Spousal Maintenance

Maintenance, sometimes still informally called "alimony" or "spousal support", has two main goals. First, it helps support the spouse who receives it, in line with the needs and ability to earn income of each spouse. Second, it aims to make sure that the spouses have a fair financial agreement in the divorce. No spouse has an automatic right to maintenance. The judge decides how much maintenance someone gets, how long they get it for, and when they get it.

While some states have specific formulas to calculate maintenance, Wisconsin doesn't. Instead, Wisconsin's family law looks at different factors to decide if someone should get maintenance in a case. Unlike child support laws, which have clear steps and publicly available calculators, Wisconsin's maintenance laws give judges more freedom. This means judges have a lot of say in how much maintenance someone should get and for how long.

When going through a divorce, both parties have to fill out a [Financial Disclosure Statement](). This document shows how much money each person makes, what they owe, what property they own, and their monthly budget as a snapshot of their finances at that moment in time. The judge looks at this information first when deciding maintenance, because if the spouses can't support themselves individually with their individual income, maintenance payments are not realistic from someone who is already not able to pay their own bills.

Once the judge has a full understanding of the parties' finances, then the judge considers the factors under the maintenance statute:

- Length of the marriage
- Both spouses' ages, as well as their physical and emotional health
- Division of property in the divorce
- Each spouse's educational level when they married and when they filed for divorce

- Ability of the spouse that's asking for maintenance to earn money. This includes their education, training, skills, work experience, length of time out of work, childcare responsibilities, and the time and money needed to get more education or training to find a good job.
- Likelihood that the spouse asking for maintenance can earn enough money to live like they did when they were married. If they can, the judge considers how long it might take for them to get there.
- Tax effects of maintenance for each spouse
- One spouse's contribution to the other's education, training, or ability to earn more money
- Any agreement the couple made (either in a prenuptial agreement or during the marriage) for financial support or payment for one spouse's financial or service contributions during the marriage, and
- Any other factors the judge believes are relevant.

There are tools available online that help judges and lawyers calculate maintenance payments. But to use them correctly you must understand other parts of family law, like child placement, child support, and how taxes work for each person's income. All of these things can affect how much money there is for maintenance and are used to do the math. So, if you think maintenance might be a concern in your divorce, it could be a good idea to talk to a lawyer for advice.

Last updated on February 13, 2025.

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