

Separate Support

Written by Alex

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Separate Support is a Court Ordered amount of support for your spouse. Generally, what you would do is that you would file something called "*Separate Support*"

in Probate Court, even if you are not asking for divorce, but you want support even for yourself or for your children. It can also include, with a separate support action health insurance for you and your children, payment of the children's educational expenses and an Order for your spouse to vacate the home; Orders to convey the property to you; and restraining orders that protect you from abuse by your spouse.

It is different though from a divorce, and then a divorce terminates the marriage, but Separate Support does not and a divorce makes a complete and final settlement of the marital property and liabilities; while Separate Support does not.

The grounds for Separate Support are different than in a divorce and Separate Support is also different from alimony, even though they are similar; Separate Support and alimony are also different. Separate Support again, can be in the Separate Support action while alimony is in a divorce action. In

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Divorce Court there is statutory factors under the General Laws, Chapter 208, Section 34

when deciding what alimony to award, in Separate Support there is a different standard; which under the General Laws, Chapter 209, Section 32

. In a judgment of divorce when they compile the determination regarding alimony, marital property and debts where Separate Support does not determine the spouses rights under the General Laws, Chapter 208, Section 34

. So what that basically means is the amount of spousal support which will depend on the respective needs and resources of the parties and the income and expenses can be compared, but it is more of a Temporary Order for Separate Support rather than alimony, which is also looked at in conjunction with division of the martial assets.