



# Spousal Support Litigation in an Era of Social Change

by Lawrence P. Vance

Society's notions and expectations of spouses' roles and responsibilities within the family have dramatically changed. Apart from custody and visitation matters, no other issue routinely results in more contentious family litigation than spousal support. However, unlike the evolution of the law on distribution of property during a divorce, the law related to spousal support remains remarkably vague in response to these societal changes. This vagueness makes the task of managing expectations about support much more difficult.

The three articles that follow highlight a few of the thornier issues in support litigation.

As our society grays, how to advise spousal support payors on their ability to retire will become a more frequent question to family practitioners. Lawrence Diehl dives into this murky water to explain why we don't know what we don't know when the support payor retires.

If spousal support is the gasoline that fuels contentious non-child custody cases, marital infidelity is certainly the match that sets it off. Brian Hirsch tackles the emotionally charged issue of singling out adultery as a bar to the receipt of spousal support, the manifest injustice exception, and the effect of the continued criminalization of adultery.

Finally, Samuel Levin discusses the evolution of the notion of required imputation of income to a support payor who doesn't seem to be earning what they should be in the context of child support, and its crossover into spousal support determinations.



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