

Do I Qualify for Spousal Maintenance?

If you are going through a divorce, you may be wondering how you'll be able to provide for yourself. One option is spousal maintenance.

See below for spousal maintenance guidelines from the Texas Family Code



How do I qualify for spousal maintenance?

You must show that you lack sufficient property to meet your reasonable minimum needs, and at least one of the following:



Family violence has occurred within the last 2 years



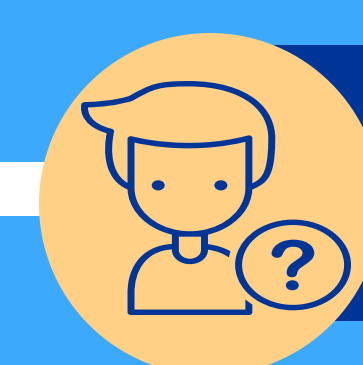
You have an incapacitating disability



Your marriage lasted over 10 years and you lack *the ability* to provide for your reasonable minimum needs; or



You have a child with a disability that requires substantial care, leaving you unable to provide for your reasonable minimum needs¹



What can I receive in maintenance payments?



Max amount

Lesser of:

- \$5,000 per month; or
- 20% of the providing spouse's monthly income²

Max duration

Marriages lasting...	Require payments for...
5 years & no violence	<i>Ineligible</i>
5 years & family violence	5 years
10 to 20 years	5 years
20 to 30 years	7 years
31+ years	10 years ³

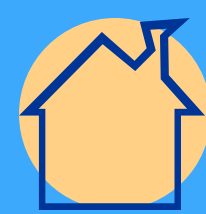


Other factors that determine amount & duration

Courts also consider:



Ability to provide for oneself



Contribution as a homemaker



Education and employment



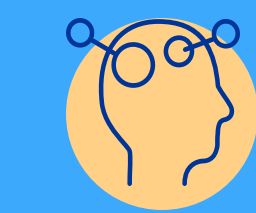
Contribution to the estate



Duration of marriage



Any marital misconduct



Physical and mental health



Any history of family violence⁴



Spending habits

¹ Tex. Fam. Code § 8.051.

² *Id.* at § 8.055.

³ *Id.* at § 8.054.

⁴ *Id.* at § 8.052.

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