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About Family Law Ripples

Ripples is a bi-monthly publication focused on legal matters affecting families. It promotes responding to family change with an eye to cooperation, connection and positive values.

MARITAL STANDARD OF LIVING: WHEN BOTH SPOUSES WORK

Many divorce cases with two working spouses involve one party who could live on his/her income, but would experience a change in lifestyle. Analyzing the significance of change in lifestyle in connection with a maintenance claim can be complicated.

The controlling statute directs the Court to determine eligibility for maintenance by assessing the requesting party's ability to meet his/her "reasonable needs" and capability for "adequate self-support" considering "the standard of living established during the marriage" and "all relevant circumstances." Minn. Stat. Sec. 518.552, Subd 1. This statute can be viewed at: www.revisor.mn.gov/statutes/?id=518.552

In addition, the Court is to take into account, as one factor in determining the length and duration of maintenance, the standard of living during

the marriage. Minn. Stat. Sec. 518.552, Subd. 2. The directives are clear – the analysis is not.

It is a rare divorce that results in either spouse being able to maintain the same standard of living that he/she enjoyed during the marriage. Housing costs alone tend to double when spouses are physically separated. What is an appropriate adjusted standard of living?

As between the parties, one may have had a tendency to be financially conservative and the other may have had a tendency to spend more money. Which tendency sets the standard for lifestyle post-decree? Should the saver be able to list savings as an aspect of his/her post-decree budget the same as the spender will likely list his/her historic expenses?

The length of the marriage may impact the weight given to the marital standard of living. On one extreme is a very short marriage, say six months, where a significant reduction in standard of living may be considered reasonable. At the other extreme is a very long term marriage for which the same reduction in standard of living may be considered unreasonable. And in a mid-term marriage, the same reduction may involve a judgment call.

Related to length of the marriage, is also the consideration of how long the parties have had the standard of living which exists at the time of divorce. Should a relatively recent change in earnings of one or both parties and thereby a recent change in lifestyle be given different weight as compared to one that has existed for some time?

Some aspects of standard of living are related to differences in current employment circumstances (such as work hours) and benefits (access to a company gym) or perceived future employment opportunities. Can the differences be quantified? How much speculation is involved in the quantification?

Other complications to analyzing a maintenance claim in the context of "the standard of living during the marriage" can exist. For two-earner divorces, a full consideration of a party's past and proposed lifestyle is indicated.

Quotes on work and lifestyle:

Today's [workers] have to look forward to the excitement of probably having three or four careers. *Gordon Moore*

I'm living my life, not buying a lifestyle. *Barbara Kruger*

Most of how long and how well you live is up to you.
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In the Media:

You can research the skills that are required in specific fields of employment online at websites such as: Minnesotaworks.net, Indeed.com, and Jobsinminneapolis.com.

You can research new careers at websites such as Iseek.org, careeronestop.com, Online.onetcenter.org, positivelyminnesota.com (occupations in demand).

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