



# Fact Sheet

## SPOUSAL SUPPORT

This Fact Sheet provides general information about spousal support under the [Divorce Act](#).

The [Divorce Act](#) applies to married couples who are [divorcing](#). Provincial or territorial laws apply to unmarried or common-law couples that are separating and to married couples that are separating but not divorcing.

### What is spousal support?

“Spousal support” is the money that one spouse may have to pay to the other spouse for their financial support following a separation or divorce. It is sometimes called “alimony” or “maintenance.” Spousal support is usually paid on a monthly basis, but it can be paid as a lump sum.

### Why might one spouse be required to pay spousal support to the other?

A spouse may have to pay spousal support if such payment meets one or more of the main purposes of spousal support set out in the [Divorce Act](#). They are:

- To compensate a spouse who sacrifices his or her ability to earn income during the marriage;
- To compensate a spouse for the ongoing care of children, over and above any child support obligation; or,
- To help a spouse in financial need arising from the breakdown of the marriage.

At the same time, spouses who receive support have an obligation to become self-supporting where reasonable.

### Who can ask for spousal support?

When a married couple divorces, either spouse can ask for spousal support under the [Divorce Act](#). In most cases, spousal support is requested by the spouse with the lower income. In each case, a judge must consider several factors to determine if spousal support should be paid, including:

- The financial means, needs and circumstances of both spouses;
- The length of time the spouses have lived together;
- The roles of each spouse during their marriage;

- The effect of those roles and the breakdown of the marriage on both spouses' current financial positions;
- The ongoing responsibilities for care of the children, if any;
- Any previous orders, agreements or arrangements already made about spousal support.

### **How is spousal support calculated?**

The calculation of spousal support is one of the most complex areas of family law. Many factors need to be considered to determine an amount that is fair and appropriate in each case. Most Canadian courts and family law professionals use the [Spousal Support Advisory Guidelines](#) when calculating spousal support. Unlike the [Federal Child Support Guidelines](#), the [Spousal Support Advisory Guidelines](#) are not law. They help calculate appropriate spousal support amounts, whether for court orders or for out-of-court settlements and agreements.

### **Can I use the *Spousal Support Advisory Guidelines* myself to calculate spousal support?**

The [Spousal Support Advisory Guidelines](#) are available for anyone to consult. However, since calculating spousal support is so complex, it is very important to consult a family law professional.

### **How do tax rules apply to spousal support?**

The [Canada Revenue Agency](#) has information to help you determine how the support payments that you pay or receive should be included or deducted from your income on your income tax return.

### **Do I have to pay both child support and spousal support at the same time?**

In many cases, people pay both child and spousal support at the same time. However, the [Divorce Act](#) prioritizes the payment of child support. This means that in cases where there is not enough money for a person to pay both child and spousal support, money is directed toward paying child support first.

### **How long will spousal support be paid?**

The duration of support will be based on the facts of the case, such as the length of time the spouses lived together, or their ages at the time of separation. In some cases, spousal support may only be paid for a limited amount of time. In other cases, spousal support may continue unless there is a change in circumstances and the court makes a different order or the agreement is updated to reflect the change.

## When can I stop paying spousal support?

If you are paying spousal support that is set out in a written agreement or in a court order, you must continue to pay unless:

- The order is changed by a court;
- You and your former spouse agree to change your agreement; or
- The conditions for stopping payment, as set out in the order or agreement, have been met.

A court may only change a spousal support order when justified by an important change in the circumstances of either spouse. For example, if the support payer loses his or her job after the support order was made and he or she can no longer pay the amount that was ordered, a court may then decide that the support order should be changed.

If you and your former spouse have a spousal support agreement, and either of you experiences a change in your circumstances, you may wish to change your agreement to reflect your new situation. However, both you and your former spouse will need to consent to any proposed changes to your agreement before they can take effect.

If your order or agreement clearly states that spousal support is to end on a particular date or on the happening of a certain event, then payment of support can stop at that point. For example, if your order or agreement specifically provides that spousal support is to end on December 1st of the year 2020, then your spousal support obligation would end at that time.

***Learn more about the free information about divorce and separation available from Justice Canada in this short video, or visit our website:***

**[Canada.ca/family-law](https://www.canada.ca/family-law)**

**Disclaimer:** This is not a legal text and does not provide legal advice. As family law can be complex, it is usually best for individuals to get advice about their situation from a family law lawyer. These lawyers are in the best position to give legal advice about rights and obligations. Most of the provincial and territorial bar associations offer [Lawyer Referral Services](#). Some lawyers may give an initial consultation for free or at a reduced rate, or individuals may decide to consult a lawyer just a few times to help with certain aspects of their specific situation.