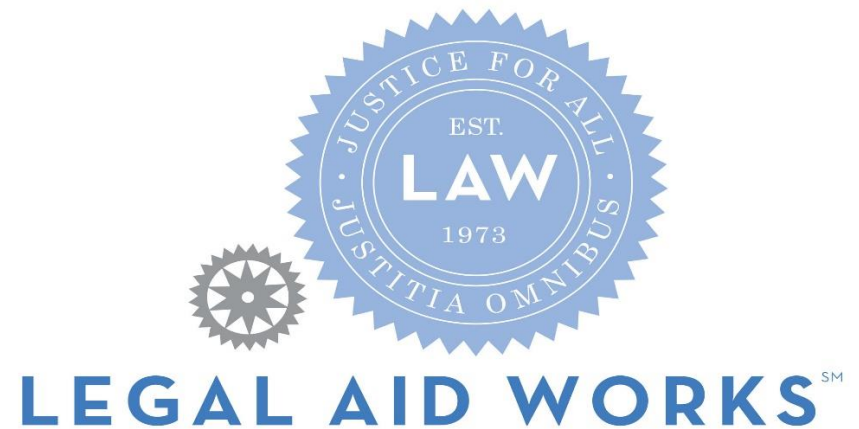


This brochure is intended for information purposes only and is NOT a suitable substitute for legal advice from a certified attorney.

If you have a specific question, please consult Legal Aid WorksSM at:

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Suite 100
Fredericksburg, VA 22401
Telephone: (540) 371-1105
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www.LegalAidWorks.org



**Legal Aid
WorksSM**

Fredericksburg Office

Know Your Rights:

Spousal Support

Information provided by Legal Aid WorksSM.

How can I get spousal support and how long can I receive payment?

There are no set guidelines for determining amount or duration of spousal support in Virginia. The main thing that a court considers will be your financial need balanced against your spouse's ability to pay. However, spousal support can be denied if the court finds that the party has committed adultery.

What will the court consider when setting spousal support?

Here are some of the factors the court can consider, as well as any other factors it feels are important:

- the supporting party's ability to pay
- the education, skills, and work experience of each party
- the needs of each party, including children
- the duration of the marriage

A full listing can be viewed on the internet by searching Code of Virginia 20-107.1 (E) 1-13.

How do I enforce a spousal support order?

If your former spouse is refusing to pay or does not pay a spousal support order, the court can enter an income deduction order. This means that the court can order your spouse's employer to deduct the appropriate monthly amount from his or her paycheck and pay it directly to you.

If the other party is not paying after a court order has been established, then spousal support can be enforced one of two ways:

1. By filing an application with the Division of Child Support Enforcement **ONLY** if the spousal support was ordered with a child support order, or
2. By filing a Motion for Show Cause in the same court that ordered spousal support. Both parties will be summoned to court and the responsible party will have to explain why they have not been paying support. At that time you may request a garnishment of the responsible party's wages.

Can a court change an order for spousal support after it is made?

Yes, a court can generally increase, decrease, or terminate the amount or duration of spousal support if a party can show a material change in circumstances. However, if the agreement states that the spousal support is fixed, this means that it cannot be amended regardless of a change in circumstances.

What if I don't pay my spousal support?

If the court has entered a spousal support order, failure to abide by this order is punishable by contempt of court, which could result in a fine or jail time.

What can make an order of permanent spousal support end?

Unless the parties have otherwise agreed by a contract or provision in the court order, spousal support will end when either of the following things occurs:

- If the spouse receiving support has been living with another person in a relationship analogous to marriage for one year or more. Support can continue under this circumstance if the party receiving support can show that termination of support would be unconscionable.
- Remarriage of the party receiving support
- If the order came from the juvenile court – it would be a final order – but it's still temporary in nature because it can be modified or terminated through a divorce proceeding.
- If a divorce proceeding hasn't been started – the respondent can file for a motion to amend the order in juvenile court if he/she can prove that there's been a material change in circumstances since the last court order that may result in a termination
- Death of either party