

Divorce as a Stay-At-Home Parent

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As a stay-at-home parent going through a divorce, you may have a great deal of questions about your case, like what you are and aren't entitled to, if you'll receive spousal support, and how much you'll receive if you do. Getting divorced is hard enough without the stress of worrying about financial matters. We at [Wall Legal Solutions](#) understand your concerns and are here to help clear any confusion you have. For now, here is a general overview of what a stay-at-home parent is and is not entitled to.

What a Stay-At-Home Parent is Entitled to in a Divorce

There may be some confusion about what a divorcing stay-at-home parent is entitled to. Under certain circumstances, a stay-at-home parent is entitled to alimony. As a general rule, in the state of Utah, ***if a divorcing parent stayed home to care for the children and has no livable income, then that parent is entitled to half of all the household assets.*** Regardless of whether the accounts are shared or in one parent's name, cash assets will be divided in half, with a few exceptions. If the working parent received the money as a gift or an inheritance, then the stay-at-home parent might not be entitled to half.

When deciding alimony and division of assets, ***a judge will consider a few factors*** such as if the stay-at-home parent supported the working parent while he or she attended school, enabling them to become the primary breadwinner. The judge will also consider the stay-at-home parent's earning potential; the alimony award would not be the same for a stay-at-home parent with only a high school education as it would be for a stay-at-home parent with a graduate degree.

What a Stay-At-Home Parent is Not Entitled to in a Divorce

Although the courts tend to award spousal support or alimony to the stay-at-home parent, it is not always an entitlement. ***When awarding alimony, a judge will consider several factors to decide how much money to award and for how long.*** If a stay-at-home parent can survive without spousal support, a judge might not award it. For instance, if the stay-at-home parent has an income that exceeds the amount of the working parent's income.

There is no percentage cap on the amount of money a working parent will be required to pay, but there is a time limit. As a rule, ***the stay-at-home parent can receive alimony a length of time less than or equal to the length of time spent in the marriage.*** However, a judge is more likely to order alimony for a length of time that allows the stay-at-home parent to get on their feet and earn a sufficient income.

The judge will attribute a minimum wage income to the stay-at-home parent. This means that when determining a dollar amount for spousal support, ***the judge assumes the stay-at-home parent is capable of making minimum wage, and will exclude that amount from alimony.***

Wall Legal Solutions Can Help

Divorce is never easy, which is ***you need a team of professionals who can help you understand what you are and aren't entitled to.*** Wall Legal Solutions is a team of experienced legal professionals who are here to help you make important, informed decisions regarding your case. We offer [family law](#) services in many areas including [divorce](#), [child custody](#), [visitation](#), [child support](#) and [adoption](#). For more information about your legal rights, or to discuss your case, call us at 801-441-2388 or [contact us here](#).