

Spousal Support

The purpose of this series of fact sheets is to provide information on some issues related to spousal support. This particular fact sheet offers information on **when spousal support ends**.

When does Spousal Support End?



Separating or divorcing couples can agree on spousal support and how long it will be paid. If they cannot agree, they can ask a judge to decide.

Unlike child support, spouses are not automatically entitled to receive spousal support. They must prove that they are entitled to support.

As a spouse or partner, you may be entitled to spousal support if:

- You suffered a career delay during the marriage due to the role you took on (Examples: stayed home to raise children; worked part-time to be home with children; took parental leave; moved from one place to another for the career of the other spouse)
- You were financially dependent on your former spouse/partner during the marriage and there is a



difference between your incomes at the end of the marriage

- You are unable to be self-supporting

Entitlement will exist in most marriages and common-law relationships where the couple combined their incomes to pay for their living expenses. This would

For more information on this topic, see the booklet **Spousal Support** on the **Family Law NB** website www.familylawnb.ca.

To help calculate a suggested amount of support, you can view Justice Canada's **Spousal Support Advisory Guidelines** (SSAG) at www.justice.gc.ca.

make the lower income person dependent upon the higher income party.

However, you also have an obligation to provide for yourself to the best of your ability. This means that any ex-spouse or partner who can work and earn income is expected to do so.



You should consult a lawyer to find out whether you might be entitled to spousal support and to estimate the amount of support.

When does spousal support end?

The court can grant spousal support for an indefinite period or a definite period (For example: the court might only grant support for two years). The judge will decide how long you must pay support based on a number of factors such as how long it might take the dependent spouse to become self-supporting, get a better job or secure his or her financial situation.

You should consult a lawyer to find out whether you might be entitled to spousal support and to estimate the amount of support.

Can spousal support continue after the death of the payor?

Unless you have negotiated an agreement or there is a court order that specifically states that support continues after the death of the payor – the answer is no.

To have support continue after the death of the payor, the wording in the agreement or order should state **“the spousal support obligation is binding upon the estate of the payor.”**

It is more common to have the payor continue a life insurance policy with the ex-spouse as the “irrevocable beneficiary”. **Irrevocable** means that the insurance company will not allow the payor to change the beneficiary. The company would contact the beneficiary if the payor stops paying the premiums for the policy.

The amount of the policy should be sufficient to pay the rest of the spousal support. You should seek legal advice. A lawyer is able to calculate the amount using specialized software.



This is general information about the law and laws change from time to time. Anyone requiring advice on their specific situation should consult a lawyer. If you have questions on your options call the toll-free **Family Law Information Line** at:

1-888-236-2444

info@familylawnb.ca



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