



# Spousal Support Advisory Guidelines

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Finding the appropriate amount of spousal support has long been a challenge for the Courts. New Guidelines are meant to help couples, lawyers and Judges to decide realistic spousal support payments.

The Guidelines are still in the tentative advisory form, but once revised, they will still not become law and will not be binding in the Court. They are meant only as another tool to assist in these cases.

There are many different ways to calculate the amount of spousal support. Traditionally, the Courts have compared spouses' income and expenses. Each person's monthly budget is reviewed to decide on how much extra income the recipient spouse needs, and how much extra income the payor spouse has to share.

At the heart of the new Spousal Support Guidelines is the idea of income sharing. Instead of a line-by-line comparison of each household's expenses, the Court will focus more on the couples' incomes. Sharing does not

mean however that the incomes should be exactly equal.

This sort of income sharing calculation will not be automatic upon every divorce or separation. The recipient spouse still must show they are entitled to support as a result of an economic disadvantage from the marriage or its breakdown.

Applying the formula will only result in a range of support. It will have a high end and a low end. The Court will be able to take into account other factors in deciding whether for each particular relationship an amount in a higher or lower end would be appropriate.

The Guidelines have two different formulas depending on whether the couple has dependent children. For a marriage without children, the calculation for spousal support relies on the length of the marriage to determine both the amount of the support and for how long the support will be payable.

The age of the spouse receiving support is also relevant to how long the support should be paid. In some cases, the support would be indefinite.

When a couple also has children, each of their respective gross incomes must also be adjusted to take into account child support orders and tax implications. The irony is that although the Guidelines are meant to help by providing some certainty, the calculation of support when there are dependant children is so complicated that it will almost certainly require a software program.