



Divorce and Alimony/Maintenance Statutes in 2024

Definitions of the terms used in Chart 1 are provided below. The term “alimony” refers to post-divorce payments from one spouse to another that are based on income and distinct from any property division award. Some states use the term “spousal support,” “maintenance,” or something else. The information in this chart is based primarily on the text of the state statutes (as opposed to case law). Citations are included in the “Statutes” column. For information about the chart’s development and secondary sources consulted, please see the [Family Law Quarterly Charts 2024 Introduction and Bibliography](#).

“No-Fault” Divorce Only

All states allow for some form of “no-fault” divorce. The question of whether fault may be considered for granting a divorce is a separate question from whether a party’s conduct may be considered when awarding alimony or dividing property.

A “Yes” in this column means that the only grounds for divorce in the state’s laws are “no-fault” grounds such as irreconcilable differences or irretrievable breakdown of the marriage (or, in some states, incapacity).

A “No” in this column means that the state also permits a party to assert “fault” grounds for divorce, such as adultery or cruel and inhuman treatment.

Durational Residency Requirements

This column includes the length of time each state requires one of the parties to be a resident before divorce papers can be filed in the state. In some states, the length of time may vary depending on the circumstances.

Some states have exceptions to residency requirements for parties whose marriage in the state is not recognized by the state where they are domiciled. These exceptions are not addressed in the chart.

Alimony: Fault or Non-Economic Conduct Considered

Some state alimony statutes provide for consideration of marital fault, and/or conduct by a party that is not limited to economic misconduct such as dissipation of assets. Examples of non-economic conduct include domestic violence and adultery.

A “Yes” in this column means that the state’s statute specifically provides for consideration of fault or non-economic conduct when determining whether to award alimony and/or the amount.

A “No” in this column means either that the state’s law states that misconduct should not be considered, or that the state’s law does not mention fault or non-economic conduct as a factor to consider.

Alimony: Statutory Guideline Formula for Determining Amount

A “Yes” in this column means that the state’s statute includes a mathematical formula for calculating the amount of alimony or maintenance (similar to child support guidelines). Several states have adopted guideline formulas, but both the formulas and the weight they are given vary by state. Some states also have guidelines for calculating duration, but these guidelines are not referenced in the chart.

A “No” in this column means that the statute does not include a guideline formula.

Notes: This column provides further detail about some of the statutes listed in the chart. Asterisks (*, **, or ***) show which statute(s) and which column relate to the information provided. This column also includes discussion of some 2024 legislation that amended the statutes in the chart. Discussion of 2024 amendments is highlighted.

Alabama

Statutes: Ala. Code §§ 30-2-1, 30-2-5, 30-2-51, 30-2-52*, 30-2-57*

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *"Misconduct" of a spouse may be considered when determining whether to award alimony or the amount. Statutory factors considered for rehabilitative or

periodic alimony include “[t]he relative fault of the parties for the breakdown of the marriage” and “[a]ll actual damages and judgments from conduct resulting in criminal conviction of either spouse in which the other spouse or child of the marriage was the victim.”

Alaska

Statutes: Alaska Stat. §§ 25.24.010, 25.24.050, 25.24.090, 25.24.160*, 25.24.200

"No-Fault" Divorce Only: No

Durational Residency Requirements: Unspecified

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Although maintenance may be awarded “without regard to which of the parties is in fault,” statutory factors considered include “the conduct of the parties.”

Arizona

Statutes: Ariz. Rev. Stat. §§ 25-312*, 25-313, 25-319***/***, 25-903**

"No-Fault" Divorce Only: No*/**

Durational Residency Requirements: 90 days

Alimony: Fault or Non-Economic Conduct Considered: Yes***

Alimony: Statutory Guideline Formula for Determining Amount: Yes****

Notes: */**Although divorce is generally for an “irretrievably broken” marriage, Arizona recognizes covenant marriages with different grounds for divorce, which can be found at § 25-903.

***Although “[a] maintenance order shall be made without regard to marital misconduct,” statutory factors for developing maintenance guidelines and “criteria for

deviation from the guidelines” include “[a]ll actual damages and judgments from conduct that resulted in criminal conviction of either spouse in which the other spouse or a child was the victim.”

****2022 amendments required that the Arizona Supreme Court “establish guidelines for determining and awarding spousal maintenance,” and provided that “[t]he amount of spousal maintenance resulting from the application of the guidelines shall be the amount of spousal maintenance ordered by the court, unless the court finds in writing that applying the guidelines would be inappropriate or unjust.”

