



Spousal support

A Canadian Bar Association series supporting legal wellness

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When a relationship ends, economic responsibilities for your spouse may not. This checklist offers issues to keep in mind about spousal support.

- Who is entitled to, or responsible for spousal support? When a spouse cannot maintain a reasonable standard of living on their own, the other spouse may be legally required to help.
- How long will spousal support last? It may be just to help with the period of change to single life, or it could be indefinite, depending on your situation.
- Does tax apply to spousal support? Usually, it is taxed as income for the recipient and the payor gets a tax deduction. If paid as a lump sum, one time payment, it is not taxed as income.
- Can unmarried spouses, either same or opposite sex, receive spousal support? Definitions of “spouse” vary in each province and territory, so get legal advice as to whether it applies to you.
- When should a claim be made? Again, provincial and territorial laws have different deadlines for making a claim. Act quickly to find out if you qualify and make a formal request for support.
- How is an entitlement to spousal support decided? The length of the relationship, the roles of the spouses, whether there are children, and any advantage or disadvantage either party may have in earning income at the end of the relationship are all factors.
- How is the amount of spousal support decided? Spousal support advisory guidelines are not law, but are one way to figure out amounts. After deciding the right amount of child support, spousal support may be added.
- What if things change? If support is set out in an agreement or court order and circumstances change, spousal support might be adjusted. Getting legal advice can help.

Know your rights and obligations when a relationship ends.

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