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1. WHAT IS MAINTENANCE/ ALIMONY?

- A. Maintenance is financial support paid by one ex-spouse to the other after the marriage has legally ended.
- B. Maintenance is also sometimes called spousal support.
- C. Temporary Maintenance (also called pendente lite Maintenance) can be granted while the divorce is in progress, to help until the divorce is final. When the divorce becomes final, there may or may not be an order for Maintenance after the divorce. If Maintenance after the divorce is awarded, that amount could be higher or lower than the temporary amount.

2. WHAT IS SEPARATE MAINTENANCE?

- A. Separate maintenance is financial support paid from one spouse to the other while they are still married to one another.
- B. The court will order separate maintenance only if the spouse with money fails or refuses to support the other spouse and the other spouse is in "genuine need."
- C. Separate maintenance is used when the spouses do not want to get a divorce, but want to live apart or to get a legal separation.

3. WHAT IS THE PURPOSE OF MAINTENANCE?

To provide "reasonable and necessary" support. The person asking for Maintenance must show the court that he or she needs financial support, and that the other spouse has the ability to provide financial support.

4. WHAT DO I DO IF I WANT MAINTENANCE?

- A. You can ask for Maintenance as part of a divorce proceeding.

- B. If you and your spouse reach an agreement about Maintenance, you can ask the judge to make the agreement a part of the court order.
- C. If you cannot reach an agreement, the judge will decide whether you are entitled to Maintenance.

5. WHAT IF I DON'T ASK FOR ALIMONY DURING THE DIVORCE, BUT LATER I DECIDE I NEED IT?

You must request alimony during your divorce proceeding. You will not be allowed to request it after the divorce case is over.

6. WHAT DO I DO IF MY SPOUSE WANTS ALIMONY BUT I DON'T THINK I CAN PAY, OR I DON'T THINK HE OR SHE NEEDS FINANCIAL SUPPORT FROM ME?

When one of the parties in a divorce or separation wants alimony but the other party does not agree, the judge will decide if an alimony award should be made and if so, for how much.

7. CAN MEN ASK FOR ALIMONY/ MAINTENANCE?

Yes. Either spouse can ask the court to award alimony.

8. HOW LONG CAN I RECEIVE ALIMONY/ MAINTENANCE?

- A. You and your spouse can agree to include the length of your alimony arrangement in the court order.
- B. If you do not agree, the judge will decide what is appropriate for your situation.
- C. Indefinite alimony or permanent alimony lasts until either spouse dies or until the court determines that alimony is no longer appropriate.

D. Time-limited alimony (also called rehabilitative alimony) lasts for a limited time, as determined by the judge (for example, to allow the receiving spouse to obtain work experience or training necessary to become self-supporting).

9. WHAT IF I AM RECEIVING ALIMONY/ MAINTENANCE AND I GET REMARRIED?

Remarriage could be a basis for ending an alimony award, but alimony does not automatically end if you re-marry. Your ex-spouse would have to ask the court to terminate your alimony.

10. WHAT IF MY SPOUSE AGREES TO PAY ME ALIMONY/ MAINTENANCE?

- A. Parties may agree to any alimony arrangement that they wish without having to have the judge decide the issue.
- B. The parties' agreement should be reflected in the court order. If there is not a written agreement or a court order, your spouse can stop paying alimony at any time.

11. WHAT IF MY SPOUSE DISAGREES WITH ME ABOUT ALIMONY/ MAINTENANCE?

You can ask the court to decide. The Court may require either party to pay alimony "if it seems just and proper." The judge will look at all of the relevant factors in your situation. The law states that those factors include:

- A. Your ability to support yourself;
- B. Time necessary for you to get a job or get training so you can become employed;
- C. The standard of living established during the marriage;
- D. Length of the marriage;
- E. Circumstances leading to the separation;
- F. Each party's age;

- G. Physical and mental condition of each party;
- H. Ability of the spouse paying alimony to support him or herself while making payments;
- I. Financial needs and resources of each party, including income, income from assets, potential income, previous awards of child support, financial obligations of each party, rights of each part to receive retirement benefits, and taxability or non-taxability of income.

12. CAN MY ALIMONY/ MAINTENANCE ORDER BE CHANGED AFTER THE DIVORCE?

Alimony may be modified if there has been a change in circumstances. The party seeking the modification must return to the court that granted the order to file for the modification.

13. FOR WHAT REASONS MIGHT A JUDGE CHANGE AN ALIMONY AWARD AFTER THE DIVORCE?

The judge may modify an alimony award if the ability of the paying ex-spouse to make payments has changed or if there has been a change in the needs of the person receiving the payments.