

**REVISED APPENDIX A**  
**January 26, 2017**

**ALIMONY GUIDELINE SUMMARY**

The Family Division Oversight Committee appointed a sub-committee to consider whether specific guidelines would be useful to provide a framework for consistency in court orders with respect to alimony (a/k/a spousal support or spousal maintenance) awards.

**THESE GUIDELINES HAVE NO LEGISLATIVE OR COURT RULE APPROVAL OR AUTHORITY AND SHOULD NOT BE CITED OR RELIED UPON.**

These guidelines focus on two main variables: (1) the length of the marriage and (2) the relative incomes of the parties. The guidelines are an attempt to put those variables into a grid that suggests a predictable range of outcomes. The guidelines assume that the threshold legal determination of a need for alimony has been made.

<b><u>Length of marriage</u></b>	<b><u>% of the difference between parties' gross incomes</u></b>	<b><u>Duration of alimony award as % of length of marriage</u></b>
0 to <5 year	0 -20%	Presumption of no alimony or short-term (up to one yr.)
5 to <10 years	15 - 35%	20 - 50% (1– 5 yrs.)
10 to <15 years	20 - 40%	40 - 60% (3 – 9 yrs.)
15 to <20 year	25 - 45%	40 - 70% (6 – 14 yrs.)
20+	30 - 50%	45% (9 to “permanent”)

*\*Revisions from 11/12/12 draft are reductions in low end of percentage differences in parties' incomes and in the low end of duration for marriages exceeding 5 years. Upper brackets not changed.*

**Notes:**

1. Duration would be affected by length of marriage within the designated range and the discrepancy in incomes of the parties, as well as the ages of the parties at time of divorce. On one hand, it might be reasonable to assume the younger the parties (or the recipient), the closer to the lower end of the range because of the parties' work-life expectancy. On the other hand, if the parties are older and near retirement, and if alimony is being paid out of earned income, the duration may be shorter than the length of the marriage might otherwise indicate.
2. Guidelines assume an approximately an equal division of the marital estate. An award of property in lieu of maintenance or sufficient property to generate income would lead to lower amount of alimony (or no alimony) and/or for shorter duration.

3. Child support may increase recipient's net income – these guidelines do not address child support.
4. No COLAs are addressed, nor review of each party's entitlement to social security or private retirement assets or plans.
5. The statutory factors, including threshold determination, would still apply. See 15 VSA §752:
  - (1) The financial resources of the party seeking maintenance, the property apportioned to the party, the party's ability to meet his or her needs independently, and the extent to which a provision for support of a child living with the party contains a sum for that party as custodian;
  - (2) The time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;
  - (3) The standard of living established during the civil marriage;
  - (4) The duration of the civil marriage;
  - (5) The age and the physical and emotional condition of each spouse;
  - (6) The ability of the spouse from whom maintenance is sought to meet his or her reasonable needs while meeting those of the spouse seeking maintenance; and
  - (7) Inflation with relation to the cost of living. (Amended 1981, No. 247 (Adj. Sess.), § 7; 2009, No. 3, § 12a, eff. Sept. 1, 2009.)

### **Illustrations of Guidelines:**

#### **Example 1:**

Party A: \$100,000

Party B: \$25,000

Marriage: less than 5 years (0 to 20%)

Difference in income: \$75,000

Minimum alimony: zero

Maximum alimony: 20% of \$75,000 = \$15,000

A's net (earned – alimony) income: \$85,000; B's net (alimony + earned) income: \$40,000

Maximum duration: 1 year.

#### **Example 2:**

Party A: \$100,000

Party B: \$25,000

Marriage: 5 to less than 10 years (20 to 35%)

Difference in income: \$75,000

Minimum alimony: 15% of \$75,000 = \$11,250  
A's net income: \$88,750; B's net income: \$36,250  
Minimum duration: 1 year

Maximum alimony: 35% of \$75,000 = \$26,250  
A's net income: \$73,750; B's net income: \$ 51,250  
Maximum duration: 5 years

**Example 3:**

Party A: \$100,000  
Party B: \$12,000  
Marriage less than 5 years (maximum alimony 20%)  
Difference in income: \$88,000

Minimum alimony: zero  
Maximum alimony: 20% of \$88,000 = \$17,600  
A's net income: \$82,400; B's net: \$29,600  
Maximum duration: 1 year.

**Example 4:**

Party A: \$75,000  
Party B: \$35,000  
Marriage 15 to less than 20 years (25 to 45%)  
Difference in income: \$40,000

Minimum alimony: 25% of \$40,000 = \$10,000  
A: \$65,000; B: \$45,000  
Minimum duration: 6 years

Maximum alimony: 45% of \$40,000 = \$18,000  
A: \$57,000; B gets \$53,000  
Maximum duration: 14 years

**Example 5**

Party A: \$100,000  
Party B: \$25,000  
Marriage of 20+ years (30 to 50%)  
Difference in Income: \$75,000

Minimum alimony: 30% of \$75,000 = \$22,500  
A: \$77,500; B: \$47,500

Maximum alimony: 50% of \$75,000 = \$37,500  
A: \$62,500; B: \$62,500 total: Incomes are equalized.  
Duration: 9 years to permanent.