

## SPOUSAL SUPPORT CHECKLIST

1. **Waiver:** Will support for either or both parties be waived and terminated? Will there be a one-time lump-sum buy-out?
2. **Spousal Support for Either Party:** If support will be paid, then you consider the following issues.
  - a. **Amount:** What is the amount of monthly support? Earning capacity; need versus ability to pay; is one party a beneficiary of the other's medical insurance policy? How is that party going to be insured after the divorce is final, and who will pay for that coverage? If paid as a lump-sum what is anticipated rate of return if lump sum was invested?
  - b. **Term:** How long should the support continue? Should there be an absolute termination, indefinite support, a review of support on a particular date, or a date for termination unless a motion is brought to extend support. In the alternative, support can be set at nominal amount, but the court can still have the right to order support for either party for good cause for some transitional period. Early termination: death of either party, remarriage of recipient.
  - c. **Vocational Issues:** Is either party under or unemployed? What is the requirement for that party to obtain training and employment? What are the income expectations for that party? Should reviews of that person's employment progress be scheduled?
  - d. **Unpredictable Income:** How should bonus, seasonal or other unexpected or unpredictable income be factored into support? Person paying support fails to pay or disappears; Disability or decrease in income for person paying support;
  - e. **Tax Consequence of Support:** Tax ramifications ordinarily spousal support is tax deductible by the person paying and included in the income of the recipient, but generally lump sums are not taxed.
3. **Future Modification of Support:** Yearly reviews; required mediation; calendar important dates (Step-Downs, Termination, etc.)
4. **Non-Monetary Factors:**
  - Peace of mind and closure;
  - No need to modify spousal support later;
  - Privacy with regard to your financial situation in the future;
  - Each party has incentive to prosper financially without penalty;
  - Easier to co-pa
  - rent when you're not worried about each other's earning capacity;
  - Decreased anxiety associated with ongoing litigation.

**Don't forget to add:** the cost of litigation in order to find out what the spousal support order will be if you cannot settle on the terms.