

FAMILY LAW

DIVORCE AND DISSOLUTION

ALIMONY, MAINTENANCE, AND OTHER SPOUSAL SUPPORT (STATUTES)

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All states and jurisdictions have enacted statutes regarding the provision of alimony, spousal maintenance and/or spousal support to qualified parties in divorce and dissolution proceedings. The statutes in the following table address various areas, such as: the factors courts should use in determining levels of spousal support, under what conditions spousal support should be modified or terminated by the courts, and what provisions courts should make for temporary support when a divorce or dissolution action is still pending.

Each jurisdiction also has adopted the Uniform Interstate Family Support Act and has enacted statutes providing for the coordination of spousal support orders and support collection among states and jurisdictions. These statutes, as well as some statutes pertaining to state support enforcement agencies and central registries for the collection of child support and spousal support are contained within this table.

This table does not contain statutes dealing with details such as how spousal support orders affect a particular industry or occupation's retirement planning system. It does not contain statutes dealing solely with child support orders; however many of the statutes in this table contain information relating to both spousal support and child support.

Table 1: Alimony, Maintenance, and other Spousal Support

| State | What is the Primary Term Utilized for Spousal Support? | Can Spousal Support be the Subject of a Premarital Agreement? | Is Spousal Support Available while the Court Action is Pending? | What Effect does Remarriage or Cohabitation of Spouse Receiving Support have? |
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| Alabama | Alimony AL ST § 30-2-51 | None | Pending an action for divorce, the court may make an allowance for the support of either spouse out of the estate of the other spouse AL ST § 30-2-50 | Alimony is terminated upon showing that spouse has remarried or is living openly or cohabiting with a member of the opposite sex AL ST § 30-2-55 |
| Alaska | Alimony; maintenance AK ST § 25.24.160 | None | During pendency of the action, court may award reasonable spousal maintenance, including medical expenses the court AK ST § 25.24.140 | Alimony may be set aside, altered, or modified AK ST § 25.24.170 |
| Arizona | Spousal maintenance AZ ST § 25-319 | None | The court may enter temporary orders for spousal maintenance at any time after a petition for legal separation or a petition for dissolution has been filed | Maintenance may be modified AZ ST § 25-317 |

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| | | | AZ ST § 25-315 | |
| Arkansas | Alimony AR ST § 9-12-312 | Parties may contract on any matter, including personal rights and obligations, not in violation of public policy or a criminal statute AR ST § 9-11-403 | Court may award spousal support during proceeding/during separation period AR ST § 9-11-809 | Alimony ceases upon remarriage of person awarded alimony AR ST § 9-12-312 |
| California | Spousal support CA FAM § 4330 | Premarital agreements may alter property rights CA FAM § 1500 | Order may be made retroactive to date of filing CA FAM § 4333 | Except as otherwise agreed by the parties in writing, the obligation of a party under an order for the support of the other party terminates upon the remarriage of the other party CA FAM § 4337 |
| Colorado | Spousal maintenance CO ST § 14-10-114 | None | Yes, but temporary maintenance awards cannot be used in determining permanent maintenance awards CO ST § 14-10-114 | Remarriage of receiving party terminates obligation to pay future maintenance CO ST § 14-10-122 |
| Connecticut | Alimony CT ST § 46b-82 | Yes CT ST § 46b-36d | Prejudgment remedies are available CT ST § 46b-80 Alimony and support pendente lite may be awarded to either of the parties from the date of | Court may suspend, reduce, or terminate alimony if receiving party is living with another person CT ST § 46b-86 |

