



SPOUSAL SUPPORT

Iowa, Nebraska, and South Dakota may award a divorced person spousal support (also known as alimony) under certain circumstances. In determining the necessity, form, and amount of spousal support warranted in each case, Iowa Courts consider the following factors:

(1) length of marriage; (2) age and emotional and physical health of the parties; (3) property distribution; (4) educational level of the parties at the time of marriage and when the dissolution action is commenced; (5) earning capacity of the party seeking alimony; and (6) feasibility of the alimony-seeking party becoming self-supporting with a reasonably comparable standard of living to that enjoyed during the marriage.

Spousal support can be temporary or permanent, but is generally designed to allow a divorced spouse to become self-sufficient. Spousal support and child support may be awarded to the same person. Generally, if a person waives alimony in the initial divorce settlement, the person cannot request alimony after the divorce. However, if alimony is awarded in the initial Divorce Decree, it, like child support, can be modified if there is a substantial change in circumstances later on.

Unlike child support, which is computed using State guidelines and formulas, there is much more discretion for the Court in setting the amount and duration of spousal support. For this reason alone, it's imperative to have experienced legal counsel who understand how a Court might rule if a case goes to trial.