

Introduction to 2025 Edition

The purpose of *Determining Child and Spousal Support* is to provide the foundation for determining realistic and fair support in divorce cases by combining a discussion of economic principles with practical guidance. Included in the treatise are the tools necessary to arrive at monthly support figures for children and adults based on actual cost-of-living formulas, as well as guidance for evaluating new cases, identifying unfair settlement offers, and consideration of the variables that can affect settlement amounts.

As in the past, many cases from across the country have been added throughout the publication to support or illustrate the issues discussed, with particular focus on matters such as calculating the income of the parties for purposes of both spousal and child support and events that serve as a substantial change in circumstances justifying modification of support awards.

What's New in the 2025 Edition:

The 2025 Edition included new cases and updated references throughout both volumes, including the following:

- At least one state provides that when the length of the marriage is less than five years, it is rebuttably presumed that no maintenance should be awarded. (§ 3:1)
- The need and ability of each spouse to prepare for retirement and the anticipated time of retirement may also be a factor in determining the need for, amount, and duration of alimony. (§ 3:46)
- The court's findings of fact were sufficient to support its decision to include \$13,399.73 cost of an inventory order in the calculation of the wife's gross income, where the court found that, contrary to her actions in other years, the wife pre-ordered additional inventory in anticipation of supply chain issues and that this pre-order caused her income to appear temporarily lower than it would, such that her reported gross income was not a reliable measure of her actual income. (§ 3:64)

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- In Nebraska, a determination whether to include income from a second job in an initial child-support calculation should be made on a case-by-case basis, in the context of whether a deviation from the Nebraska child-support guidelines by exclusion of such income is necessary to achieve a fair and equitable child-support order. (§ 4:26)
- The Social Security Act's exception to the anti-assignment provision that allowed benefits to be subject to legal process "to enforce the legal obligation of the individual to provide child support or alimony" permitted a maintenance award that resulted in reallocation of a portion of the former husband's social security retirement benefits to the former wife, in a proceeding for modification of maintenance, even though future payment of social security benefits was not marital property subject to division. (§ 6:14)

Thank you for subscribing to *Determining Child and Spousal Support*. We work diligently each year to make the publication the most important resource available on this topic and hope that you find it useful in your practice.