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| | | | the filing of an application therefor with the Superior Court CT ST § 46b-83 | |
| Delaware | Alimony DE ST TI 13 § 1512 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support or alimony DE ST TI 13 § 323 | Court may award interim alimony to a dependent party during the pendency of an action for divorce or annulment DE ST TI 13 § 1512 | Unless otherwise agreed by the parties in writing and expressly provided in the decree, the obligation to pay future alimony is terminated upon the remarriage of the party receiving alimony DE ST TI 13 § 1519 |
| District of Columbia | Alimony DC CODE § 16-913 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal or domestic partner support DC CODE § 46-503 | During the pendency of an action for divorce or the termination of a domestic partnership the court may require the spouse or domestic partner to pay pendente lite alimony to the other spouse or domestic partner DC CODE § 16-911 | Court retains jurisdiction to modify or terminate judgment, decree, or order DC CODE § 16-914.01 |
| Florida | Alimony FL ST § 61.08 | Parties may contract to establish, modify, waive, or eliminate spousal support | Court can award alimony pendente lite, as well as suit money FL ST 61.071 | An existing award of alimony can be reduced or terminated if there is a supportive |

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| | | FL ST § 61.079 | | relationship between an obligee and a person who is not related by consanguinity or affinity and with whom the obligee resides FL ST § 61.14 |
| Georgia | Alimony GA ST § 19-6-1 | Parties may contract to make adequate provision for support and maintenance consistent with means and circumstances, and such agreement shall be a bar to permanent alimony GA ST § 19-6-8 | Court shall grant temporary alimony, including expenses of litigation, as the condition of the parties and the facts of the case may justify GA ST § 19-6-3 | Obligations for permanent alimony shall terminate upon remarriage of the party to whom the obligations are owed unless otherwise provided GA ST § 19-6-5 Voluntary cohabitation of such former spouse with a third party in a meretricious relationship shall also be grounds to modify permanent alimony GA ST § 19-6-12 |
| Hawaii | Alimony; maintenance HI ST § 580-47 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support HI ST § 572D-3 | After the filing of a complaint for divorce or separation the court may make orders relative to the support of either spouse HI ST § 580-9 | All rights to receive maintenance shall terminate after remarriage, unless the final decree or order, or an agreement of the parties approved by |

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| | | | | the final decree or order, provides specifically for the payments to continue after such remarriage HI ST § 580-51 |
| Idaho | Maintenance ID ST § 32-705 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support ID ST § 32-923 ID ST § 32-925 | While an action for divorce is pending, the court may order the payment of temporary maintenance to either spouse ID ST § 32-704 | Substantial and material change of circumstances may lead to modification of decree ID ST § 32-709 |
| Illinois | Maintenance IL ST CH 750 § 5/504 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support IL ST CH 750 § 10/4 | Yes IL ST CH 750 § 5/501 IL ST CH 750 § 5/504 | Court may modify order based on change in circumstances IL ST CH 750 § 5/510 |
| Indiana | Maintenance IN ST 31-15-7-1 | Parties may contract with regard to the modification or elimination of spousal maintenance IN ST 31-11-3-5 | In an action for dissolution of marriage or legal separation either party may file a motion for temporary maintenance IN ST 31-15-4-1 | Change in circumstances may result in modification or revocation of order IN ST 31-15-7-3 |
| Iowa | Spousal support IA ST § 598.21A | Right of spouse to support shall not be altered by premarital agreement IA ST § 596.5 | Court may order temporary support IA ST § 598.10 | The court may modify spousal support orders upon remarriage IA ST § 598.21C |

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| Kansas | Spousal support KS ST 23-9,101 KS ST 23-9,401 | Parties to a premarital agreement may contract with respect to all of the following the modification or elimination of spousal support KS ST 23-804 | During the pendency of the action prior to final judgment the judge assigned to hear the action may make orders for spousal support KS ST 60-1607 | Order for support includes order which provides for modifications KS ST 23-4,106 KS ST 23-9,206 |
| Kentucky | Maintenance KY ST § 403.200 | None | In a proceeding for dissolution of marriage or for legal separation the court may order temporary maintenance KY ST § 403.160 | Obligation to pay maintenance is terminated upon remarriage of receiving party KY ST § 403.250 |
| Louisiana | Spousal support LA R.S. 9:302 | Spouses are free to establish by matrimonial agreement a regime of separation of property or modify the legal regime as provided by law LA C.C. Art. 2328 | Court may award interim spousal support until a final judgment is made in the action LA R.S. 9:321 | Material change in circumstances may warrant modification in support LA R.S. 9:311 |
| Maine | Spousal support ME ST T. 19-A § 951-A | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support ME ST T. 19-A § 604 | Pending a divorce action, the court may make reasonable provision for either spouse's separate support ME ST T. 19-A § 904 | Spousal support may be modified ME ST T. 19-A § 951-A |
| Maryland | Alimony MD FAM § 11-102 | Husband and wife may make agreement that relates to alimony, support, property | In a proceeding for divorce, alimony, or annulment of marriage, the court | Amount of alimony may be modified as circumstances and justice require |

