

Alimony and Spousal Support

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Divorce can be a stressful time for you, your family and your finances. What will the future hold for you?

In many divorce cases, the determination of alimony, also known as spousal support, is one of the most important financial issues of the case. Alimony can have an important and lasting effect on the standard of living for both you and your spouse.

There is no set formula for determining alimony in a case. The amount and length of alimony can vary dramatically depending upon the specific facts of the parties' circumstances. A family court attorney can help you navigate and understand what to expect inside and outside of the courtroom.

Some of the factors that the Court will take into consideration in deciding whether or not to award alimony include:

- Length of the marriage
- The physical and emotional condition of each spouse
- The educational background of each spouse
- The parties' employment history and earning potential
- Standard of living established during the marriage
- Current and reasonable anticipated earnings of both spouses
- Current and reasonably anticipated expenses of both parties
- Extent of marital and/or non-marital property of the parties
- Marital misconduct or fault if the misconduct affects or has affected the economic circumstances of the parties or contributed to the breakup of the marriage
- Tax consequences
- Other relevant factors

What Are The Different Types of Alimony In South Carolina?

It is important to understand that there are different types of alimony. Permanent periodic alimony is the most common, and entitles a spouse to receive monthly payments in perpetuity. Other cases are resolved by arriving at a lump sum or rehabilitative alimony figure that is paid over time with a definite end date. This usually arises where there are special circumstances or a need for alimony while a spouse obtains gainful employment and the payee does not need permanent periodic alimony.

In addition, there is also the possibility of reimbursement alimony, a lesser-known potential form of support. An example of special circumstances for this kind of alimony include a situation where one spouse has given up employment opportunities and/or delayed his/her career for the sake of the other spouse furthering their career (but the marriage is of a shorter duration to where permanent alimony would not be appropriate).

How Is Alimony Different From Child Support In South Carolina?

Please keep in mind that alimony/spousal support is different than regular child support. **Child support** is not deductible by the payor spouse nor taxable to the payee spouse. However, unless the parties agree otherwise, alimony is typically taxable to the receiving spouse as income and deductible to the paying spouse.

The amount of alimony or spousal support paid can be modified at a later date, unless the parties agree within a settlement agreement to make it non-modifiable. However, the law does require that there must be a reason for this modification called “a material change of circumstances” which was not originally considered at the time of the initial award. For example, the retirement of a supporting spouse is often a time when an alimony modification may be filed by the payor spouse.

Why Might Alimony/Spousal Support Be Terminated?

- If the supported spouse is re-married, unless a prior agreement states otherwise.
- The supported spouse has lived together with a boyfriend/girlfriend for 90 consecutive days.
- A loss of a job or significant loss of income may also constitute a basis to terminate or lower a prior alimony award.

Each case is unique, but with years of experience in handling such matters, the **Charleston family law attorneys** of Rosen Hagood will provide you with legal advice based upon your circumstances.