

Can I make my spouse pay for my attorney fees in California?

My wife makes roughly twice as much money as I do. She has hired an attorney to represent her during our divorce, but I am unable to afford one. Do I have any options?

Luckily, you do have some options in a CA divorce case – specifically, 2 routes toward having your attorney fees covered. The first is what most family law attorneys and judges refer to as a “need-based fee award”, which is backed by CA family law codes. The general idea is both parties in a case should have access to legal representation in order to maintain and preserve their rights, so the court can order one party to pay the other party (or the other party’s attorney) an amount necessary during the proceeding for fees associated with representation. In this scenario, the incomes and assets of both parties are examined, and then a decision is made on reaching equality so both have access to an attorney to represent them.

The second route toward having attorney’s fees covered isn’t related to the “need” by one spouse. It comes about if one side behaves in a way that goes against the goals of the court: reaching settlement as quickly as possible while keeping litigation costs down. This requires cooperation between the two parties. If one side attempts to delay settlement and avoids cooperating, they’re working against the common goal. This can usually be observed in the form of requests or documents filed with the court that are frivolous and without cause or backing in relation to the case. The order by the court in this scenario is more of a punishment toward the party’s behaviors. There’s no guarantee that 100% of the fees for the other spouse would be covered by this order. The court’s goal isn’t to put the party out financially, so it would be a case by case scenario.

Your best bet to is [schedule a consultation](#) with an experienced family law attorney to assess specifics associated with your situation.