**Factors Affecting Determination of Spousal Maintenance in Illinois**

Before the changes were made to the [Illinois Marriage and Dissolution of Marriage Act](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2086&ChapterID=59) pertaining to spousal maintenance in 2015, courts made determinations by weighing in a list of factors and had more power. However, a formal formula has been introduced that allows courts to calculate the precise amount to be awarded as alimony to the requesting spouse.

Before the new laws were enforced, a set of factors were used for determining both the eligibility and amount of spousal maintenance. But now these factors are used for only determining whether maintenance is appropriate for a spouse. In specific types of cases, courts may deviate or disregard the guidelines for using statutory formula for deciding the duration and amount of the maintenance award.

**Spousal Maintenance Factors under the New Illinois Law**

With the implementation of new spousal maintenance law, the initial process of evaluating whether the maintenance award should be provided in the first place remains almost the same. To ensure the economic aspect of both parties remain unaffected as much as possible, courts take into account fourteen factors to determine the eligibility for spousal maintenance.

1. The property and income of both spouses, including non-marital property received by the spouse acquiring alimony
2. The monetary support needs of both spouses
3. The duration of the marriage
4. The lifestyle during the marriage of both spouses
5. All sources of private and public income, such as retirement and disability income
6. The age, and the emotional and physical state of both spouses
7. The effect of tax implications due to property division on the economic circumstances of both spouses
8. The Homemaker Contribution
9. Whether the spouse seeking maintenance made any notable contributions to the education, career, training, or employment of the other spouse
10. The current and future earning capacity of both spouses
11. Any impairment or damage to the requesting spouse’s earning capacity because of a decision to put employment, training, education, or career opportunities on hold
12. The time required for obtaining the training, education, and employment by the spouse seeking maintenance to become self-supporting
13. Any valid agreement, like post- or pre-nuptial agreement, signed between the parties
14. Any other factors that may be equitable and just for the court

After establishing the need for alimony award for the requesting spouse using the above factors, the court will use the predefined formula in the statutory guidelines for calculating the actual amount to be ordered. However, if the court believes both spouses are self-supporting, it may not award spousal maintenance, regardless of whether one spouse is earning more than the other.

While the new laws make it more justifiable that the amount of alimony is awarded to the receiving spouse, there are many complex aspects you may have to understand during your divorce. It is recommended to retain legal counsel of an [experienced spousal maintenance attorney](http://www.fitzgeraldlawpc.com/family-law/divorce/) to determine the most suitable way forward. [Contact](http://www.fitzgeraldlawpc.com/contact-us/) the Fitzgerald Law Firm, P.C. to schedule a free consultation today.