

## Spousal Support

Spousal support — also called alimony or spousal maintenance — is a court-ordered payment from one spouse to the other following divorce, designed to address economic imbalance when one spouse earns significantly more or when one spouse sacrificed career opportunities for the household. The amount and duration depend on the length of the marriage, each spouse's income and earning potential, and other factors courts evaluate on a case-by-case basis. At Abrams Fensterman, our attorneys help clients across New York seek fair spousal support awards, contest unreasonable alimony requests, and modify existing orders when circumstances change.

Whether you expect to receive spousal support or face a request for it, understanding how courts approach these decisions is critical to protecting your financial future.

### What Is Spousal Support?

Spousal support is a financial payment one spouse makes to the other during or after a divorce. Courts award it when there is a meaningful income difference between spouses, or when one spouse needs time and resources to become financially self-sufficient. It is separate from child support and is paid directly between the divorcing parties, not through the state.

The terms spousal support, alimony, and spousal maintenance are interchangeable — the terminology varies by state, but the legal concept is the same.

### Types of Spousal Support

Courts and divorce agreements may award several types of spousal support depending on the length of the marriage, the financial circumstances of both spouses, and the degree of economic imbalance.

Temporary spousal support (*pendente lite*) is awarded during the divorce proceedings before a final order is issued. It ensures the lower-earning spouse can meet expenses while the case is pending.

Rehabilitative spousal support is the most common type in modern divorce. It supports a spouse while they gain education, job training, or work experience needed to re-enter the workforce. It is typically tied to a specific plan or time period.

Permanent spousal support is awarded less frequently today. It may apply in long-term marriages where one spouse cannot realistically achieve self-sufficiency due to age, health, or an extended period out of the workforce.

Lump-sum spousal support replaces ongoing monthly payments with a single payment or fixed series of payments. It provides finality and eliminates future modification disputes.

Reimbursement spousal support compensates a spouse who financially supported the other through education or career advancement during the marriage.

## How Is Spousal Support Calculated?

There is no single universal formula for calculating spousal support. Courts evaluate a range of financial and personal factors to determine a fair award. Some jurisdictions provide advisory guidelines or formulas as a starting point, but judges retain discretion to adjust the amount and duration based on the full picture of the marriage.

Key variables consistently include the length of the marriage, the income and earning capacity of both spouses, the standard of living established during the marriage, and each party's financial needs and obligations.

## Factors Courts Consider When Awarding Spousal Support

When determining whether to award spousal support — and how much — courts examine a wide range of factors. The most commonly evaluated include:

1. **Length of the marriage.** Longer marriages are more likely to result in longer or higher support awards. Short marriages typically yield shorter or no support.
2. **Income and earning capacity.** The gap between each spouse's current and potential income is central to every spousal support determination.
3. **Standard of living during the marriage.** Courts aim to allow both spouses to maintain a lifestyle reasonably close to what they shared.
4. **Age and health of each spouse.** Physical limitations, chronic illness, or age-related barriers to employment are weighed heavily.
5. **Contributions to the marriage.** This includes financial contributions and non-financial ones — raising children, managing the household, or supporting a spouse's career advancement.
6. **Education and employability.** A spouse who left the workforce to raise children may need time and resources to re-enter it competitively.
7. **Custody arrangements.** Responsibility for young children can limit a spouse's ability to work full-time, affecting both need and earning capacity.
8. **Marital fault.** In states where fault is relevant, misconduct during the marriage may affect the amount or duration of support.
9. **Tax implications.** Under current federal law, spousal support paid under divorce agreements finalized after December 31, 2018 is not deductible by the payer or taxable to the recipient.
10. **Other financial obligations.** Existing debts, asset division outcomes, and other financial responsibilities of each spouse factor into the final calculation.

## How Long Does Spousal Support Last?

The duration of spousal support depends on the type of award, the length of the marriage, and the financial circumstances of both parties.

Temporary support ends when the divorce is finalized. Rehabilitative support continues until the receiving spouse completes a defined plan for self-sufficiency — typically tied to a specific date or milestone such as completing a degree or securing employment. Permanent support may last indefinitely but remains subject to modification if circumstances change materially.

