

Paying More Than You Can Afford in Spousal or Child Support: Protecting Your Legal Rights in Divorce

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Spousal support is a common cause of disagreements in divorce cases. Both parties are looking after their own best interests, making it difficult to achieve a satisfactory resolution for divorcing couples.

Although spousal support can provide benefits to the wellbeing of the entire family, in cases where the paying spouse can't afford alimony, it can be a source of long-term negative impacts on their personal and professional lives.

If you're facing a spousal support claim, should you have to pay more than you can afford? Understanding spousal support and how to protect your rights gives you the legal strategies you need to protect your financial wellbeing.

How Much Support Are You Going to Pay?

Spousal and child support are calculated according to different formulas used by state family law courts. Court judges can use them to determine how much financial support will be granted to a spouse.

The current incomes of each spouse, the amount of time spent with their children, and other important factors are considered. Support already being paid or received from a previous divorce can also influence the court's decision.

Additional or irregular income from employment may be considered in a divorce case as well as the age of your children and the future employability of a spouse.

Knowing the factors used to determine spousal support helps you gather and present the evidence that ensures you won't pay more than you can afford.

Reducing the Spousal or Child Support You Pay

The evidence you provide can protect you from having to pay more alimony than you can afford. You may need to provide a full disclosure of your financial history.

Courts can't require you to pay more spousal support than you can afford. Your monthly income and expenses will help judges determine an appropriate amount for alimony or child support.

But judges may also use their own discretion if they have a justified reason to do so. This means that you may reduce the amount of support you'll need to pay by demonstrating that you already have additional expenses that go beyond basic support.

This is especially common in cases that involve children with special needs. If one parent has primary custody of the child, he or she may need additional financial support to cover the costs of medical care and other expenses.

Submit your financial information in a clear and well-organized manner. This makes it easy for the courts to understand the reasons why the spousal or child support you pay should be reduced.

Also, if the amount that's calculated according to the court's guidelines exceeds that which is actually needed, a court judge may reduce the support that's granted.

Protecting Your Legal Rights and Financial Future

Making your way through the complexities of spousal or child support requires the right legal resources. Consulting with an experienced family law attorney ensures that your legal rights are protected along with your financial interests.

Your attorney can help you determine what evidence you should gather and present to the court. This saves you time and other limited resources by helping you present the most compelling evidence that will reduce the spousal support you have to pay.

If you're facing new financial challenges and need to reduce an existing alimony order, your attorney can help you review the divorce judgment to determine the conditions of the previous order.

You can also work with your spouse to establish an agreement that meets both of your needs. You may choose to use a third party resolution through mediation and other means.

Post-judgment modifications and other legal strategies can also be used to ensure that you don't pay more spousal or child support than you can afford.

Establishing a fair amount for your spousal or child support agreement gives you the ability to meet your legal responsibilities while protecting your financial future.