



UNPREDICTABILITY OF SPOUSAL MAINTENANCE

If you asked five Arizona lawyers their opinion on the amount and duration of spousal maintenance for a particular case you will undoubtedly get five different answers. Currently there are two (2) significant interrelated problems in the awarding of spousal maintenance. The first is a lack of consistency resulting in a perception of unfairness. This leads to the second problem, which is an inability to accurately predict an outcome in any given case. The combination of lack of consistency and predictability detracts from a parties trust and confidence. The lack of confidence sometimes leads to difficulty in reaching resolution of cases.

While the majority of issues in divorce cases can be consistently predicted, determination of child support, division of assets, determining spousal maintenance is very unpredictable.

The Maricopa County Spousal Maintenance Guidelines were contrived to furnish judges, attorneys, and litigants with a formula for determining an amount and duration of spousal maintenance awards. However, the Maricopa County Superior Court Spousal Maintenance Guidelines are advisory only. Indeed, a trial judge was overturned by the appellate court when the judge specifically relied upon the guidelines in determining the duration and amount of spousal maintenance. These guidelines can be used as a starting point for negotiations, but again are not mandatory or authoritative.

A client's decision to "roll the dice" and let the Judge decide the duration and amount, depends on the sound legal advice of an experienced family law attorney. Oftentimes the adage "a bird in the hand is worth two in the bush" applies to spousal maintenance.

If you are involved in a similar care, you deserve to talk to an experienced Phoenix family law attorney. Contact Craig Simon for more information: 480-745-2450 or email craig@simonlawaz.com