

# Alimony

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In divorce cases, “alimony” refers to court-ordered financial support from one party to the other. Alimony awards can total hundreds of thousands of dollars, making it one of the most hotly contested issues in some divorces. An alimony award is not automatic. Alimony, also referred to as “spousal support,” can be ordered on a temporary or permanent basis, depending on the circumstances. Courts use several factors to determine whether alimony should be ordered. The gender of the parties is not considered. Two of the primary factors include **the need of the prospective recipient and the earning ability of the parties**. In cases involving a disparity of income, the party requesting alimony is in a strong position, especially if he or she contributed in any way to the paying spouse’s skill or education during the marriage.

## Establishing “Fault”

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In addition to financial matters, **courts may also consider the fault of the parties**. Since establishing “fault” is a broad process, the relevant statute restricts the definition of fault to include the following: infidelity, knowingly and intentionally causing or attempting to cause physical harm (or the reasonable fear of life-threatening harm) to the other party or minor children, or undermining the financial stability of the other party or minor children. In addition to proving the existence of one or more of these actions, the party requesting alimony must also demonstrate that the fault substantially contributed to the breakup of the marriage.

## Calculating Divorce Alimony

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Calculating alimony is not as straightforward as calculating child support. Often the simplest way to establish alimony details is through agreement between the parties. When an agreement is not reached, courts will **adhere to the fundamental goals of alimony**, namely, to get both parties as close as possible to the standard of living that existed during

the marriage and to prevent the recipient spouse from becoming a burden on taxpayers. To achieve these goals, courts will scrutinize the financial conditions and needs of the recipient spouse, the recipient's ability to earn income for himself or herself, and the paying spouse's ability to provide support.

## Termination of Alimony

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Alimony obligations terminate for multiple reasons. Sometimes alimony terminates automatically upon expiration of an amount of time specified in the divorce decree. Also, courts cannot order a party to make alimony payments for a period longer than the marriage itself lasted. In addition, alimony terminates when the recipient spouse dies, remarries, or cohabitates with another person.

**Alimony is a key benefit to the recipient and potentially devastating to the obligated party. Don't approach this issue without trustworthy legal counsel.**

Protect your rights and financial stability, call Eric for a free 30-minute consultation at (801) 850-9740

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Contact Eric M. Swinyard

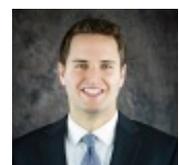
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## Eric Swinyard, Esq

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Eric Swinyard is a divorce and family law attorney in Utah. He began practicing law after obtaining a law degree and MBA from the University of Arizona. While in law school Eric took advantage of several opportunities to gain real world legal experience, including clerkships with the United States Department of Justice and the Federal Judiciary. Since becoming an attorney, Eric has provided legal counsel to hundreds of individuals.



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