

The Allen Family

Sarah Allen (not her real name) telephoned Legal Aid seeking advice about a possible divorce. She was 23 years old and had been married for five years. Her husband was considerably older than she. She had not graduated from high school; he has a college education and worked for the Board of Education, earning \$60,000 a year. The couple had two young children, a 4-year old and 2-year old. Mr. Allen had been physically violent to her, and Ms. Allen wanted to leave him. The Allens lived in a two bedroom apartment that rented for \$1,600 a month. They had no marital property to speak of.

Ms. Allen called to get advice about what would happen if she filed for divorce. Her biggest concern was financial. When an attorney at Legal Aid explained to Ms. Allen that her husband would owe her child support of no more than \$15,000 per year and that there was no way to predict what spousal maintenance, if any, the court would award her, she decided against a divorce. The economic uncertainty was simply too great – even given the violent and potentially dangerous atmosphere she would have to endure for the financial security she needed for herself and her young children.

With Post-marital Income Guidelines:

With post-marital income guidelines, The Legal Aid attorney would have been able to tell Ms. Allen that she could likely expect to receive post-marital income from Mr. Allen of approximately \$15,000 a year for two and a half years. This would have been enough to allow her time to complete high school and get a job while staying in her apartment and paying minimal living expenses. She would also have been able to count on monthly child support payments of \$875 or \$10,500 a year for a total yearly income of \$25,500 for a household consisting of herself and her two children. When the post-marital income award ended in two and a half years, child support would increase to \$15,000 a year.

During the time two and a half years, when both post-marital income and child support were paid, the household income for Ms. Allen and her two children would be \$25,000 per year, not quite one and a half times the poverty guidelines. The household income of Mr. Allen alone would be \$34,500, over three times the poverty guidelines for a household of one.

With post-marital income guidelines in place, Ms. Allen, much more certain of what resources she could count on post-divorce, may well have decided to seek a divorce from her husband so that she and her children could live without violence.

SUMMARY OF HOUSEHOLD INCOME LEVELS

Outcome without maintenance

	<u>Household with custodial parent and two children</u>	<u>Household with non-custodial parent</u>
		\$60,000
	\$15,000 child support	- \$15,000 child support
Total	<u>\$15,000</u>	<u>\$45,000</u>
	(20% <u>below</u> the poverty guidelines of \$18,310 for a household of 3)	(4.1 times the poverty guidelines of \$10830 for a household of 1)

Outcome with PMI

	<u>Household with custodial parent and two children</u>	<u>Household with non-custodial parent</u>
		\$60,000
	\$15,000 post-marital income (for 2 ½ years)	-15,000 post-marital income (for 2 ½ years)
	\$10,500 child support	- \$10,500 child support
Total	<u>\$25,500</u>	<u>\$34,500</u>
	(1.3 times poverty guidelines)	<u>(3.2 times poverty guidelines)</u>