



## VSB MLS SAILOR LEGAL READINESS SUPPORT



### Spousal Support

Support for spouses is a different from support for children, each state and sometimes jurisdictions within the state have different rules for spousal support some with formulas others with general considerations for the court. Spousal support is gender neutral. Either sex spouse may have an obligation to provide support to the other. In cases of short marriages, support may be limited in duration or not provided at all. In Virginia the court that usually addresses spousal support matters is the Juvenile and Domestic Relations Court (JDRC). Each city in Virginia has its own JRDC. The court will look to the individual issues of the marriage to make a determination of support.

Some of the issues the court will look at are:

- 1) Obligations, needs and financial resources of each party;
- 2) Standard of living established during the marriage;
- 3) Duration of the marriage;
- 4) Age and physical and mental condition of the parties;
- 5) Contributions, monetary and nonmonetary, of each party to the well-being of the family;
- 6) Property interests of the parties, real and personal, tangible and intangible;
- 7) Earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity;
- 8) The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability; and,
- 9) The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market; and the extent to which either party has contributed to the attainment of education, training, career position or profession of the other party.

A complete list can be found at VA Code 20-107.1.

When seeking spousal support or defending against the need to pay spousal support the court will consider and each party should review the current income or opportunity for income for the requesting spouse and the living expenses **necessary** for that spouse to survive. Bring evidence of these issues to the court. For income consider; income statements, Tax Returns, and Leave and Earnings Statements. For expenses consider; utility bills, grocery bills, gas bills, leases and other documents reflecting necessary expenses. Also consider bank statements or other statements reflecting the flow of income and expenses from your personal or family accounts.

Individual decisions not to work, to pursue an education or to have reduced employment will not be favorably reviewed by the court. Additionally, extravagant expenditures for food, entertainment, or other items will not help the case for support. Last, non-monitory negative contributions (acts that do not reflect the use of money but negatively impact the marriage) like adultery, abuse, and abandonment may be considered by the court.

The best place to obtain long term resolution to a support issue is in court. Establishing an agreement is a good first step, however it is best to have a court order entered reflecting that agreement. The court order makes the agreement harder to change and easier to enforce.