

Guide to Alimony

MERIWETHER & THARP^{LLC}
— THE ATLANTA DIVORCE TEAM —



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Each individual person's case has unique facts and circumstances. Therefore, the information provided in Meriwether & Tharp, LLC's Guide to Alimony is general information and is not a substitute for legal advice from an attorney. The information contained in this Guide does not constitute legal advice nor is it intended to be legal advice. If you have a need for legal advice, please consult with an attorney.

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What is Alimony?

Alimony is a legal obligation for one spouse to provide financial support to their spouse/ex-spouse during or after the divorce.

PURPOSE

The purpose of alimony is to provide support to one spouse or ex-spouse if that spouse is in need of economic support.

Is Alimony Warranted?

General speaking, whether or not an aware of alimony is warranted will depend on several factors. However, most commonly it will come down to two things:



Determining Alimony

In Georgia, there is no formula or specific calculation used to determine alimony. Instead, courts are given broad discretion to determine the amount and length of alimony based upon the following factors:

MARRIAGE

The length of the marriage as well as the standard of living established during the marriage.

EDUCATION

Where appropriate, the time needed for a party to acquire sufficient education and training to enable them to find employment.

PARTY CONDITIONS

The condition of the parties, including the separate estate, earning capacity, and debts of the parties.

CONDITIONS

The age of the parties as well as their physical and emotional condition.

CONTRIBUTION

The contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, child care, education, and career building of the other party.

FINANCES

The financial resources of each party.

OTHER FACTORS

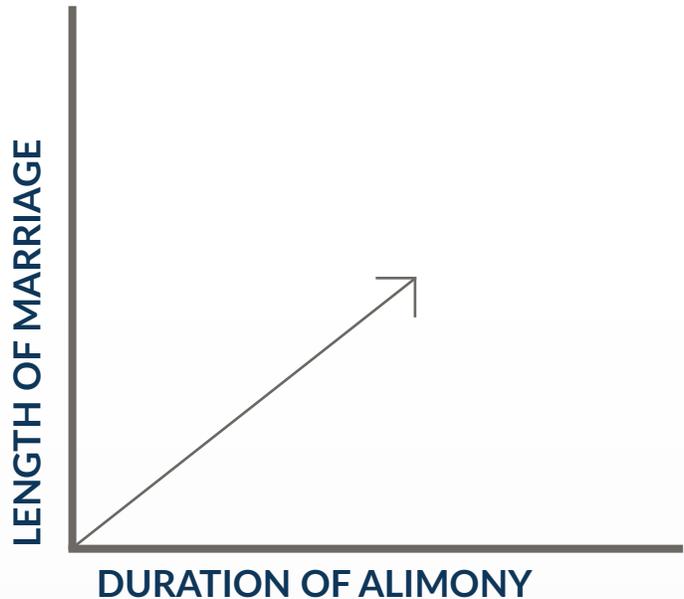
Any other relevant factors as the court deems fair.



Duration

Generally, the longer the marriage, the longer a spouse will pay alimony.

However, this general rule is not always true. If a court determines that a spouse is not in need of alimony or that the other spouse has no ability to pay, even a 30 year marriage can result in no alimony award.



Practice Pointer

Who Determines Alimony?

Ultimately, the parties may simply agree to whether [alimony](#) is appropriate and, if they agree that it is appropriate, they may also agree to the amount and length of alimony.

In the event that the parties cannot agree, they can let a judge or jury make that determination for them.

Temporary Alimony

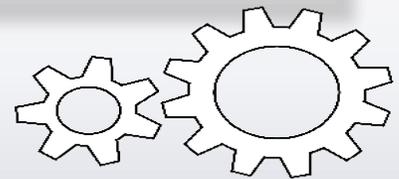
You don't have to wait until after the divorce to start getting alimony

Temporary alimony may be ordered from the time the parties are separated until the time the final decree of divorce is entered.

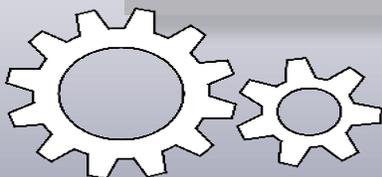


It is designed to meet the needs of the recipient spouse during the divorce.