Arkansas

Statutes: Ark. Code Ann. §§ 9-11-808*, 9-12-301*, 9-12-307, 9-12-312

"No-Fault" Divorce Only: No*

Durational Residency Requirements: 60 days

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Arkansas also recognizes covenant marriages, with grounds for divorce that can be found at § 9-11-808.

California

Statutes: Cal. Fam. Code §§ 2310, 2311, 2320, 4320*, 4324**, 4324.5**, 4325**

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*/**

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Statutory factors include “[a]ll documented evidence of any history of domestic

violence . . . between the parties or perpetrated by either party against either party's child. . . ."

**Certain felony convictions may result in a bar to spousal support being paid by the injured spouse, and certain misdemeanor convictions may result in a presumption against spousal support being paid by the injured spouse.

Colorado

Statutes: Colo. Rev. Stat. §§ 14-10-106, 14-10-114*

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 91 days

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: Yes*

Notes: *Statute requires consideration of listed factors and of "advisory guidelines" based on the parties' incomes and the length of the marriage.

Connecticut

Statutes: Conn. Gen. Stat. §§ 46b-40, 46b-44*, 46b-82**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 12 months*

Alimony: Fault or Non-Economic Conduct Considered: Yes**

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Doesn't apply in listed circumstances.

**Statutory factors include "the causes for the annulment, dissolution of the marriage or legal separation."

Delaware

Statutes: Del. Code Ann. tit. 13, §§ 1504, 1505, 1512

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes:

District of Columbia

Statutes: D.C. Code §§ 16-902, 16-904, 16-913*

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Statutory factors include the "circumstances which contributed to the estrangement of the parties."

Florida

Statutes: Fla. Stat. §§ 61.021, 61.052, 61.08***

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *"The court may consider the adultery of either spouse and any resulting economic impact in determining the amount of alimony, if any, to be awarded."
Statutory factors include "[a]ny other factor necessary for equity and justice between the parties."

Georgia

Statutes: Ga. Code Ann. §§ 19-5-2, 19-5-3, 19-6-1*, 19-6-5

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *"A party shall not be entitled to alimony if it is established by a preponderance of the evidence that the separation between the parties was caused by that party's adultery or desertion. In all cases in which alimony is sought, the court shall receive evidence of the factual cause of the separation even though one or both of the parties may also seek a divorce, regardless of the grounds upon which a divorce is sought or granted by the court."

Hawaii

Statutes: Haw. Rev. Stat. §§ 580-1*, 580-41, 580-42, 580-47

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: Unspecified/ Domicile*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *"Exclusive original jurisdiction in matters of divorce . . . is conferred upon the family court of the circuit in which the applicant is domiciled at the time the application is filed. . . ."

Idaho

Statutes: Idaho Code §§ 32-603, 32-701, 32-705*

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 weeks

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Statutory factors include "[t]he fault of either party."

Illinois

Statutes: 750 Ill. Comp. Stat. 5/401, 5/504*

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 90 days

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: Yes*

Notes: *If the court determines maintenance is appropriate and "[i]f the combined gross annual income of the parties is less than \$500,000 and the payor has no obligation to pay child support or maintenance or both from a prior relationship," the court must apply statutory guidelines to determine the maintenance amount (and duration) "unless the court makes a finding that the application of the guidelines would be inappropriate."

Indiana

Statutes: Ind. Code §§ 31-15-2-3, 31-15-2-6, 31-15-7-2

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes:

Iowa

Statutes: Iowa Code §§ 598.5*, 598.17, 598.21A

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 1 year*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Doesn't apply if "the respondent is a resident of this state and is served by personal service."

Kansas

Statutes: Kan. Stat. Ann. §§ 23-2701, 23-2703, 23-2902

"No-Fault" Divorce Only: No

Durational Residency Requirements: 60 days

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes:

Kentucky

Statutes: Ky. Rev. Stat. Ann. §§ 403.140, 403.170, 403.200

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 180 days

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes:

Louisiana

Statutes: La. Civ. Code Ann. arts. 103*, 103.1, 112***; La. Code Civ. Proc. Ann. art. 10**; La. Stat. Ann. §§ 9:272*, 9:307*

"No-Fault" Divorce Only: No*

Durational Residency Requirements: Unspecified/ Domicile**

Alimony: Fault or Non-Economic Conduct Considered: Yes***

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Louisiana recognizes covenant marriages with different grounds for divorce.

