



# Ask the Expert - Family Law

## Second in a 4-Part Series: Aspects of Separation & Divorce

### #3 – Spousal Support

I believe that a Justice of the Ontario Superior Court of Justice says it all: "Spousal support is a bit of an art, and certainly not a science."

To determine whether spousal support is payable, first we must determine that the spouse has ENTITLEMENT. The big questions usually are: Did one spouse give up employment or educational opportunities to manage the household? What functions did each spouse perform during the relationship? How long did the spouses live together inter-dependently? Is one spouse enduring economic hardship as a result of the breakdown of the relationship?

If entitlement has been established, next ask these 3 questions:

1. How much: look at the spouses' age, health, obligations, dependants, and their life-stage ("condition"), the ability of each spouse to earn income ("means"), and the standard of living of each spouse ("needs").
2. How long: the idea is to promote self-sufficiency within a reasonable period of time (what is "reasonable" in your case?).

3. How Payable: if received as a lump sum, the payment is *not* tax deductible for the payor or taxable for the recipient. However, if paid monthly and the support is pursuant to a written agreement or court order, the payment *is* tax deductible for the payor and taxable for the recipient.

Next issue – find out basic information with respect to **division of property**.

Feel free to contact Stephanie to answer your questions or to set up a consultation.



COLLABORATIVE  
PRACTICE

Resolving Disputes Respectfully



**STEPHANIE DOBSON**  
Lawyer & Mediator



kindrachukdobson  
LAWYERS & MEDIATORS

2nd Floor, 5014 - 48th St, Lloydminster

**(780) 875-6600**

email: [stephanie@kindrachukdobson.com](mailto:stephanie@kindrachukdobson.com)

[www.kindrachukdobson.com](http://www.kindrachukdobson.com)