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| | | rights, or personal rights MD FAMILY § 8-101 | may award alimony pendente lite to either party MD FAM § 11-102 | MD FAMILY § 8-103 MD FAMILY § 11-107 Unless parties agree otherwise, alimony may be terminated upon marriage of recipient MD FAMILY § 11-108 |
| Massachusetts | Alimony MA ST 208 § 34 | Parties may enter into antenuptial settlement MA ST 209 § 25 | The court may order alimony upon filing of complaint MA ST 208 § 34 | Alimony may be revised MA ST 208 § 37 |
| Michigan | Alimony MI ST 552.27 | None | Separate maintenance may be ordered MI ST 552.7 | An award of alimony may be terminated by the court as of the date the party receiving alimony remarries unless a contrary agreement is specifically stated in the judgment of divorce MI ST 552.28 |
| Minnesota | Spousal maintenance MN ST § 518.552 | Parties may preclude or limit modification of maintenance through stipulation in private agreement MN ST § 518.552 | Pending final disposition of the proceeding, the court can make a temporary order for spousal maintenance MN ST § 518.62 | Court may relieve party of judgment, decree, or order if equitable MN ST § 518.145 |
| Mississippi | Maintenance or | None | The chancellor in | Court may change |

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| | alimony MS ST § 93-5-23 | | vacation may, upon reasonable notice, hear complaints for temporary alimony MS ST § 93-5-17 | decree or make new decrees as case requires MS ST § 93-5-23 |
| Missouri | Alimony; maintenance MO ST 452.075 MO ST 452.080 MO ST 452.335 | Marriage contracts must be in writing MO ST 451.220 Separation agreements are authorized MO ST 452.325 | None | The remarriage of the former spouse shall relieve the spouse obligated to pay support from further payment of alimony to the former spouse MO ST 452.075 MO ST 452.370 |
| Montana | Maintenance MT ST 40-4-203 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support MT ST 40-2-605 | In a dissolution or legal separation or in a proceeding either party may move for temporary maintenance MT ST 40-4-121 | Court may modify decree upon showing of changed circumstances so substantial and continuing as to make terms unconscionable MT ST 40-4-208 |
| Nebraska | Alimony; Spousal support NE ST § 42-347 NE ST § 42-365 | Parties may contract to modify or eliminate spousal support NE ST § 42-1004 | Court may order temporary support and maintenance NE ST § 42-357 NE ST § 42-821 | Order for alimony may be modified or revoked for good cause NE ST § 42-365 |
| Nevada | Maintenance NV ST 125.190 | Parties to a premarital agreement may contract with respect to the modification or elimination of alimony or support or | The court may require either party to provide temporary maintenance for the other party NV ST 125.200 | In the event of the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the |

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| | | <p>maintenance of a spouse NV ST 123A.050</p> | | <p>payments required by the decree must cease, unless it was otherwise ordered by the court NV ST 125.150</p> <p>Court may change, modify, or revoke its orders and decrees from time to time NV ST 125.210</p> |
| New Hampshire | <p>Alimony NH ST § 458:19</p> | <p>Antenuptial agreements are allowed NH ST § 460:2-a</p> | <p>After the filing of a petition for divorce, annulment, separation or a decree of nullity, the court may order a spouse to pay a temporary allowance for the support of the other NH ST § 458:16</p> | <p>Court may modify or revise orders and decrees NH ST § 458:32</p> |
| New Jersey | <p>Alimony or maintenance NJ ST 2A:34-23</p> <p>Law on spousal support apply to persons in civil unions NJ ST 37:1-31</p> | <p>Parties may contract for modification or elimination of support NJ ST 37:2-34</p> | <p>Pending any matrimonial action or action for dissolution of a civil union the court may make an order as to the alimony or maintenance of the parties NJ ST 2A:34-23</p> | <p>If a former spouse remarries or a former partner enters into a new civil union, permanent and limited duration alimony shall terminate as of the date of remarriage or new civil union NJ ST 2A:34-25</p> |
| New Mexico | Spousal support | Parties may not | In any proceeding for | Court may modify |

