

Spousal Support (Alimony)

Spousal support applies only to married couples.

An excerpt from the Community Education booklet *Family Law in Oregon*

What is spousal support?

Spousal support, also known as alimony, is money paid by one spouse to support the other. Usually, the money is paid in monthly installments. A judge can also order the money to be paid all at once in a “lump sum.” Either the husband or the wife can be ordered to pay spousal support. Spousal support is not available to unmarried partners (except in rare cases where they have agreed to this).

How do I get a spousal support order?

Most spousal support orders are part of divorce or legal separation cases. But even if a divorce case has not been filed, a judge can order spousal support when a married person files a lawsuit that asks for support. If you are married and want a spousal support order without filing for divorce, you will need an attorney.

The District Attorney and the Division of Child Support usually will not get a spousal support order for you, but may help you collect support if you already have an order and child support is being collected.

How does the judge decide whether and how much spousal support should be paid?

There are three different types of spousal support, and each has a different purpose. A dissolution judgment must label the award (more than one type can be ordered in the same case) and include facts that show why the award is appropriate.

1. For **transitional support**, the judge looks at what support is necessary to help the spouse get an education or training to re-enter or get ahead in the job market.
2. For **compensatory support**, the judge decides what will repay a spouse for a major financial or other contribution to the education, career, or earning ability of the other spouse.
3. For **spousal maintenance**, the judge considers what support is appropriate to keep a standard of living similar to what was enjoyed in the marriage. This support could be ordered for a specific time, or permanently. Many factors affect this decision.

If spousal support is ordered, does it continue forever?

Your divorce judgment or spousal support judgment will say when spousal support ends. Depending on its purpose, support is sometimes ordered for a few years, sometimes for an indefinite period, and sometimes just until the spouse who gets support finds a job. Spousal support does not always end when the spouse who is getting support remarries.

If spousal support is ordered for more than ten years, the paying spouse can ask the judge to end it if there is proof that the spouse who gets support has not made reasonable efforts to become self-supporting.

Once spousal support is ordered, can it be changed?

Either ex-spouse can ask the court to modify the order if there is an unexpected change in either spouse's situation. This is called a “change in circumstances.” The spousal support order can be increased, lowered, extended, or ended. Legal papers should be filed before the original spousal support order ends.

If the change is to “compensatory support,” (see “[How does the judge decide whether and how much spousal support should be paid?](#)”), the ex-spouse wanting the change must also show that there is an “involuntary, extraordinary, and unanticipated” change reducing the ability of the paying spouse to earn income.

If a support order has ended, it is sometimes possible to get spousal

support reinstated. If you were originally awarded support for a specific time period (for example, five years), but the support was modified in court and ended early because there was a change in circumstances, you can sometimes ask the judge to reinstate it. You must make the request during the original time that the support was supposed to be paid (in the example, within the five years). You should see a lawyer about any reinstatement of spousal support.

If I didn't get spousal support in my divorce judgment, can I go back to court later and get it?

No. Spousal support must be ordered in your original divorce judgment. You cannot go back to court after your divorce to get it for the first time.

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