Alimony and Spousal Support

We regularly help clients obtain alimony from their spouse and we defend clients disputing the assertion that they need to pay alimony.

Our attorneys have a keen understanding of the challenges that arise during an alimony dispute and strong familiarity with the courts and family law judges in the Maryland, District of Columbia and Northern Virginia region. With this knowledge, we are able to craft creative, effective and successful strategies to achieve our clients’ goals.

Alimony (also referred to as spousal support) is typically a periodic payment by one spouse for the support of the other. Either spouse may be entitled to receive or obligated to pay spousal support, depending upon the facts and specific family financial circumstances. Alimony is generally awarded only when a former spouse is unable to meet his or her needs without financial assistance from the spouse who can afford to pay it, or when the difference in standards of living after divorce is grossly unfair. In recent years, it has become more common for couples to have dual income households, and therefore, less common for the courts to award alimony. Alimony can be paid by direct payments between the spouses or ex-spouses or by an earnings withholding order, which is basically a wage garnishment, from the payor’s employer.

The tax treatment of alimony is undergoing radical change, which will affect the strategy, legal arguments and negotiation approach taken toward alimony. Our attorneys stay current on these changes and can provide insightful advice for addressing the consequences.

Maryland

Maryland courts recognize two types of alimony:

Rehabilitative alimony: Awarded for a specific and limited period of time and in an amount sufficient to assist the recipient spouse in becoming self-supporting.

Indefinite alimony: Awarded if, after a recipient spouse makes as much progress as can be reasonably expected toward becoming self-supporting, the post-divorce standard of living of the two former spouses will be unconscionably disparate, that is, so different that it is shocking given all the facts. Indefinite alimony can also be awarded if the recipient, because of age or infirmity, cannot reasonably be expected to make substantial progress toward becoming self-supporting.

When the parties cannot agree whether alimony is warranted, the factors that a court must consider in determining whether and in what amount to award alimony include the following:

- Age and health of the parties
- Marital standard of living
• Each spouse’s earning capacity
• Financial circumstances and resources of the parties
• Length of the marriage
• Circumstances leading to the parties’ estrangement
• Contributions, both monetary and non-monetary each spouse made to the well-being of the family
• Time necessary for the recipient to gain sufficient education or training to enable that spouse to find suitable employment
• Ability of the party from whom alimony is sought to meet his or her own financial needs while meeting the needs of the party seeking alimony

In addition, a court may award alimony during the process of a divorce case, sometimes called temporary or pendente lite alimony. The test for this type of alimony is a balancing of the recipient’s needs against the payor’s ability to pay in order to maintain the status quo during the divorce case.

Alimony awarded by a court is modifiable, in amount and duration. In Maryland, unless explicitly agreed otherwise, alimony terminates upon the remarriage of the recipient, the death of either party or on a date set by the court or agreed to by the parties. When alimony is non-modifiable, it means that the parties agreed to the amount and/or duration of the alimony and included wording in their formal written agreement to assure that no court could later modify those alimony terms.

Alimony awarded by a court is difficult to predict, and many considerations go into obtaining a successful outcome, whether in court or through negotiation.

The attorneys at Shulman Rogers are experienced in obtaining and defending alimony awards in court, structuring alimony settlements to the unique circumstances of a family, modifying and terminating alimony awards, as well as collecting and enforcing alimony awards. This experience includes working with clients, whether recipients or payors, to protect their financial interests against future economic uncertainty. To consult with a member of our Family Law Team about alimony or spousal support in Maryland, contact us.