This type of alimony is awarded when the parties are separated, but the divorce is not final.



Also, the temporary alimony may include attorney's fees and expenses of litigation.



Once the divorce is final, a court may order that alimony continue; however, an order of temporary alimony does not guarantee that the recipient will ultimately receive alimony post-divorce.



When do Alimony

Payments Stop?

Alimony May End Early When:

The death of either spouse

The recipient spouse remarries

The cohabitation of the recipient spouse with a romantic partner

Does Not Apply:

Practice Pointer: Lump Sum Alimony

The above three scenarios do not apply to lump sum alimony. Lump sum alimony is when one spouse pays the other a set amount of money. Although lump sum alimony is usually paid in one large amount, it can also include alimony paid over time that is not subject to modification or termination.

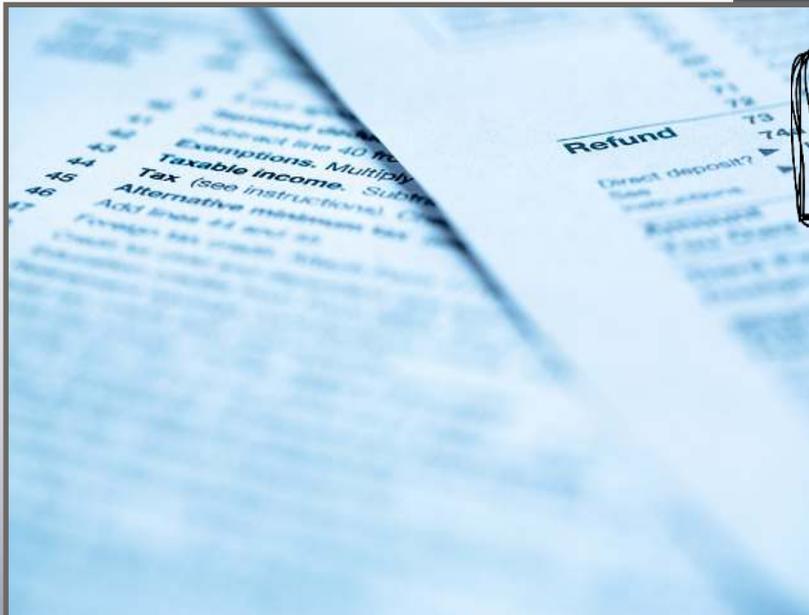
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Tax Effect of Alimony (Generally)

This treatment of alimony as an income deduction from the income of the paying spouse can result in a savings in his or her tax payment as taxable income is reduced.

In fact, the combined tax bill for both former spouses will likely decrease as alimony results in the shifting of income from a higher to a lower tax bracket by transferring money from the higher income spouse to the lower income spouse.

Although this may not seem to have any advantage at all for the alimony recipient, the tax benefits enjoyed by the obligated spouse may lead the paying spouse to be more generous or at least be more open to making monthly alimony payments.



Practice Pointer

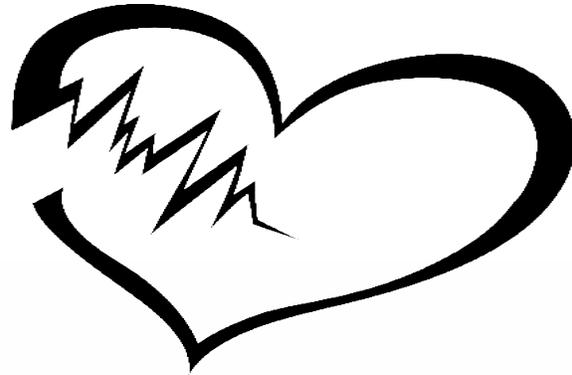
Seek Financial Advice!

Although this is a general rule, it is very important to note that there are frequent exceptions to this general rule.

Whenever evaluating the tax effect of alimony on your divorce, it is important to seek the advice of a tax professional.

