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Spousal Support - Maintenance

What Is Spousal Support?

- Spousal Support (also called Alimony or Maintenance) is assistance through money, open to those who were legally married. It is in credit to a partner's role in the marriage and to help the recipient spouse achieve independence.
- It is either based on an agreement between the parties or awarded by the court.
- It is not automatically awarded in divorces or separations. The judge has to decide it's needed based on a set of factors.

Factors Considered When Awarding Alimony:

- The court will consider several factors when deciding whether or not to award alimony and, if so, how much to award.
- These factor include:
 - Duration of the marriage and standard of living created during the marriage;
 - The age, physical and emotional conditions of the parties;
 - Financial resources of the parties;
 - Contributions of each party to the marriage;
 - Time needed to obtain the training to find employment; and
 - The ability of the payor spouse to meet his/her needs and pay support.

Types of Maintenance and How It's Calculated:

- Maintenance can be in several forms: A lump-sum (one large payment or several installments), periodic payments over a set amount of time, on a

percentage of earnings, or “on any other basis”.

- Periodic maintenance paid monthly is the most common plan and the one people often connect with alimony.
- Support in Kansas gets assessed according to a set of guiding principles, regardless of income level. These guidelines, however, are not binding on the court.

Modifying Support:

- The courts retains authority to change a court-ordered maintenance award after the entry of a divorce decree. However, there are some restrictions on the court’s power to change awards.
 - There needs to be a material change in circumstances (one that is central and relevant)
 - Also, no change that would increase the amount awarded or rush the duty for unpaid maintenance may be made without the consent of the liable party.
- Courts can reduce awards without the liable party’s consent, but can’t increase it without consent.

Duration of Alimony:

- In Kansas, spousal support cannot be awarded for longer than 121 months. However, the parties can agree to a longer term in a property settlement agreement if they chose.
- Court-ordered maintenance ends when either spouse dies or when the recipient spouse remarries.

Enforcement:

- Maintenance can be paid directly to the KPC (Kansas Payment Center). The KPC is the payment processing center for all Kansas child support and maintenance payments.
- Missing a payment can result in a judgment against the payor spouse for each missed payment.
- The judgements can be enforced by:
 - Garnishing of wages;
 - Seizure of bank accounts, real estate, and other non-exempt property; and

- Possibly charging the payor spouse with contempt of court.

Kansas Spousal Support Statutes:

The statutes setting Spousal Support in Kansas can be accessed online through the link below.

https://kslegislature.org/li_2012/b2011_12/statute/023_000_0000_chapter/023_029_0000_arti

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