

The Perkins Family

Lorraine Perkins (not her real name), a 52-year-old client of a domestic violence agency, had been married to her husband, John Perkins, for 31 years. The couple had two grown children. During the marriage, the client stayed home as a full-time mother until her children reached the ages of 13 and 15. She then entered the workforce as a secretary, earning minimum wage. Her husband worked for the commodities exchange and later at a series of odd jobs.

For the last seven years, both parties had been employed by the same company. Ms. Perkins earned approximately \$22,000, and Mr. Perkins earned approximately \$50,000. In her request for an interim award to carry her through until the divorce was final, she asked for \$500 per month or \$6,000 a year. Ms. Perkins badly needed the money. She had fled the marital home to escape abuse, and her husband had sold all of her possessions, including furniture, at a yard sale. At the time of the application, their daughter was 20 years old and Ms. Perkins was also seeking child support until the daughter reached the age of 21. The judge granted Ms. Perkins child support of \$160 per week (\$8,320 a year) and reserved a ruling on maintenance until the daughter turned 21 and the father would be free of child support obligations. After the child support order ended, the judge granted Ms. Perkins interim maintenance of \$250 a month or \$3,000 a year. Mr. Perkins was adamant that he would not settle the case for more than \$250 per month for one year.

The parties had a four-day trial on the sole issue of maintenance at a considerable expenditure of judicial resources. It also created hardships for Ms. Perkins, who already had taken off substantial time from her job for court appearances. Fortunately, her attorney worked for a not-for-profit agency so Ms. Perkins could wage the fight for maintenance she badly needed.

At trial, Mr. Perkins called the parties' adult son to the witness stand after intimidating him into testifying, which Ms. Perkins and her counsel saw in the hallway. Her son's testimony was very traumatic for Ms. Perkins and, ultimately, his testimony was helpful to neither party. In addition, as Mr. Perkins chose to proceed unrepresented at trial, so Ms. Perkins had to endure several hours of cross-examination by her abusive husband.

Many months after the four-day trial, Ms. Perkins received the Court's decision. She was awarded maintenance of \$550.00 per month (\$6600 annually) for ten years. At age 62, she will have to rely on Social Security and whatever she can save during the next ten years toward retirement.

With Post-marital Income (PMI) Guidelines:

Ms. Perkins would be entitled to non-durational maintenance in the amount of \$566.66 per month, or \$6,800 per year, more than twice what she was awarded under the court's *pendente lite* order and more than she received after trial. It would provide her with an annual income of \$28,800, while her former husband's annual income would be \$43,200. This would be a non-durational award that would last until the parties' actual retirement, which is the length of time her attorney requested in the pre-trial papers.

Also, importantly, with PMI in place, the parties would probably have avoided the trial, and the attendant waste of judicial assets, financial hardship to Ms. Perkins, and opportunity for Mr. Perkins to continue his abuse of Ms. Perkins through the trial process.

SUMMARY OF HOUSEHOLD INCOME LEVELS – PERKINS FAMILY

Husband's settlement offer:

	Wife	Husband
	\$22,000	\$50,000
	+3,000 maintenance (for one year)	-3,000 (maintenance for one year)
Total	\$25,000 for one year	\$47,000 for one year
	(2.3 times poverty guidelines)	(4.3 times poverty guidelines)
	\$22,000 thereafter	\$50,000 thereafter
	(2 times poverty guidelines)	(4.6 times poverty guidelines)

Court Outcome:

	Wife	Husband
	\$22,000 salary	\$50,000 salary
	+6,600 PMI for ten years.	-6,600 PMI for ten years
Total	\$28,600	Total \$34,400

Outcome with PMI guidelines:

	Wife	Husband
	\$22,000 salary	\$50,000 salary
	+6,800 PMI non-durational	-6,800 PMI non-durational
Total	\$28,800	\$43,200
	(2.7 times poverty guidelines)	(4 times poverty guidelines)