**One party must be domiciled in the state at the time of filing; rebuttable presumption of domicile "if a spouse has established and maintained a residence in a parish of this state for a period of six months."

***Spouse may be eligible for support when the spouse “has not been at fault prior to the filing of a petition for divorce. . . .” Statutory factors include “[t]he existence, effect, and duration of any act of domestic abuse committed by the other spouse upon the claimant or a child of one of the spouses, regardless of whether the other spouse was prosecuted for the act of domestic violence.”

Maine

Statutes: Me. Stat. tit. 19-A, §§ 901*, 902, 951-A**, 4102**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months*

Alimony: Fault or Non-Economic Conduct Considered: Yes**

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Time unspecified in some listed circumstances (including if the plaintiff is a resident and the parties were married in the state).

**“Economic abuse by a spouse” is a factor to consider for spousal support, with “economic abuse” defined as “causing or attempting to cause an individual to be financially dependent by maintaining control over the individual’s financial resources, including, but not limited to, unauthorized or coerced use of credit or property, withholding access to money or credit cards, forbidding attendance at school or employment, stealing from or defrauding an individual of money or assets, exploiting the individual’s resources for personal gain of the defendant or withholding physical resources such as food, clothing, necessary medications or shelter.”

Maryland

Statutes: Md. Code Ann., Fam. Law §§ 7-101*, 7-103, 11-101, 11-103, 11-106**

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 6 months*

Alimony: Fault or Non-Economic Conduct Considered: Yes**

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Applies “[i]f the grounds for the divorce occurred outside this State. . . .”

**Statutory factors considered for alimony include “the circumstances that contributed to the estrangement of the parties.”

Massachusetts

Statutes: Mass. Gen. Laws ch. 208, §§ 1, 1A, 1B, 2, 4*, 5*, 48, 53**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 1 year*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: Yes**

Notes: *Does not apply in all circumstances.

**“Except for reimbursement alimony or circumstances warranting deviation for other forms of alimony, the amount of alimony should generally not exceed the recipient’s need or 30 to 35 per cent of the difference between the parties’ gross incomes established at the time of the order being issued.”

Michigan

Statutes: Mich. Comp. Laws §§ 552.6, 552.9, 552.13, 552.23*

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 180 days

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *When determining alimony, the court may consider “the character and situation of the parties. . . .”

Minnesota

Statutes: Minn. Stat. §§ 518.06, 518.07, 518.552*

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 180 days

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *2024 maintenance amendments included rebuttably presumptive durational timeframes based on the length of the marriage, specific circumstances for modifying maintenance, and provisions relating to retirement.

Mississippi

Statutes: Miss. Code Ann. §§ 93-5-1, 93-5-2, 93-5-5, 93-5-23*

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Statute refers to “the circumstances of the parties and the nature of the case. . . .” In *Armstrong v. Armstrong*, 618 So. 2d 1278 (Miss. 1993), the Mississippi Supreme Court set forth factors for courts to consider, including “fault or misconduct.”

Missouri

Statutes: Mo. Rev. Stat. §§ 452.305, 452.335*

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 90 days

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Statutory factors include "[t]he conduct of the parties during the marriage."

Montana

Statutes: Mont. Code Ann. §§ 40-4-104, 40-4-107, 40-4-203

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 90 days

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes:

Nebraska

Statutes: Neb. Rev. Stat. §§ 42-349*, 42-353, 42-361, 42-365

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 1 year*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Exception if “the marriage was solemnized in this state and either party has resided in this state from the time of marriage to filing the complaint.”

Nevada

Statutes: Nev. Rev. Stat. §§ 125.010, 125.020*, 125.150

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 6 weeks*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Exception if “the cause of action accrued within the county while the plaintiff and defendant were actually domiciled therein. . . .”

New Hampshire

Statutes: N.H. Rev. Stat. Ann. §§ 458:5*, 458:7, 458:7-a, 458:19-a**/ ***

"No-Fault" Divorce Only: No

Durational Residency Requirements: 1 year*

Alimony: Fault or Non-Economic Conduct Considered: Yes**

Alimony: Statutory Guideline Formula for Determining Amount: Yes***

Notes: *Exceptions “[w]here both parties were domiciled in the state when the action was commenced,” or “the plaintiff was so domiciled and the defendant was personally served with process within the state.”

