



Stephanie Dobson Lawyer & Mediator

How do I know if I'm entitled to spousal support?

Each time I write about spousal support, I always repeat the same statement of principle – the determination of spousal support is more of an art than a science. This remains true.

In order to determine whether you're entitled to spousal support, you should begin by considering the factors set out in the various legislation – Divorce Act (Canada) if you're married, or if you're unmarried then you will consider the Family Law Act (Alberta) or the Family Maintenance Act (Saskatchewan).

In all three Acts, the factors for entitlement are similar – you must consider:

- 1.Length of cohabitation (age is also a consideration);
- 2.Functions performed by each spouse during the cohabitation; and
- 3.Any court order, agreement, or arrangement relating to support of either spouse.

The goals of spousal support are also similar in the three Acts:

- 1.Recognize economic advantages and disadvantages to the spouses arising from the breakdown of the relationship;
- 2.Apportion between the spouses financial consequences arising from the care of any children of the relationship over and above child support obligations (Divorce Act & Family Law Act only);
- 3.Relieve any economic hardship of the spouses arising from the breakdown of the relationship; and
- 4.Promote the economic self-sufficiency of each spouse within a reasonable time.

In determining whether you are entitled to spousal support, consideration should be had to all of the above factors and goals. If entitlement has been found, then you must consider quantum (how much), duration (how long), and form of payment (Lump sum? Monthly?). Clear as mud... right? It's an art, not a science.

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

Kd

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