouses — also known as “manimony.”

“When I started practicing 30 years ago, I didn't see it at all. Zero. And now I see it in about 10 percent of my cases: female clients having to pay their ex-husbands support,” said Lynne Gold-Bikin, 65, family law chair at WolfBlock LLP based in Morristown, Pa. “Part of the reason is the simple fact that over that period of time, more women are making more money. You wanted to be equal, well now you are. Women who pay spousal support are those who quite simply make more money than their husbands do.”

And, like most things in divorce court, it's all about the math. "In every state there is a simple calculation, some sort of guideline. It can be a difficult and painful thing in the end and it may seem unfair, but if the woman has a career and the guy stays at home with the kids, it's pretty clear how it's going to go in the end," Gold-Bikin said.

Call it lopsided thinking, call it old fashioned beliefs, but some feel that it is just plain unfair for a woman to have to support her ex-husband after the marriage breaks up.

"If it's fair for a husband who earns more to pay his wife, then it is fair for a wife who earns more to pay her husband. Gender should not be an issue," said Brette McWhorter Sember, 39, in an e-mail interview. The former lawyer, based in Clarence, N.Y., is the author of several books including *How to Parent with Your Ex* (Sourcebooks).

"Perhaps a better question is 'Is spousal support a good idea?' The idea is to allow a spouse to get back on his or her feet after the marriage by going back to school, reentering the workforce, or transitioning back to full-time work. Often spousal support is ordered in situations where there is no intention to go back to work and in other cases it is a punitive measure," she said.

In Belinda Rachman's experience with spousal support, there seems to be a difference based on gender. "In general, guys tend to be more proud about accepting support," said the 52-year-old Carlsbad, Calif.-based lawyer specializing in divorce mediation. "I have seen quite a few men who could have received support, waive it. I have not seen as many women do that. Men seem to have pride about not accepting money that is quite ingrained. Most just want something to bridge him from here to independence, which is what spousal support is meant to do."

But she has also seen the converse.

"How often do gold diggers marry money? Every day. In the end, there are cases where they want as much as they can get. I have seen grasping men and grasping women, too. This is not something that is endemic to one sex or the other," she said. "It's all about what's in it for me. It's especially common when one of them came from nothing and married into something. They had a great ride. It is hard for people who have had a taste of a life like that to all of a sudden lose it. But no matter how much you make, spousal support is never enough to support the standard of living you have become accustomed to."

Yet some feel it should be. But like many aspects of divorce court, it's not about what the parties feel or even think is fair. It's up to the judge. "When you leave it up to judicial discretion, you get what you get. There is not a black letter law you can count on. In California, for instance, if you are under a 10-year marriage, on the outside, you are looking at paying spousal support for at most, half the length of the marriage. When you have a law like that, that's the deal. You can't appeal it. Everybody knows it and expects it. You can count on that," Rachman said.

But there continues to be protest from some of the female population, especially in those cases where women are forced to pay spousal support to a deadbeat husband. In fact, some litigators find that their female clients had no idea what was ahead when they chose to support their husbands financially and emotionally through most of the marriage out of a sense of obligation and kindness. The idea that they would be asked to continue to do so after the dissolution never occurred to them.

"I think most women never give this another thought. Most are shocked to find they could have to pay spousal

support,” Sember said. “There’s always someone taking advantage of every system, so why should this one be any different? But I don’t think though that there are many men who are taking low paying jobs for years with a plan to eventually get a divorce and get alimony. I think there are more men who are simply thrilled to find out they could get alimony and then paint themselves as house-husbands or primary child caretakers in order to make it clear they are not just deadbeats who don’t earn a lot of money.”

Either way, the court oftentimes just doesn’t care. “These women have allowed their husbands to sponge off them for how many years? They really created their own monster and now they want to complain about it,” Gold-Bikin said. “They should have seen it coming.”