

MAINTENANCE

Maintenance/Spousal Support/Alimony. Maintenance is financial support ordered by the court, from one spouse to the other in periodic payments. Maintenance is meant to help one spouse get back on their feet after the marriage, such as going back to school or trying to find work, but can also provide long-term help for a spouse with serious disabilities. The court may grant maintenance if one spouse lacks sufficient property to provide for his or her "reasonable needs" or cannot obtain "appropriate employment" to provide enough income for self-support, or for the care of a disabled child precludes t employment outside of the home. "Reasonable needs" takes into account the economic circumstances and the standard of living during the marriage. *CRS §14-10-114*

Temporary maintenance: Applies only while the case is before the court. The court has discretion to determine the amount based on a totality of circumstances, and must consider any financial factors relevant to temporary maintenance, including payment of family expenses and debts. The court must make oral and written findings in support of its' award or denial.

When ordered, temporary maintenance usually begins at the latest of: 1) Date of physical separation; or 2) Date of filing of the petition for divorce; or 3) Date of service on the respondent. Temporary maintenance may be ordered by the court if the parties are not living together.

Permanent Maintenance: The court must consider all relevant factors, and make findings regarding: 1) each party's gross income, 2) the martial property apportioned to each party, and 3) the financial resources of the parties, and 4) the reasonable financial needs as established during the marriage. After making its initial findings, and only if the party has met the threshold factors, then the court will determine an amount and duration of maintenance that is fair and equitable, after considering the guideline amount and duration and related factors.

Colorado Courts will consider the following factors in making maintenance decisions:

MAINTENANCE FACTORS:

- The financial resources of the spouse seeking maintenance, including marital property apportioned to such spouse and such spouse's ability to meet his or her needs independently;
- Financial resources of the recipient and payor spouse, including actual or potential income from separate or marital property, or any other source, and the earning capability of the spouses;
- Distribution of marital property and the property each spouse has;
- Significant economic or noneconomic contributions to the marriage
- The ability of the spouse from whom support is sought to meet his or her needs while meeting those of the spouse seeking support;
- The inability of the spouse to support himself or herself even with employment or the inability to work because of retaining custody of a child who requires special care;
- Any necessary reduction in employment due to the needs of an unemancipated child, any custodial and child support responsibilities, or other circumstances
- The age and physical and emotional health of the spouse;
- The length of the marriage; and lifestyle during the marriage
- Income, employment and employability of each party obtainable through reasonable diligence and additional training, if necessary, and the time needed to acquire education and training to enable the spouse to find appropriate employment, and that spouse's future earning capacity;
- Whether on party has historically earned higher or lower income that at the current time
- Amount of Temporary Maintenance and number of months Temporary Maintenance was paid
- Whether circumstances warrant a nominal award to preserve a future claim
- Any other relevant factors

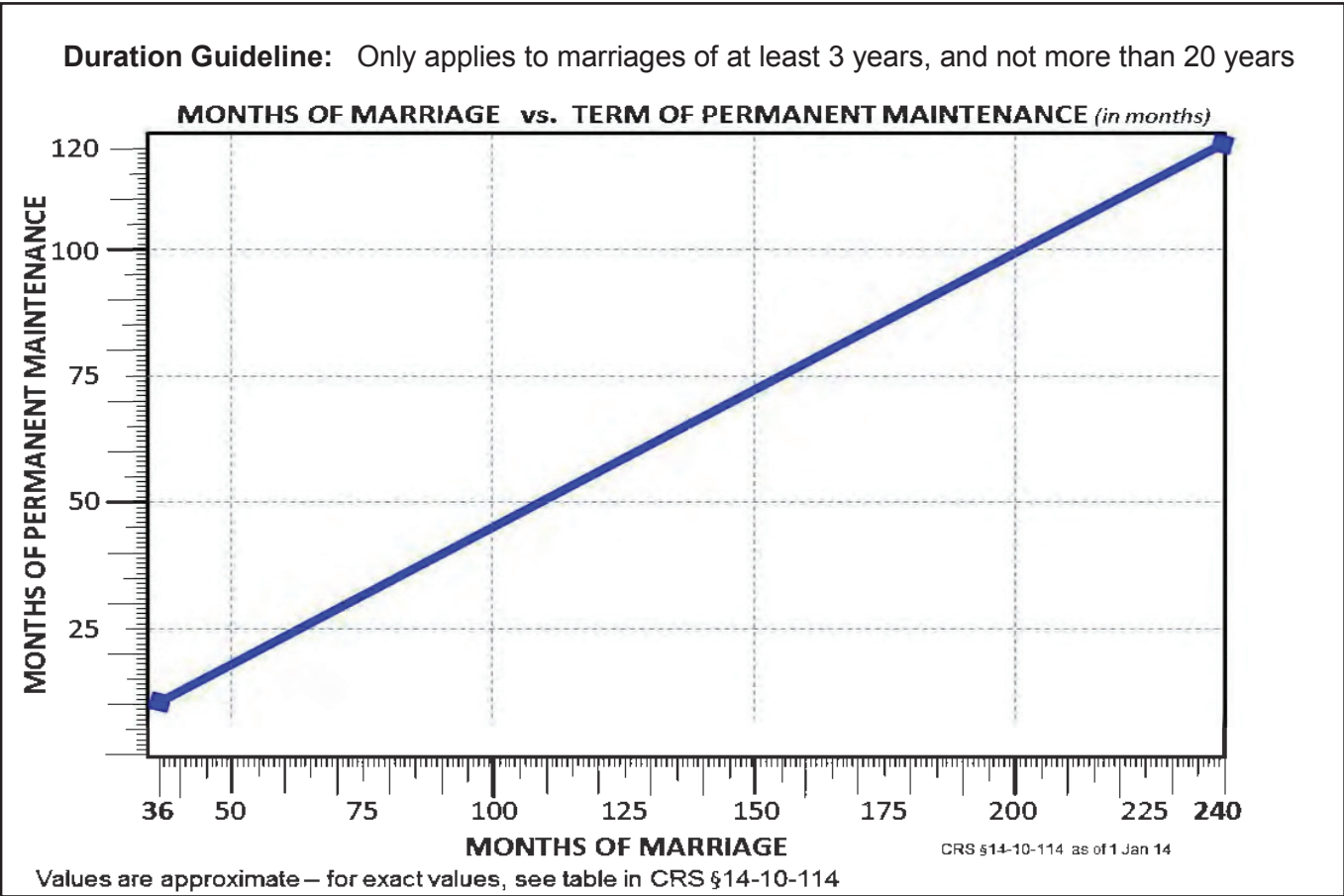
For marriages of less than 3 years: The court may award maintenance in short-term marriages, including marriages of less than three years in duration, when, given the circumstances of the parties, the distribution of marital property is insufficient to achieve an equitable result. The court may consider the maintenance guidelines and the relevant factors affecting the amount and term of maintenance as set forth in CRS 14-10-114
(ordinarily, no maintenance)

For marriages of 3 years or longer, but less than 20 years: (with a combined gross income of less than \$240,000)
(maintenance is calculated using the Guideline Amount)

Guideline Amount: <i>(CRS §14-10-114)</i>	40 % of the higher monthly adjusted gross income minus 50% of the lower monthly adjusted gross income
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(But the resulting guideline amount may not exceed 40% of the combined adjusted gross income)

Duration Guideline: Only applies to marriages of at least 3 years, and not more than 20 years



For marriages longer than 20 years: the court may award maintenance for a specific term or for an indefinite term, but not less than ten years without making specific findings.