

# How The Courts Decide When to Award Alimony

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Unlike child support, which is almost always awarded when children are involved, alimony is much less certain. Only a small percentage of all divorces involve alimony.

So how do the courts decide when to award alimony? It is a judgment call, based on a variety of factors. Those factors vary from state to state and even from judge to judge. Here is a summary of some of those most frequently considered:

1. Need of the receiving spouse
2. Ability to pay of the paying spouse
3. The disparity in income between the spouses
4. Standard of living during the marriage
5. Financial and non-financial contributions of each spouse to the marriage
6. Age and health of both spouses
7. Marital conduct (or misconduct), such as extramarital affairs, abuse, etc.
8. Length of the marriage
9. Whether or not children are involved, and who has custody
10. Job skills of the receiving spouse
11. How much property each spouse is getting in the divorce

Generally, the disparity in income between the spouses is the most obvious sign of a case that is likely to involve alimony. When one spouse earns \$200,000 per year, and the other spouse stays home with the kids and earns nothing, that case is much more likely to involve alimony than when one spouse earns \$110,000, and the other \$90,000.

If you think alimony might be a factor in your case, make sure you hire an experienced divorce lawyer who has handled a lot of similar situations. This is not a case for the general practitioner who handles a couple of divorces a year.

For more information:

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