

Your step by step guide: Spousal Maintenance

WHAT IS IT?

Financial Support of a former spouse after separation primarily due to age, health, income disparity, care of children or any other adequate reason.

HOW MUCH?

There is no formula to allow exact calculation. Every situation is different. If a negotiated amount cannot be agreed, a court application may be required.

WHO IS ELIGIBLE?

Spousal maintenance is not an automatic right upon separation. It depends on the financial need of the Applicant and the Respondents 'capacity to pay'. The party seeking maintenance must continue to pursue employment. A maintenance may also be varied if there has been a change of circumstances.

WHAT IS CONSIDERED?

- Income, financial resources and ability to work
- Financial needs and obligations
- Eligibility for social security payments
- Age and health
- Any children under 18 years
- Length of the marriage
- The terms of any property settlement
- Any other relevant factor

TIME LIMITS

An application for maintenance can be made up to 12 months after the divorce order (if married); or up to 2 years after the date of separation for a de facto relationship.

