

Spousal Maintenance In Minnesota

Case Law Addressing the Elements

Contact Information



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Minn. Stat. Sec. 518.552

Subd. 1:

Spouse seeking maintenance:

- a) lacks sufficient property, including marital property apportioned to the spouse, to provide for reasonable needs

- Consider standard of living established during the marriage

- Consider financial effect of period of training or education

or

- b) is unable to provide adequate self-support

- Consider standard of living established during the marriage

- Consider appropriate employment

- Consider whether recipient spouse is the custodian of a child whose condition makes it appropriate that the custodian not be required to seek employment outside the home

Subd. 2.

Factors in Determining Amount and Duration:

- a) the financial resources of the party seeking maintenance
 - include marital property apportioned to the party
 - Consider ability to meet needs independently
 - Consider child support if custodian
- b) the time necessary to acquire sufficient education or training
 - Consider probability of completion given age and skills

- c) the standard of living established during the marriage
 - Fine dining
 - Lavish vacations
- d) the duration of the marriage
 - If homemaker, consider length of absence from employment and the extent to which education, skills, or experience have become outmoded and earning capacity diminished
- e) the loss of earnings, seniority, retirement benefits, and employment opportunities forgone

- f) age, physical and emotional condition
- g) the ability of the spouse from whom maintenance is sought to meet needs while meeting those of the spouse seeking maintenance
- h) the contribution of each party in the acquisition, preservation, depreciation, or appreciation in the amount or value of the marital property, as well as the contribution of a spouse as a homemaker or in furtherance of the other party's employment or business

Short-Hand Analysis

- a) Financial Resources of the Party Seeking Maintenance

vs.

- g) Ability of Obligor Spouse to Meet Needs While Meeting Those of Recipient Spouse

The maintenance issue essentially amounts to a balancing of the recipient's need against the obligor's financial condition. Crosby v. Crosby, 587 N.W.2d 292 (Minn. Ct. App. 1998)

Although there are seven factors the issue is basically the financial needs of the parties and their ability to meet those needs. Erlandson v. Erlandson, 318 N.W.2d 36 (Minn. 1982)

**Financial Resources of the
Party Seeking Maintenance**

**Time Necessary to Acquire
Sufficient Education or
Training**

Standard of Living
Established During the
Marriage

Duration of the Marriage

Loss of Earnings, Seniority,
Retirement Benefits, and
Employment Opportunities
Forgone

Age, Physical and Emotional
Condition of Obligee

Ability of Obligor Spouse to
Meet Needs While Meeting
Those of Recipient Spouse

Contribution to Acquisition,
Preservation, Depreciation
or Appreciation of Marital
Property, as well as
Contribution of Homemaker
in Furtherance of other
Spouse's Employment or
Business

Permanent or Temporary?

Questions/Discussion