**Factors considered in adjusting formula amount include “[t]he conduct of either party during the marriage, including abuse . . . or fault. . . .”

***“The amount of a term alimony order shall be the lesser of the payee’s reasonable

need, or a formula based on 23 percent of the difference between the parties' gross incomes at the time the order is created unless the court finds that justice requires an adjustment" or there is an agreement of the parties.

New Jersey

Statutes: N.J. Stat. Ann. §§ 2A:34-2, 2A:34-10*, 2A:34-23**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 1 year*

Alimony: Fault or Non-Economic Conduct Considered: Yes**

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Exception for divorce based on adultery.

**Alimony awards are prohibited for persons convicted of certain violent crimes under specified circumstances, and "[n]othing in this subsection shall be construed to limit the authority of the court to deny alimony for other bad acts."

New Mexico

Statutes: N.M. Stat. Ann. §§ 40-4-1, 40-4-2, 40-4-5, 40-4-7, 40-4-12

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes:

New York

Statutes: N.Y. Dom. Rel. Law §§ 170 ****, 230*, 236**/**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 1 or 2 years, or unspecified*

Alimony: Fault or Non-Economic Conduct Considered: Yes**

Alimony: Statutory Guideline Formula for Determining Amount: Yes***

Notes: *The statute includes different time frames depending on the circumstances; time not specified if "[t]he cause occurred in the state and both parties are residents thereof at the time of the commencement of the action."

**Statutory factors include "acts by one party against another that have inhibited or continue to inhibit a party's earning capacity or ability to obtain meaningful employment. Such acts include but are not limited to acts of domestic violence. . . ."

***"The court shall order the post-divorce maintenance guideline obligation up to [a statutory] income cap . . . unless the court finds that the post-divorce maintenance guideline obligation is unjust or inappropriate" based on consideration of statutory factors. The guideline amount is based on a formula that considers the parties' incomes and whether child support will be paid (and by whom), with a different approach if the income of the person paying maintenance would be less than a "self-support reserve." Awards based on payor income above the cap may be made at the court's discretion based on consideration of the statutory factors.

North Carolina

Statutes: N.C. Gen. Stat. §§ 50-5.1, 50-6, 50-8, 50-16.3A*

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Statutory factors include “[t]he marital misconduct of either of the spouses.”

North Dakota

Statutes: N.D. Cent. Code §§ 14-05-03, 14-05-17, 14-05-24.1

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes:

Ohio

Statutes: Ohio Rev. Code Ann. §§ 3105.01, 3105.03, 3105.18*, 3105.61–.63

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: No*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *The statute provides for consideration of “[a]ny other factor that the court expressly finds to be relevant and equitable.” Courts have held marital conduct may be considered, although it is not specifically listed. See *Zimmie v. Zimmie*, 464 N.E.2d 142, 145 (Ohio 1984).

Oklahoma

Statutes: Okla. Stat. tit. 43, §§ 101, 102, 121, 134

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes:

Oregon

Statutes: Or. Rev. Stat. §§ 107.015, 107.025, 107.036, 107.075*, 107.105, 107.485

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 6 months*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Only residency or domicile is required if the marriage took place in the state and the grounds for dissolution are that the marriage was prohibited, a party lacked capacity to consent, or consent was "obtained by force or fraud."

Pennsylvania

Statutes: 23 Pa. Cons. Stat. §§ 3104, 3301, 3701*

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Statutory factors include "[t]he marital misconduct of either of the parties

during the marriage.”

Puerto Rico

Statutes: P.R. Laws Ann. tit. 31, §§ 6771*, 6772, 6813

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 1 year*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Exception if the grounds for divorce took place in Puerto Rico or when a party lived there.

Rhode Island

Statutes: R.I. Gen. Laws §§ 15-5-1, 15-5-2, 15-5-3, 15-5-3.1, 15-5-12, 15-5-16*

"No-Fault" Divorce Only: No

Durational Residency Requirements: 1 year

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Statutory factors include “[t]he conduct of the parties during the marriage.”

South Carolina

Statutes: S.C. Code. Ann. §§ 20-3-10, 20-3-30*, 20-3-130**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 1 year*

Alimony: Fault or Non-Economic Conduct Considered: Yes**

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Exception: "when both parties are residents of the State when the action is commenced, the plaintiff must have resided in this State only three months prior to commencement of the action."

