

Spousal Maintenance in Texas

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Until 1997, Texas was the only state in the union whose courts did not have the authority to grant "alimony" after a divorce. At that time, the Texas legislature passed provisions for limited spousal support.

Under the old Texas state law, spousal maintenance payments could not extend beyond three years unless the spouse had mental or physical disabilities that would prevent them from achieving independence. A spousal maintenance agreement could be made by contract through mediation or ordered by a judge in court. A judge could award spousal maintenance payments of up to \$2500 a month or 20 percent of the paying spouse's average monthly gross income, whichever amount was less.

With new legislation effective September 1, 2011, spousal maintenance may be ordered as follows:

- for a marriage of 10-20 years; up to a maximum of 5 years
- for a marriage of 20-30 years; up to a maximum of 7 years
- for a marriage of 30 years or more; up to a maximum of 10 years

The amount can be up to \$5,000.00 a month or up to 20 percent of the payor's gross monthly income, whichever is less.

There may be tax implications for spousal maintenance payments. The spouse making payments may deduct the amount from their income to gain a tax benefit and the recipient of the payments must declare that amount as income on their taxes if the parties so agree or if the court orders the payments to be taxable.