

ANSWER TO QUESTION NO. 13

Spousal support would most likely be denied on the basis of the factors outlined below. The familiarity with the factors pertinent to making the determination is being tested.

The divorce court has the discretion to award alimony as it considers just and reasonable. MCL 552.23; *Ianitelli v Ianitelli*, 199 Mich App 641, 642-643 (1993). Relevant factors for the court to consider include the length of the marriage, the parties' ability to pay, their past relations and conduct, their ages, needs, ability to work, health, and fault, if any, and all other circumstances of the case. *Ianitelli, supra* at 643; *Demman v Demman*, 195 Mich App 109, 110-111 (1992). The main objective of alimony is to balance the incomes and needs of the parties in a way that will not impoverish either party. *Hanaway v Hanaway*, 208 Mich App 278, 295 (1995).

A full analysis of the pertinent factors would include the following:

(a) Length of the marriage. This is a two-year marriage. This weighs against spousal support.

(b) Parties' ability to pay. Molly has an ability to pay. Disparity in income and lifestyle is relevant, but there is no legal right for the parties to live in the same lifestyle. This factor weighs against spousal support.

(c) Past relations and conduct. Both parties worked hard and contributed about equally--although differently--at least at the end. (And, contribution within the home is no less valuable than one outside the home. *Hanaway*.) This is a neutral factor in this matter.

(d) Their ages. The inference is Desmond and Molly are young, less than 30. Desmond has his career all before him. This factor weighs against support.

(e) Needs. Desmond does not need more support as his pay during the marriage was enough for subsistence and to pay for his student loans. This weighs against support.

(f) Ability to work. Desmond can obviously work. Molly can work, but her success may prove to be ephemeral in the fashion

business. This is a neutral factor.

(g) Health. There is no reason to think that either party has health issues. This is a neutral factor.

(h) Fault. Molly is not at fault for the breakdown of the marriage. This fact is detrimental to Desmond's claim for spousal support. And, Molly would emphasize that awarding spousal support would, in effect, punish her and reward Desmond without sound reason.