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| | NM ST § 40-4-7 | contract to adversely affect right of spouse to support NM ST § 40-3A-4 | the dissolution of marriage the court may make orders for the support of either party during the pendency of the proceeding NM ST § 40-4-7 | order when circumstances render change proper NM ST § 40-4-7 |
| New York | Alimony; maintenance; spousal support NY DOM REL § 236 | Parties may agree to amount and duration of maintenance, subject to general obligations law and provided terms are fair and reasonable at time of agreement and not unconscionable at time of judgment NY DOM REL § 236 | The court may make an order for temporary spousal support pending a final determination NY FAM CT § 434-a | Court shall annul provisions of support of wife upon proof of marriage of wife NY DOM REL § 248 |
| North Carolina | Spousal support NC ST § 50-16.3A | A premarital agreement can modify or eliminate spousal support NC ST § 52B-4 | Either party may move for postseparation support NC ST § 50-16.2A | Support or alimony terminates upon remarriage or cohabitation of recipient NC ST § 50-16.9 |
| North Dakota | Spousal support ND ST 14-03.1-03 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support ND ST 14-03.1-03 | Party may apply for temporary support ND ST 14-05-23 | Court may modify spousal support orders ND ST 14-05-24.1 |

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| Ohio | Spousal support OH ST § 3105.18 | Husband and wife may agree to provisions for support of either of them OH ST § 3103.06 | During the pendency of any divorce, or legal separation proceeding, the court may award reasonable temporary spousal support to either party OH ST § 3105.18 | Decree may be modified OH ST § 3105.18 |
| Oklahoma | Alimony OK ST T. 43 § 134 | The court shall, subject to a valid antenuptial contract in writing, make such division between the parties as may appear just and reasonable OK ST T. 43 § 121 | After a petition has been filed in an action for dissolution of marriage or legal separation either party may request the court to issue a temporary order regarding spousal maintenance OK ST T. 43 § 110 | The voluntary cohabitation of a former spouse with a member of the opposite sex shall be a ground to modify provisions of a final judgment or order for alimony OK ST T. 43 § 134 |
| Oregon | Spousal support OR ST § 107.105 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support OR ST § 108.710 | None | Spousal support may be amended if circumstances change substantially OR ST § 107.135 Decree may be amended if after 10 years of payments, receiving spouse has not made reasonable efforts during that time OR ST § 107.407 |
| Pennsylvania | Alimony 23 Pa.C.S.A. § 3701 | Premarital agreements are allowed | Court may order temporary support | Court may modify order upon substantial |

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| | | 23 Pa.C.S.A. § 3106 | granted to a spouse during the pendency of a divorce or annulment proceeding 23 Pa.C.S.A. § 3704 | and continuing changed circumstances 23 Pa.C.S.A. § 3701 |
| Rhode Island | Alimony RI ST § 15-5-16 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support RI ST § 15-17-3 | Court may make interlocutory decrees RI ST § 15-5-18 | Upon remarriage of recipient, alimony terminates RI ST § 15-5-16 |
| South Carolina | Alimony SC ST § 20-3-120 | None | Court may make pendente lite orders for alimony SC ST § 20-3-120 SC ST § 20-3-130 | At court's discretion, alimony terminates upon the remarriage or continued cohabitation of the supported spouse SC ST § 20-3-150 |
| South Dakota | Allowance for support SD ST § 25-4-41 | Parties may contract regarding support for either during separation SD ST § 25-2-13 | While an action for divorce is pending, the court may in its discretion require one spouse to pay as alimony any money necessary to support the other spouse or the children of the parties, or to prosecute or defend the action SD ST § 25-4-38 | Court may modify orders SD ST § 25-4-41 |
| Tennessee | Alimony TN ST § 36-5-101 | Parties may enter into antenuptial or | None | An award may be modified |

