

Determining Amount of Alimony

Alimony is determined on a case-by-case basis and is generally based on an examination of one spouse's needs in light of the other spouse's ability to pay. Typical factors on which courts must rely when determining the amount and duration of alimony are listed in section 308 of the Uniform Marriage & Divorce Act and are provided below for informational purposes only.

Because the situations in which alimony is available and the factors considered in determining the amount of alimony vary by jurisdiction, it can be important to seek advice from a divorce attorney who understands the intricacies of the alimony laws in your state.

§ 308(b) Uniform Marriage & Divorce Act

The maintenance order shall be in amounts and for periods of time the court deems just, without regard to marital misconduct, and after considering all relevant factors including:

- (1) the financial resources of the party seeking maintenance, including marital property apportioned to him, his ability to meet his needs independently, and the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;
- (2) the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;
- (3) the standard of living established during the marriage;
- (4) the duration of the marriage;
- (5) the age and the physical and emotional condition of the spouse seeking maintenance; and
- (6) the ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.

Unif.Marriage & Divorce Act § 308(b)



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