

Divorce 4: Asking for Spousal Support or Alimony

On October 1, 2023, Maryland law on divorce changed. However, Maryland law on alimony did not change on that date. The information below is up to date with the law.

This tip sheet discusses alimony. Alimony refers to court ordered payments made from one spouse to the other. The goal of these payments is to help the spouse receiving them to become self-supporting.

Types of Alimony

- **Pendente lite:** temporary support payments made before the court grants a final divorce. The purpose of pendente lite support is to maintain the status quo, and there is no guarantee that the court will grant alimony in the final divorce order.
- **Rehabilitative:** Allows the spouse receiving alimony to get the education or training needed to become self-supporting.
- **Indefinite:** Awarded when a spouse cannot make reasonable progress toward becoming self-supporting. This is usually because of age, illness, infirmity, or disability.

Factors Considered by the Court

- The court will consider the ability of the spouse seeking alimony to be self-supporting, and the time they may need to become self-supporting.
- The court will consider the age and health of each spouse, the length of the marriage, and the reasons the marriage ended. It will also look at each spouses' contributions to the family. This includes monetary and non-monetary contributions.
- The court will consider the standard of living during the marriage and the financial resources of each spouse, which may include financial needs, income and assets.
- Finally, the court will take into consideration how marital property will be divided and the right of each spouse to retirement benefits.

Timing

- The court may award alimony only before your divorce is final.
- If you or your spouse do not ask for alimony as part of the divorce case, you cannot come back later after your marriage is ended to ask the court for alimony. Your right to ask for alimony is extinguished the moment your marriage ends.

Termination and Modification

- There are three ways alimony payments may terminate: death, remarriage, or to avoid a harsh result.
- Alimony payments may be modified if there is a material change in circumstances. But there are exceptions. For example, if your divorce judgment states that no modification may be made, then you cannot change alimony payments.

Tax Consequences

- A spouse who pays alimony or spousal support cannot deduct those payments from income.



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- A spouse receiving alimony does not have to pay taxes on that income. In negotiating a settlement agreement or divorce, you and your spouse may agree otherwise.
- The tax consequences of alimony are complicated, and you should consider talking to a lawyer.



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