Alimony & Adultery

In Georgia, adultery can play a role in alimony cases:

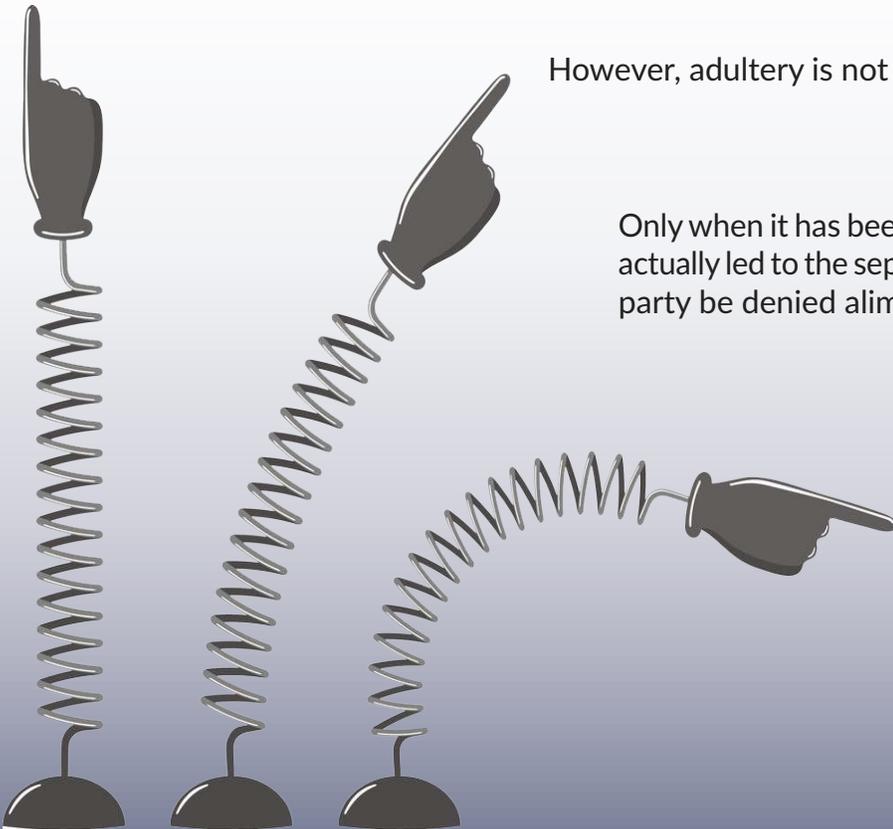


A spouse will not be entitled to alimony if it is established that the separation between the spouses was caused by that spouse's adultery.

However, adultery is not a bar to alimony in every case.

Only when it has been shown that the adultery of one spouse actually led to the separation of the spouses will the adulterous party be denied alimony as a result.

Thus, if your spouse does commit adultery and you can prove the cause of your marital break-up is your spouse's adulterous affair, there could be serious consequences in terms of alimony.





Why Meriwether & Tharp?

For more information about alimony please visit the “Alimony” section of our website at: <http://mtlawoffice.com/alimony>.

If you decide that you need a family law attorney, it can be difficult to tell most law firms and attorneys apart. Meriwether & Tharp, LLC is a full service family law only law firm and was established in 1998 by partners Patrick “Leh” Meriwether and Robert L. Tharp. As one of the largest family law only firms in Georgia, Meriwether & Tharp, LLC has the resources and experience to provide clients with close, personal attention and individualized legal services. We make clients our first priority and we strive to build long-term client relationships. For more information about Meriwether & Tharp please visit the “Why Meriwether & Tharp” section of our website at: <http://mtlawoffice.com/the-mt-difference>.

Here is a word about our philosophy and what makes Meriwether & Tharp different from other law firms.

Philosophy

Divorce hurts. We know that obtaining a divorce or going through other family law issues is an emotionally and physically draining process that can put a strain on your day to day life. But divorce doesn't have to be nasty. Our experienced attorneys and staff demystify the divorce process and strive to get you the best possible result in a timely manner while keeping costs down. We provide you with information in an easy to understand manner and let you take control. Although no lawyer can completely remove the emotional sting of a divorce, we will be there to help you every step of the way. Let us take care of your family law issues. You take care of your life.

While we hope this Guide to Georgia Divorce was informative, we know that you probably still have questions, so let us give you some answers. Call (678) 879-9000 now for a free telephone consultation with one of our experienced family law attorneys. For more information, don't forget to visit our website at www.mtlawoffice.com and our check out our blog at <http://mtlawoffice.com/blog/>.

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