

Why Would I Pay Alimony If My Soon To Be Ex-Spouse Has a Job?

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Most people understand that when there is a divorce, one party sometimes has to pay alimony to support the other party. But the details of who pays alimony, and why, can be a bit fuzzy. I deal with divorce proceedings every day, and a common question I am asked is, “Why would I pay alimony if my soon to be ex-spouse has a job?”

The short answer is: There is no formula for alimony in Maryland, so a party may have to pay alimony even if their spouse is working 40 hours a week.

The long answer is that there are over 10 factors that the court has to consider when determining who pays alimony and how much. Things like the length of the marriage, each party’s income, the age of the parties, the physical and mental health of the parties, the living standards of the parties, and the cause of the breakup of the marriage are all taken into consideration—which means the court ultimately has great discretion in determining how much alimony is to be paid and for how long.

Should the payee have a job, but not be able to meet their needs on that salary, the payor will likely be ordered to pay alimony to supplement those needs, or to pay alimony until he/she can become self-supporting—whether that be through additional education or more time in the work force.

Of course, the payor will also need to be able to meet his/her own needs while supporting the ex-spouse. The court is not supposed to order the payor to pay more than he/she can afford, because the payor needs to be able to meet personal living expenses as well. To this point, I have experienced cases where a judge orders a payor to pay more than they can afford, which just leads to more legal fees in an appeal or motion to modify alimony.

Even so, divorcing parties should be aware that the court will view alimony payments as more important than saving for retirement or going on vacation, and a judge will likely not order a payor to put away money for these types of expenses instead of financially supporting the payee.

Navigating divorce and alimony payments can be a bit sticky; as always, it’s best to work with an experienced attorney to help you get the best outcome for your specific situation.

If you have any questions on this topic, please contact Sandra Brooks at sbrooks@offitkurman.com or 240.507.1716.