



## Family Law Update: New Spousal Maintenance Guidelines and Calculator

Arizona has changed the landscape for spousal maintenance awards. Fundamentally, the purpose has always been (and remains to) provide a party with the amount and duration of spousal maintenance necessary for the claiming party to become self-sufficient. However, there has been little guidance as to the amount and duration of spousal maintenance awards a claiming party could expect to receive. This made it difficult to do a cost / benefit analysis as to whether such potential award is worth the litigation costs to pursue it. The courts would apply statutory factors within each court's discretion resulting in little consistency on the bench and a wide range of awards, such that judges with the same fact scenario would reach different spousal maintenance awards. There has been a need for spousal maintenance guidelines and a calculator, and now litigants will have to wait no longer.

For any dissolution, legal separation, or modification petitions involving spousal maintenance filed on or after September 24, 2022, the spousal maintenance guidelines and calculator are required to be utilized so long as a party is eligible for a spousal maintenance award by meeting one of the five factors enumerated in A.R.S. § 25-319(A).

The guidelines provide explanations and examples of the data to be input in the calculator, which includes the following:

- **Basic Information:** Names, dates of birth, case number, county, date of marriage, and date of service of the petition.
- **Family Size:** The total number of parents and children that at least one party is legally obligated to support (even if not common to the parties).

- **Monthly Mortgage Principal Amount:** For any residence the immediate family is utilizing, you add the total amount of only the principal (no interests or taxes) for every associated mortgage and loan. The calculation can be made by taking the total principal amount over the 12 months prior to the filing of the petition and dividing by 12.
- **Actual Income of Parties:** Each parties' gross income before any deductions or withholdings from any source, including seasonal income, employer reimbursements, and child support received from children not common to the parties. Generally, actual income does not include child support paid between the parties, federal disability benefits, spousal maintenance received from another case, or marital property to distributed between the parties.
- **Attributed Income of Parties:** If a party is underemployed or unemployed, the court may attribute income to a party based on several factors including plans for self-sufficiency, the market, impediments to employment, etc. Generally, income will not be attributed to a party that is incarcerated, retired, physically or mentally disabled, engaged in reasonable career goals, or is required to be at home to provide for the needs of a child.

Based on the data inputted, the calculator will generate a range of the amount and duration of spousal maintenance. The court will determine where within the ranges the award will fall based on the factors in A.R.S. § 25-319(B). The amount of the award can deviate outside of the range through an agreement of the parties or through a court's finding that the range amount is inappropriate or unjust under the circumstances. The duration of the award is not subject to deviation, but a court can extend the duration of an award based on the disability of the claiming party or through the Rule of 65. The Rule of 65 is when the claiming party is over 42 years' old, has been married for more than 16 years, and the summation of the age and marriage length results in a figure 65 or above. Otherwise, the duration ranges will be as follows:

- **Less than two years of marriage:** up to 12 months.
- **Two to five years of marriage:** up to three years.
- **Five to 10 years of marriage:** up to four years.
- **10 to 16 years of marriage:** up to five years.
- **16 years or more of marriage:** up to eight years.

Generally, a final award of spousal maintenance will commence on the first day of the month following entry of the decree and no amounts paid as temporary spousal maintenance will be credited towards the final award. A temporary award will commence on the first day of the month following service of the Motion for Temporary Orders. To ensure efficiency and promote quick turnaround for temporary spousal maintenance awards, there will be no deviation from the range amount of spousal maintenance and attributed income will not be included in the calculation if a party has not been employed full-time by a bona fide employer for at least 24 months immediately prior to the petition filing date.

The new spousal maintenance guidelines will hopefully promote settlements and provide guidance for the parties by having a greater understanding of the potential award. In addition, we hope to see greater consistency from the bench and adequate awards that a claiming party can rely on to become self-sufficient. The calculator can be found [here](#).

*This post was drafted by [Karen N. Wohlgemuth](#), an attorney in the Phoenix, Arizona, office of Spencer Fane LLP. For more information, visit [www.spencerfane.com](http://www.spencerfane.com).*