Alimony

Permanent periodic alimony is the most common form of alimony and is generally permanent (paid until either spouse dies, the supported spouse remarries or the supported spouse cohabits for a period of 90 days or more) and paid periodically (generally monthly or weekly). It can be changed or terminated on a showing of a substantial change of circumstances. Alimony can be limited by agreement in either time or amount. When the parties are not yet divorced, permanent periodic alimony is called separate support and maintenance or spousal support.

Alimony is generally designed to enable the supported spouse to maintain the marital lifestyle.

Alimony cannot be awarded where the supported spouse has committed adultery prior to the issuance of a final order of separate maintenance and support or the formal signing of a written property or marital settlement agreement.

Alimony is not determined using guidelines. A family court judge has wide discretion in setting alimony. Whether alimony is awarded and the amount of alimony awarded can vary greatly depending upon the judge hearing the case. Some judges use a “rule of thumb” and some just eyeball it. Knowing the presiding judge’s tendencies can help in presenting your case.

There are other types of alimony, but they are infrequently used and not addressed here.