

## SPOUSAL SUPPORT WHEN AND WHY

Under California law neither spouse has any special right to receive spousal support from the other upon dissolution of their marriage. As a matter of fact the California Supreme Court has held that both parties to a dissolution have an affirmative duty to become self supporting as soon as reasonably possible, and if possible. Although this statement sounds simple, in practice in the courts it becomes very complex. The court will consider many factors in its decision to order or not order spousal support as well as how long one party will have to pay the other party spousal support. You should always have an attorney assist you on this issue.

Some factors the court will consider are length of the marriage, age of the parties, work history and earnings history of the parties, education of the parties, community and separate property of the parties, health of the parties, standard of living, as well as any other factor that may be relevant such as custody of children and needs of the children. For example if you have been married for 25 years and never worked outside the home, do not have a college education or job skills, the court might decide that your chances of finding a job are limited, and make an open ended order for spousal support. Suppose the length of the marriage is 10 years, and all other factors remain the same, the court might decide you or your spouse should receive spousal support until you are either able to receive job training and become self supporting.

What if you both have jobs outside the home, the court might decide that neither of you is entitled to receive spousal support. However, if one of you earns a lot more than the other the court might decide that some spousal support assistance is appropriate until the lesser earning spouse can increase their earning capacity. What if there are small children which make it impractical for the custodial parent to work or work full time outside the home. Then the court might decide to award spousal support until the children are old enough to make it practical for the custodial parent to become self supporting. Remember so long as a spousal support order is in effect or the court has reserved jurisdiction to decide the issue of spousal support later, either party can request that the court modify the existing order at any time based on changed circumstances. You should also know, that unlike child support, spousal support is fully taxable as income to the spousal receiving the support, and fully deductible from the taxable earnings of the payor spouse. When there are minor children it is important to have an attorney assist you in analyzing how best to categorize support to the benefit of both spouses. At the Law Office of Ronald Pullen I have been handling issues of child and spousal support on behalf of clients for more than 23 years. I can be reached by telephone at (619)425-0810, or E-mail me.