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## Spousal Support *Basics*

### What is Spousal Support?

When a married couple gets a divorce, the court may award spousal support to one of the parties. An old term for this was alimony. An award of spousal support means one spouse will pay the other a set monthly sum of money. Spousal support is awarded to accomplish one or more of three general purposes. This has led to three “types” of spousal support: rehabilitative, reimbursement, and traditional.

#### Types of Support:

##### **Rehabilitative Support**

helps support an economically dependent spouse through a limited period of education and retraining.

The goal of this type of spousal support is to help the recipient spouse become self-sufficient. One example of this type of support would be monthly support payments while one spouse went back to school to get a degree which would make it easier to find employment.

**Reimbursement Support** is awarded based on economic sacrifices made by one spouse during the marriage that directly enhanced the future earning capacity of the other. One example of this type of support would be where one spouse paid for the schooling of the other during the course of the marriage.

**Traditional Support** is payable for life or for so long as a dependent spouse is incapable of support. This type of alimony is typically seen in marriages of long duration where one spouse leaves the marriage at a significant financial disadvantage. One example could be a scenario where a couple was married for 30 years and the wife has never worked.

#### Factors Examined In Setting Spousal Support:

Courts consider many factors in determining the amount of spousal support and how long it is payable for. In Iowa, there is no precise formula or guidelines that are used. Instead, the courts look at several factors. A few common factors are the following:



##### **1. The property division:**

The Court will look at how property is divided in a divorce when setting spousal support. It may not make sense to award one party a large amount of the marital property and grant a large award of spousal support when the property awarded could be used as a source of income.

##### **2. The earning capacity of the party asking for support:**

The court will look at the educational background, training, and employment skills of the party asking for support to determine what they are capable of earning.

##### **3. Needs and ability to pay:**

The Court will look at the monthly needs of each party and determine the ability of a spouse to pay spousal support. If one party truly has reasonable expenses and limited income, it may not be fair to expect them to pay a large sum of spousal support.

##### **Summary:**

Spousal support is not an absolute right and depends on the circumstances of each case. There are also tax consequences that should be discussed with a good financial advisor. Further, it is important to consult with an attorney who is knowledgeable in this area. This article is for informational purposes only and not for the purpose of providing legal advice. \*

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