

California Spousal Support Basics: Short Term versus Long Term Marriages

A popular misconception with spousal support is that once you've been married for at least 10 years, you are automatically entitled to receive or obligated to pay it for the rest of your life. Although the length of your marriage has a significant impact on the duration and sometimes the amount of spousal support you may need to pay or receive, there is no guarantee that spousal support is for life. In California, the law states that for long term marriages, defined as a marriage of at least 10 years, there is a presumption that the court maintains its jurisdiction (power) over the issue of spousal support indefinitely. For short-term marriages, generally defined as marriages of under 10 years, the presumption is that support should last for approximately one-half the length of the marriage.

Short term marriage example: A couple was married for eight years, divorced in California, and as part of the judgment, one spouse was ordered to pay the other person spousal support for four years. After the four years, spousal support reduced to zero and the court's jurisdiction over the issue of spousal support terminated. One month after spousal support ended, the supported spouse was in a car accident and left with large medical bills. Even though the supported spouse was unemployed and without medical insurance, the court had no power to order ongoing spousal support.

Long term example: A couple was married for twenty years, divorced in California, and as part of the judgment, one spouse was ordered to pay the other spouse spousal support for ten years. After the ten years, spousal support reduced to zero, but the court maintained jurisdiction over the issue of spousal support. One month after spousal support reduced to zero, the supported spouse was in a car accident and left with large medical bills. The supported spouse filed a motion with the court to request that spousal support be reinstated because the supported spouse was unemployed and without medical insurance. The court had the ongoing authority to order the paying spouse to resume payments as a result of the incurred medical bills.

There isn't a standard when it comes to duration of spousal support set forth by the court. However, the following factors, as part of California Family Code §4320, establish critical aspects that are taken into consideration along with other state and county guidelines.

For more information regarding spousal support and how it affects you in your divorce, please contact us.