

Spousal Support after Remarriage

If a divorced couple has established alimony payments as part of the divorce agreement, what happens if one of the individuals gets remarried?

The spouse receiving the alimony payment may no longer need the support, and the paying spouse would probably like to stop making payments.

The paying spouse's legal obligation for alimony ends when the supported spouse get remarried. Voluntary support can continue, however, and payments can cease at any time without court intervention. In the event that the remarriage is annulled (legally cancelled or void), the court will revisit alimony once again based upon each spouse's circumstances. If an agreement is in place prior to a remarriage which states that alimony will continue (even if the supported spouse gets remarried), it will take priority over the court's remarriage ruling. It's important to note that a lump sum alimony payment would not be affected in the event of a remarriage, and the supported spouse wouldn't be required to pay back any of the lump sum they received.

Assume a scenario where the supported spouse becomes romantically involved with a significant other, and they decide to live together (also known as "cohabitation"). In this case, spousal support is still a legal obligation for the paying spouse. The same goes for a change in financial circumstances. If the supported spouse earns a large pay increase at work, the alimony doesn't change. The two individuals can discuss the new situation, and if in agreement, make a modification to the original terms. If the supported spouse doesn't agree to any changes, the paying spouse can ask the court to get involved.

With sufficient proof of a change in circumstances, the court may lower or terminate the paying spouse's alimony obligation. Note that the court will only examine the supported spouse's new financial situation without regard to their new partner's finances. In cases of non-romantic cohabitation (the supported spouse decides to get a roommate), the court will examine the supported spouse's new financial situation as well, and decide if a modification (or termination) of alimony is necessary.