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	<p>Note: The information provided on this web page is not intended as legal advice. It is merely for the purpose of informing you about the basic concepts of alimony in NC in laymen's terms. You should always consult with an experienced family law attorney for specific advice.</p>
What is alimony?	<ul style="list-style-type: none">◆ North Carolina recognizes the right to receive alimony. Alimony is a support payment payable by one spouse (supporting spouse) to the other spouse (dependent spouse). It is designed to cover all or part of the dependent spouse's living expenses, generally on a monthly basis.
Who can get alimony?	<ul style="list-style-type: none">◆ Only dependent spouses can receive alimony. To be considered a dependent spouse and eligible to receive alimony, a spouse has to be dependent on the other spouse to cover his or her ongoing monthly financial needs. If a spouse has enough income to pay for her monthly expenses, she is not a dependent spouse and cannot be awarded alimony.◆ So, let's say, for example, that Jane separates from her husband Jack. After tax, Jane only earns \$1,000 per month. To pay her reasonable monthly expenses as they existed during the marriage (e.g., house payment, food, car, etc.), Jane needs \$3,000 per month. She is \$2,000 per month short. She will need an extra \$2,000 a month from some source (her spouse or somewhere else) to cover the shortfall each month. If Jack had been supplying that shortfall during the marriage, Jane would be dependent on Jack for her support.◆ A common misconception about alimony is the notion of the "accustomed standard of living" of the dependent spouse. To determine if a spouse is dependent, the courts look at what the Parties were spending each month on the dependent's spouse needs during the last few years of the marriage. But the amount of support that is awarded is rarely as much as the dependent spouse's "accustomed standard of living". See the discussion below about the amount of the award.

<p>How much is the alimony payment?</p>	<p>◆ The amount of alimony awarded is based on how much a spouse needs to cover their respective expenses and the ability of the supporting spouse to expect to pay for those expenses. As noted above, the accustomed standard of living is a factor in determining how much a dependent spouse needs. However, if a supporting spouse does not have enough money to pay for all of the dependent spouse's needs, the dependent spouse will only receive that amount that the supporting spouse can pay. In the example above, Jill will be \$2000 a month short to meet her accustomed standard of living. If Jack can only afford to pay \$1000 a month as alimony, then Jill will have to somehow make do with only \$1000 in alimony. Sometimes, the dependent or supporting spouse will be at "fault" (for example, an alcoholic or mean and ornery). The Court will sometimes cut the amount of alimony to take into account the "fault" of the dependent spouse or make the supporting spouse pay more than he can really afford because he was at "fault".</p>
<p>Who has to pay alimony?</p>	<p>◆ Only supporting spouses have to pay alimony. A supporting spouse is one who has been helping pay all or part of the other spouse's expenses during the marriage. However, just because a spouse may be a supporting spouse during the marriage, he may not have to pay alimony once the Parties separate. When the Parties separate they have the extra expense of two households (one for each spouse). That may mean the supporting spouse, after he pays his own housing expenses, will not have enough left to pay any alimony to the other spouse.</p>
<p>When is alimony barred?</p>	<p>◆ A dependent spouse is barred from receiving alimony if he or she committed adultery on or before the date of separation. However, if the supporting spouse also committed adultery on or before the date of separation, the court, in its discretion can still award alimony.</p>

How long is alimony paid?	<ul style="list-style-type: none">◆ Generally, alimony terminates when the first of the following events occur:<ol style="list-style-type: none">1. The dependent spouse marries;2. The dependent spouse dies;3. The supporting spouse dies; or4. Payments have been made for the length of time set by the court. ◆ The court has the discretion as to how long alimony should be paid. A number of factors are considered. The most important factor seems to be the length of the marriage. If the marriage lasted more than 20 years, the court will often award permanent alimony. If it is less than that, a very rough rule of thumb is one-half to three-fourths of the length of the marriage. ◆ If alimony has been awarded by a court order, the court can modify it if a substantial change in circumstances has occurred. Typical reasons for modification are one of the parties lost his or her job, one of the parties earns more income or the dependent spouse's expenses increase (or decrease). However, the change in circumstance must be substantial. ◆ If the alimony has been awarded by an agreement of the Parties (not a court order), alimony is modifiable only if the agreement says it can be modified.
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