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4-Part Series: Aspects of Separation & Divorce - #3 – Spousal Support

I believe that a Justice of the Ontario Superior Court of Justice says it all: “Spousal support is a bit of an art, and certainly not a science.”

To determine whether spousal support is payable, first we must determine that the spouse has ENTITLEMENT. The big questions usually are: Did one spouse give up employment or educational opportunities to manage the household? What functions did each spouse perform during the relationship? How long did the spouses live together inter-dependently? Is one spouse enduring economic hardship as a result of the breakdown of the relationship?

If entitlement has been established, next ask these 3 questions:

- 1. How much:** look at the spouses’ age, health, obligations, dependants, and their life-stage (“condition”), the ability of each spouse to earn income (“means”), and the standard of living of each spouse (“needs”).
- 2. How long:** the idea is to promote self-sufficiency within a reasonable period of time (what is “reasonable” in your case?).
- 3. What form:** if received as a lump sum, the payment is not tax deductible for the payor or taxable for the recipient. However, if paid monthly and the support is pursuant to a written agreement or court order, the payment is tax deductible for the payor and taxable for the recipient.

Next month – find out basic information with respect to **division of property**.

Feel free to contact Stephanie to answer your questions or to set up a consultation.

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