**Statutory factors include "marital misconduct or fault of either or both parties, whether or not used as a basis for a divorce or separate maintenance decree if the misconduct affects or has affected the economic circumstances of the parties, or contributed to the breakup of the marriage. . . ."

South Dakota

Statutes: S.D. Codified Laws §§ 25-4-2, 25-4-17.2, 25-4-30*, 25-4-41**

"No-Fault" Divorce Only: No

Durational Residency Requirements: Unspecified*

Alimony: Fault or Non-Economic Conduct Considered: No**

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *The plaintiff must "be a resident of this state, or be stationed in this state while a member of the armed services" when the action is commenced.

**The statute provides for granting alimony "as the court may deem just, having regard to the circumstances of the parties represented" Judicial factors include "the relative fault in the termination of the marriage." *Cook v. Cook*, 983 N.W.2d 180, 192 (S.D. 2022) (citation omitted).

Tennessee

Statutes: Tenn. Code Ann. §§ 36-4-101, 36-4-103, 36-4-104*, 36-5-121**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months*

Alimony: Fault or Non-Economic Conduct Considered: Yes**

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *No time specified "if the acts complained of were committed while the plaintiff was a bona fide resident of this state. . . ."

**Statutory factors considered include "[t]he relative fault of the parties, in cases where the court, in its discretion, deems it appropriate to do so."

Texas

Statutes: Tex. Fam. Code Ann. §§ 6.001–6.007, 6.301, 8.051*, 8.052*, 8.053, 8.054, 8.055**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: Yes**

Notes: *Statutory factors include "marital misconduct, including adultery and cruel treatment, by either spouse during the marriage," and "any history or pattern of family violence. . . ." Family violence conviction is also considered when determining eligibility for maintenance.

**"A court may not order maintenance that requires an obligor to pay monthly more than the lesser of: (1) \$5,000; or (2) 20 percent of the spouse's average monthly gross income."

Utah

Statutes: Utah Code Ann. §§ 81-4-204**, 81-4-402**, 81-4-405**, 81-4-406**, 81-4-501**, 81-4-502*/**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 90 days

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *"The court may consider the fault of the parties in determining whether to award alimony and the terms of the alimony."

**2024 amendments repealed, revised, and renumbered statutes concerning divorce and maintenance as part of Utah's Domestic Relations Recodification, 2024 Utah Laws Ch. 366 (S.B. 95).

Vermont

Statutes: Vt. Stat. Ann. tit. 15, §§ 551, 592*, 752**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: Yes**

Notes: *Six months for filing a complaint; one year required (for either party) for a divorce to be granted.

**Statutory guidelines (considering the length of the marriage and corresponding percentage ranges applied to "the difference between [the] parties' gross incomes") are one factor for the court to consider when determining the maintenance amount.

Virginia

Statutes: Va. Code Ann. §§ 20-91, 20-97, 20-107.1*

"No-Fault" Divorce Only: No

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: Yes*

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *"The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and any other ground for divorce. . . ."

Washington

Statutes: Wash. Rev. Code §§ 26.09.030*, 26.09.090

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: Unspecified*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *One of the parties needs to be a "resident of this state" or a member of the armed forces stationed in the state.

West Virginia

Statutes: W. Va. Code §§ 48-5-105*, 48-5-201 to 48-5-209, 48-6-301, 48-8-101, 48-8-103, 48-8-104**

"No-Fault" Divorce Only: No

Durational Residency Requirements: 1 year*

Alimony: Fault or Non-Economic Conduct Considered: Yes**

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *One year not required if the marriage was in the state and "one of the parties is an actual bona fide resident of this state at the time of commencement of the action, without regard to the length of time residency has continued."

**"In determining whether spousal support is to be awarded, or in determining the amount . . . the court shall consider and compare the fault or misconduct of either or both of the parties and the effect of the fault or misconduct as a contributing factor to the deterioration of the marital relationship."

Wisconsin

Statutes: Wis. Stat. §§ 767.35, 767.56, 767.301, 767.315

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 6 months

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes:

Wyoming

Statutes: Wyo. Stat. Ann. §§ 20-2-104, 20-2-105, 20-2-107*, 20-2-114

"No-Fault" Divorce Only: Yes

Durational Residency Requirements: 60 days*

Alimony: Fault or Non-Economic Conduct Considered: No

Alimony: Statutory Guideline Formula for Determining Amount: No

Notes: *Exception if “the marriage was solemnized in this state and one of the parties has resided in this state from the time of the marriage until the filing of the complaint.”

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