A common guideline in shorter marriages is support lasting approximately half the length of the marriage, though courts retain broad discretion to depart from this based on the facts of the case.

## Can Spousal Support Be Modified or Terminated?

Spousal support orders can often be modified if there is a substantial change in circumstances. Courts do not adjust support automatically — the spouse seeking modification must petition the court and demonstrate a material change.

Common qualifying changes include a significant increase or decrease in either spouse's income, remarriage of the receiving spouse (which typically terminates support automatically in most states), cohabitation of the receiving spouse with a new partner, retirement of the paying spouse, or serious illness or disability affecting either party.

Because the modification standard varies by state and by how the original agreement was structured, consulting an attorney before filing a modification petition is strongly advised.

## Negotiating Spousal Support Outside of Court

Many spousal support agreements are reached through negotiation, mediation, or collaborative divorce rather than courtroom litigation. Negotiated agreements often offer more flexibility in structure, amount, and duration than a judge's order — and they can be reached faster and at lower cost.

Understanding what courts in your jurisdiction typically award gives your attorney leverage at the negotiating table. A well-prepared legal team can use that knowledge to reach a fair resolution or, when litigation becomes necessary, build the strongest possible case.

## How Abrams Fensterman Helps with Spousal Support and Maintenance

Whether you are seeking spousal support after a long marriage, contesting an alimony request you believe is unreasonable, or pursuing a modification of an existing order, Abrams Law provides experienced legal counsel at every stage of the process.

The attorneys at Abrams Fensterman understand that spousal support disputes carry lasting financial consequences. We help clients across New York pursue fair outcomes through negotiation, mediation, and litigation — with a commitment to clear communication and outcomes grounded in the facts of your specific situation.

## Frequently Asked Questions

**What is the difference between spousal support, alimony, and spousal maintenance?** Spousal support, alimony, and spousal maintenance are different names for the same legal concept: a financial payment from one spouse to the other following separation or divorce. The term used depends on the state. All three refer to the same type of obligation.

**How long does spousal support last?** Duration depends on the type of award and the length of the marriage. Temporary support ends when the divorce is finalized. Rehabilitative support is tied to a specific plan or time period. Permanent support may continue indefinitely but can be modified. A common rule of thumb for shorter marriages is support lasting approximately half the length of the marriage.

**Can spousal support be waived in a prenuptial agreement?** Yes. A valid prenuptial or postnuptial agreement can limit or waive spousal support entirely. Courts generally enforce these agreements when they were entered into voluntarily, without coercion, and with both parties having had the opportunity to seek independent legal counsel.

**Is spousal support taxable?** Under current federal law, alimony paid under divorce agreements finalized after December 31, 2018 is not deductible by the paying spouse and not taxable income to the receiving spouse. Agreements finalized before that date may follow prior tax rules. Consult a tax professional regarding your specific situation.

**What happens if my spouse stops paying spousal support?** If the paying spouse fails to meet court-ordered support obligations, the receiving spouse can file an enforcement action with the court. Courts have authority to hold non-paying spouses in contempt, garnish wages, intercept tax refunds, and take other enforcement measures.

**Can I modify spousal support if my financial situation changes?** Yes, in most cases. You must petition the court and demonstrate a substantial change in circumstances — such as a significant income change, retirement, remarriage of the receiving spouse, or serious illness. Modification is not automatic and requires court approval.

**Do I need an attorney to seek or contest spousal support?** While self-representation is possible, spousal support determinations involve complex financial analysis, jurisdiction-specific rules, and significant long-term consequences. An experienced divorce attorney can advocate for a fair outcome, identify factors courts in your jurisdiction are likely to weigh, and help you avoid common and costly mistakes.

For further information about how our New York divorce attorneys can help you, please [contact our law firm](#) on Long Island at [516-328-2300](tel:516-328-2300), in Brooklyn at [718-215-5300](tel:718-215-5300), White Plains at [914-607-7010](tel:914-607-7010), Rochester at [585-218-9999](tel:585-218-9999) or Albany at [518-535-9477](tel:518-535-9477) to schedule an initial consultation.