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Spousal Support (Alimony) Basics

When a married couple gets a divorce, the court may award "alimony" or spousal support to one of the former spouses, based either on an agreement between the couple or a decision by the court itself. Following is a discussion of the basics of alimony and spousal support. For more basics on alimony, download FindLaw's [Guide to Spousal Support](#) [pdf].

Why Alimony?

The purpose of alimony is to limit any unfair economic effects of a divorce by providing a continuing income to a non-wage-earning or lower-wage-earning spouse.

How is the Amount of Alimony Determined?

Unlike child support, which in most states is mandated according to very specific monetary guidelines, courts have broad discretion in determining whether to award alimony and, if so, how much and for how long. The Uniform Marriage and Divorce Act, on which many states' spousal support statutes are based, recommends that courts consider the following factors in making decisions about alimony awards:

- The age, physical condition, emotional state, and financial condition of the former spouses;
- The length of time the recipient would need for education or training to become self-sufficient;
- The couple's standard of living during the marriage;
- The length of the marriage; and
- The ability of the payer spouse to support the recipient and still support himself or herself.

Alimony and Support Orders

Although awards may be hard to estimate, whether the payer spouse will comply with a support order is even harder to gauge. Alimony enforcement is not like child-support enforcement, which has the "teeth" of wage garnishment, liens, and other enforcement mechanisms. The recipient could, however, return to court in a [contempt proceeding](#) to force payment.

How Long Must Alimony Be Paid?

Alimony is often deemed "rehabilitative," that is, ordered for only so long as is necessary for the recipient spouse to receive training and become self-supporting. If the divorce decree does not specify a spousal support termination date, the payments must continue until the court orders otherwise. Most awards end if the recipient remarries. Termination upon the payer's death is not necessarily automatic; in cases in which the recipient spouse is unlikely to obtain gainful employment, due perhaps to age or health considerations, the court may order that further support be provided from the payer's estate or life insurance proceeds.

Alimony Trends

In the past, most alimony awards provided for payments to former wives by breadwinning former husbands. As the culture has changed, so that now most marriages include two wage earners, women are viewed as less dependent, and men are more likely to be primary parents, the courts and spousal support awards have kept pace. More and more, the tradition of men paying and women receiving spousal support is being eroded, and orders of alimony payments from ex-wife to ex-husband are on the rise.

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