

Understanding California Spousal Support Guidelines

Knowing your rights or obligations regarding spousal support is extremely important before filing for divorce. Learning why support is offered, how long it will be paid, and exactly how much will need to be provided will help you be better prepared for what to expect. Here is a simple breakdown of the most basic and necessary information about spousal support.

What is Spousal Support?

- Spousal support, also known as alimony, is the term used for payments from one spouse to another after a divorce has been filed. It is broken down into two types: temporary and permanent. These terms are legal terms and not to be confused with the common definitions of temporary and permanent.
- Temporary support is spousal support that is ordered while a divorce is pending. It does not expire, nor is there a set period of time for support.
- Permanent spousal support is more accurately referred to as “post-divorce judgment” support. It is based on a set of 14 different factors, ranging from the length of the marriage to the marital standard of living.

What is the Purpose of Spousal Support?

- Temporary spousal support is to maintain the living conditions and standards of both parties until permanent support has been determined, along with the final division of assets and debts.
- The purpose of the permanent spousal support is different. It is to provide the spouse with sufficient income for their basic needs and to ensure that their lifestyle will be able to remain consistent after the divorce.
- It is the policy of the State of California that both parties become self-supporting within a reasonable amount of time. Spousal support is meant to bridge that gap between the time it takes for the supported spouse to obtain employment or resources that meet their cost of living needs.

How Long Will I Pay or Receive Spousal Support?

- The length of spousal support is based on a reasonable transition period from married life to single and self-sufficient life.
- The duration of support depends on in part on the length of the marriage. For marriages

lasting less than ten years, the length of support is presumed to be equal to one-half of the time. For example, for a marriage that lasted eight years, the presumption is that the appropriate length of support is four years.

- If you are married for longer than 10 years, the lesser earning spouse will receive support for as long as he or she needs to, as long as the other spouse is able to pay. There is no automatic termination date.

How Much Spousal Support Will be Ordered?

- In California, the Superior Courts of Solano counties have adopted a spousal support guideline called the “Santa Clara Guideline” formula for use in temporary spousal support. Alameda and Contra Costa counties have adopted the “Alameda Guideline” formula. The guideline states that the paying spouse’s support be presumptively 40% of his or her net monthly income, reduced by one-half of the receiving spouse’s net monthly income. If child support is an issue, spousal support is calculated *after* child support is calculated.
- Deciding permanent support is a much more detailed process with many factors to be considered. [Family Code Section 4320](#) is the controlling statute that the court must consider in establishing permanent spousal support.