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| | | prenuptial agreement TN ST § 36-3-501 | | TN ST § 36-5-101 |
| Texas | Maintenance TX FAMILY § 8.001 TX FAMILY § 8.051 | The parties to a premarital agreement may contract with respect to the modification or elimination of spousal support TX FAMILY § 4.003 | None | Remarriage of obligee terminates future maintenance TX FAMILY § 8.056 |
| Utah | Alimony UT ST § 30-3-5 | Parties to a premarital agreement may contract with respect to the modification or elimination of spousal support UT ST § 30-8-4 | The court may order a party to provide money, during the pendency of the action, for the separate support and maintenance of the other party UT ST § 30-3-3 | Alimony terminates upon remarriage of recipient UT ST § 30-3-5 |
| Vermont | Alimony VT ST T. 15 § 752 | None | Parties may apply for temporary relief VT ST T. 15 § 594a | None |
| Virginia | Spousal support VA ST § 20-107.1 | Parties to a premarital agreement may contract with respect to spousal support VA ST § 20-150 | The court may enter support orders in pendente lite proceedings, provided such proceedings are not ex parte VA ST § 16.1-278.17 | If spouse receiving support has been habitually cohabiting with another person in a relationship analogous to a marriage for one year or more, the court shall terminate spousal support and maintenance unless otherwise provided by |

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| | | | | <p>stipulation or contract VA ST § 20-109</p> <p>If any former spouse to whom support and maintenance has been awarded shall thereafter marry, such support and maintenance shall cease as of the date of such marriage VA ST § 20-110</p> |
| Washington | Spousal maintenance WA ST 26.09.050 | Prenuptial agreements are allowed WA ST 26.16.250 | Either party may move for temporary maintenance WA ST 26.09.060 | Decree may be modified upon showing of substantial change in circumstances; obligation to pay terminates upon remarriage of recipient or registration of a new domestic partnership of the party receiving maintenance WA ST 26.09.170 |
| West Virginia | Spousal support WV ST § 48-1-242 | Antenuptial or prenuptial agreements are allowed WV ST § 48-1-203 | During the pendency of an action for divorce, the court may require either party to pay temporary spousal support in the form of periodic installments, or a lump sum, or both | An award of spousal support may be reduced or terminated upon remarriage or a de facto marriage of the spousal support payee WV ST § 48-5-707 |

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| | | | WV ST § 48-5-502 | |
| Wisconsin | Spousal support WI ST 767.501 Maintenance WI ST 767.56 | In a marital property agreement spouses may agree to modification or elimination of spousal support WI ST 766.58 | Maintenance may be ordered upon separation WI ST 767.59 | Remarriage vacates order requiring payments WI ST 767.59 |
| Wyoming | Support WY ST § 20-2-111 | None | In every action brought for divorce, the court may require either party to pay any necessary sum of support during its pendency WY ST § 20-2-111 | Alimony may be revised WY ST § 20-2-116 |
| United States | Spousal support 42 U.S.C.A. § 654 | None | None | None |
| Guam | Spousal support 5 G.C.A. § 34136 19 G.C.A. § 8402 | None | Alimony may be ordered during pendency of action 19 G.C.A. § 8402 | Orders may be revoked, altered, or varied by court 19 G.C.A. § 8402 |
| Puerto Rico | Alimony 31 L.P.R.A. § 385 | Prenuptial agreements mentioned 31 L.P.R.A. § 343 | Spouse may move for payments during proceedings 31 L.P.R.A. § 343 | Alimony shall be revoked through judicial decision if the divorced spouse entitled to such alimony contracts a new marriage or lives in public concubinage 31 L.P.R.A. § 385 |
| Virgin Islands | Spousal support | None | Interlocutory orders for | Orders may be |

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| | 16 V.I.C. § 85 16 V.I.C. § 109 | | payments after commencement of action 16 V.I.C. § 108 | modified 16 V.I.C. § 110 |
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