



Alimony Questionnaire

ADULTERY BARS ALIMONY

Adultery is an absolute bar to receiving alimony. This is addressed more fully in the Client's Guide and Basic Information Sheets.

STATUTORY FACTORS

South Carolina recognizes four types of alimony; periodic alimony, lump sum alimony, rehabilitative alimony, and reimbursement alimony. In making an award of alimony the family court is required to consider thirteen factors. Many of the factors are identical to the property division factors. This questionnaire addresses only those factors that are different than the factors listed in the property division questionnaire.

Section 1. Ages and Length of Marriage (Included in Basic Information Sheets)

Section 2. Physical and Emotional Condition (Included in Property Division Questionnaire)

Section 3. Education and Need for Training (Included in Property Division Questionnaire)

Section 4. Employment History and Earning Potential (Included in Property Division Questionnaire)

Section 5. Standard of Living.

The spouse seeking alimony wants to prove a high standard of living during the marriage while the party opposing alimony wishes to prove a low standard of living. Examples of factors that may be considered in determining standard of living include size and location of home, vacation homes, types and numbers of vehicles, recreational vehicles, types of vacations, quality of home furnishings, employment of servants, private schools, tutors, quality of clothes, frequency and types of restaurants patronized, cosmetic or elective surgery, and private clubs and social activities.

How would you characterize the standard of living during the marriage?

Lavish High Average Modest Poor

What factors indicate a higher standard of living?

What factors indicate a lower standard of living?

Who was primarily responsible for determining the standard of living?

Husband Wife

Section 6. Current Earnings

Provide the following information regarding YOUR current employment:

Name of Employer

Mailing Address

City, State, Zip

Year Started

Starting Pay

Present Pay

Job Description

Average # of:

Days
per Week

Hours
per Day

Hours
per Week

Gross earnings for
last calendar year

YTD earnings
for this year

Did you receive any
bonus last year? Y N

Expect bonus
this year? Y N

Expect raise in
near future? Y N

What benefits do
you receive as
part of your
employment?

- Retirement
- Savings Plan or IRA
- Employee Stock Ownership Plan (ESOP)
- Medical or Health Insurance
- Dental Insurance
- Use of Vehicle
- Paid Vacation
- Home or Cell Phone
- Other

If "other",
provide details

Do you have a
second job or part-
time job? Y N If yes, describe

Provide the following information regarding YOUR SPOUSE'S current employment:

Name of Employer

Mailing Address

City, State, Zip

Year Started

Starting Pay

Present Pay

Job Description

Average # of:	Days per Week	Hours per Day	Hours per Week
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Gross earnings for
last calendar year

YTD earnings
for this year

Did he or she receive
any bonus last year?

Y N

Does he or she
expect bonus
this year?

Y N

Does he or she
expect raise in
near future?

Y N

What benefits does
your spouse receive
as part of their
employment?

Retirement
Savings Plan or IRA
Employee Stock Ownership Plan (ESOP)
Medical or Health Insurance
Dental Insurance
Use of Vehicle
Paid Vacation
Home or Cell Phone
Other

If "other",
provide details

Does he or she have
a second job or
part-time job?

Y N

If yes, describe

Section 7. Expenses (Also see Financial Declaration Workbook)

What expenses do you expect to increase during the next year?

What expenses do you expect to decrease during the next year?

What expenses does your spouse have that you consider to be unreasonable?

Section 8. Marital and Non-Marital Property (See Property Division Questionnaire and Financial Declaration Workbook).

The greater share of property a party receives, the less the need for alimony or the greater the ability to pay alimony.

Section 9. Child Custody (Also see Child Custody Questionnaire)

Is your ability to earn income diminished because you have custody of children?

Y N

Is your spouse's ability to earn income diminished because he or she has custody of children?

Y N

Section 10. Marital Misconduct (See Basic Information Sheets and Property Division Questionnaire)

Section 11. Tax Consequences

As a general rule, alimony is taxable to the person receiving the alimony and deductible by the person paying the alimony.

Section 12. Prior Support Obligations (See Property Division Questionnaire)

Section 13. Other Factors

List any additional reasons that you should receive alimony or a greater amount of alimony.

List any additional reasons that your spouse should not receive alimony or a lesser amount of alimony.

Additional Comments, not addressed elsewhere in this section:

TYPES OF ALIMONY

Permanent Periodic Alimony

Periodic alimony is paid at regular intervals, usually monthly or weekly, and continues until the death of either party, the remarriage of the party receiving alimony, or further order of the court based upon changed circumstances.

Are you seeking permanent periodic alimony?

Y N

What do you believe is a reasonable sum for you to be awarded as permanent periodic alimony?

Lump Sum Alimony

Lump sum alimony is a finite total sum which is paid at one time or periodically over a period of time. It terminates upon the death of the supported spouse but is not subject to termination for remarriage of the supported spouse or upon changed circumstances. A reason for lump sum alimony may be that the paying spouse cannot pay permanent periodic alimony in the future or that the parties simply want to conclude the alimony payments over a fixed period.

Are you seeking lump sum alimony?

Y N

Why are you seeking lump sum alimony rather than permanent periodic alimony?

What do you believe is a reasonable monthly sum for you to be awarded as lump sum alimony?

Rehabilitative Alimony

Rehabilitative alimony is generally used to allow the receiving spouse to obtain additional training or education to become self-supporting. It is payable either in a lump sum or over a fixed period of time. It can be modified.

Are you seeking rehabilitative alimony?

Y N

What are your plans for additional education or training?

What do you believe is a reasonable sum for you to be awarded as rehabilitative alimony?

Reimbursement Alimony

Reimbursement alimony is used to reimburse a spouse from the future earnings of the other spouse. An example might be where one party made a substantial contribution to the marriage and the other party does not have the present ability to repay that contribution.

Are you seeking reimbursement alimony?

Y N

For what are you seeking reimbursement?

What do you believe is a reasonable sum for you to be awarded as reimbursement alimony?

Reservation of Alimony

If the divorce decree does not award alimony or reserve the right of alimony, then alimony cannot be sought in the future. For example, alimony may be reserved when a spouse is presently employed but has a physical problem that may result in future unemployment, or when a person is entitled to alimony but his or her spouse has no ability to pay alimony at the present.

If you are not awarded alimony, do you believe that your right of alimony should be reserved?

Y N

Why should your right of alimony be reserved?

Additional comments not addressed elsewhere in this section:

Date answers completed:

Type your name to serve as your electronic signature:

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