

Spousal Support and Alimony in PA

Pennsylvania offers two different forms of support for lower-earning spouses prior to the divorce being finalized: spousal support and alimony pendente lite (APL). Many of you are probably wondering where good old fashion alimony is on this list. While Pennsylvania does offer alimony, a court will only consider whether it is appropriate after the divorce has been finalized. For more information on alimony, click here. [insert hyperlink to alimony page]

A court may award spousal support to a lower-earning spouse before anyone has commenced divorce proceedings. If a party has been convicted of committing a personal injury crime against the other party, he or she is generally not entitled to spousal support.

In contrast, a court may award a lower-earning spouse APL after the divorce proceedings have commenced, but before the parties have been granted their divorce decree. Unlike for alimony, which may be awarded after the divorce has been finalized, the amount of APL awarded in a particular case is calculated based upon a guideline (e.g., a mathematical formula). If a party has been convicted of committing a personal injury crime against the other party, he or she is generally not entitled to APL.

Where the court orders a higher-earning spouse to pay the other spousal support or APL, the payments must be made to the domestic relations section of the court that entered the order or the court of the payee's residence. The domestic relations section will keep a record of all payments made by the payor, will notify the court if the payor is 30 days in arrears of the payment, and will distribute the payments to the payee, as soon as possible. On the other hand, if the parties reached an agreement on their own without a court order, they may be able to make other arrangements regarding the payment.

If the payor fails to make the requisite APL payments and is in arrearages, the court may have a hearing, and in order to elicit the payment of the arrearages, the court has the authority to enter a judgment, authorize the seizure of certain assets, attach (no more than) 50% of the payor's wages, award interest, require security, award attorney's fees or costs, or issue attachment proceedings which could potentially result in civil contempt. In some cases where a payor is found to be in civil contempt, the court may order that the payor go to prison for a maximum of six months.

[not sure if you also wanted to incorporate alimony, so I wrote about it just in case]

Alimony on the other hand, may be awarded to a lower-earning spouse after the divorce has been finalized, if the court deems that alimony is necessary. In determining the necessity, nature, amount, duration, and manner, of alimony in a particular case, the court will consider "all relevant factors, including:

- The relative earnings and earning capacities of the parties.
- The ages and the physical, mental and emotional conditions of the parties.
- The sources of income of both parties, including, but not limited to, medical, retirement, insurance or other benefits.

- The expectancies and inheritances of the parties.
- The duration of the marriage.
- The contribution by one party to the education, training or increased earning power of the other party.
- The extent to which the earning power, expenses or financial obligations of a party will be affected by reason of serving as the custodian of a minor child.
- The standard of living of the parties established during the marriage.
- The relative education of the parties and the time necessary to acquire sufficient education or training to enable the party seeking alimony to find appropriate employment.
- The relative assets and liabilities of the parties.
- property brought to the marriage by either party.
- The contribution of a spouse as homemaker.
- The relative needs of the parties.
- The marital misconduct of either of the parties during the marriage.
- The Federal, State and local tax ramifications of the alimony award.
- Whether the party seeking alimony lacks sufficient property, including, but not limited to, property distributed under Chapter 35 (relating to property rights), to provide for the party's reasonable needs.
- Whether the party seeking alimony is incapable of self-support through appropriate employment.”

23 Pa. Cons. Stat. § 3701(b).

If the court decides that alimony is appropriate, it has the discretion to determine how long the payments should last, which must be reasonable under the circumstances. In other words, this would depend on the specific facts of your case. The duration ordered by the court could be very short, or the court could order the alimony payments be made indefinitely.

However, do not be fooled by the word “indefinite.” In fact, even if the court orders the payments for a relatively short duration, there are several things that could potentially cut it short. For example, alimony is subject to modification or termination if one party can show that either one of the parties has experienced a significant and continuing change in financial circumstances. This could involve the payor obtaining a large sum of money (in which case, the payee should petition for a modification) or losing a lot of money (in which case, the payor should petition for a modification). Under Pennsylvania law, alimony may also be terminated if either party dies, as well as if the payee gets remarried or starts cohabitating with a person of opposite sex who is not a family member.

*(For more information on this topic or any topic in divorce, custody, mediation, child support, collaborative law, PFA matters, alimony, or other family law matters, visit www.Pittsburgh-Divorce-Lawyer.com or contact **Notaro & Associates, PC** at 412-281-1988 for a free phone consultation with an attorney. You can also schedule online by clicking [here](#).)*