

What is Spousal Maintenance?

- **Explanation:** Spousal maintenance is financial support that one spouse may be required to pay to the other after a divorce. It's intended to help the lower-earning or non-earning spouse meet basic needs after the marriage ends.
- **Example:** "Spousal maintenance is like temporary financial assistance to help one spouse get back on their feet after a divorce."

Eligibility for Spousal Maintenance in Texas

- **Explanation:** Texas law only allows spousal maintenance in certain situations. The spouse requesting support must meet specific criteria, such as:
 - **10-Year Marriage:** The marriage lasted at least 10 years, and the spouse seeking support cannot meet their minimum reasonable needs.
 - **Family Violence:** The spouse seeking support was a victim of family violence committed by the other spouse during the marriage.
 - **Disability:** The spouse seeking support has a physical or mental disability that prevents them from earning enough to support themselves.
 - **Care of a Disabled Child:** The spouse seeking support is the primary caretaker of a child with a disability, which makes it difficult for them to earn an income.
- **Example:** "In Texas, you might be eligible for spousal maintenance if you've been married for at least 10 years and can't support yourself, or if you're caring for a child with special needs that prevents you from working."

Duration of Spousal Maintenance

- **Explanation:** The duration of spousal maintenance is typically limited based on the length of the marriage and the circumstances. It usually lasts for a set period, often just long enough to allow the receiving spouse to become self-sufficient.
 - **5 to 10 Years of Marriage:** Up to 5 years of maintenance.
 - **10 to 20 Years of Marriage:** Up to 7 years of maintenance.
 - **20+ Years of Marriage:** Up to 10 years of maintenance.
 - **Disability or Special Circumstances:** Maintenance may be extended as long as the condition persists.
- **Example:** "The length of time you might receive support depends on how long you were married. For example, if you were married for 12 years, you could receive maintenance for up to 7 years."

Amount of Spousal Maintenance

- **Explanation:** The amount of spousal maintenance is generally capped at 20% of the paying spouse's average monthly gross income or \$5,000 per month, whichever is less.
- **Example:** "If your ex-spouse makes \$5,000 a month, you could receive up to \$1,000 per month, but the exact amount will depend on your needs and the court's decision."

Factors the Court Considers

- **Explanation:** The court looks at several factors to decide whether to award spousal maintenance and how much to award, including:
 - The financial resources of both spouses.
 - The education and employment skills of the spouse seeking support.
 - The duration of the marriage and contributions to the marriage, like homemaking or child care.
 - The age and health of the spouse seeking support.
 - Marital misconduct, such as adultery, might also be considered.
- **Example:** "The court will consider things like your financial situation, your ability to earn an income, and the length of your marriage when deciding on maintenance."