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WYOMISSING-READING-BERKS COUNTY ALIMONY ATTORNEY

Attorney Jana R. Barnett regularly represents clients seeking alimony or fighting a claim for alimony. A Pennsylvania Court may award alimony to be paid upon divorce if, and only if, it concludes that alimony is necessary. Pennsylvania law defines “alimony” as money paid by a divorced person, usually the chief provider during a marriage, to support his or her former spouse.

Under Pennsylvania’s Alimony Law, 23 Pa.C.S. § 3701, there are seventeen (17) factors that a Court must consider when determining whether alimony is necessary and, if so, the nature, amount, duration and manner of payment of alimony.

- 1) The relative earnings and earning capacities of the parties.
- 2) The ages and the physical, mental and emotional conditions of the parties.
- 3) The sources of income of both parties, including, but not limited to, medical, retirement, insurance or other benefits.
- 4) The expectancies and inheritances of the parties.
- 5) The duration of the marriage.
- 6) The contribution by one party to the education, training or increased earning power of the other party.
- 7) The extent to which the earning power, expenses or financial obligations of a party will be affected by reason of serving as the custodian of a minor child.
- 8) The standard of living of the parties established during the marriage.
- 9) The relative education of the parties and the time necessary to acquire sufficient education or training to enable the party seeking alimony to find appropriate employment.
- 10) The relative assets and liabilities of the parties.
- 11) The property brought to the marriage by either party.
- 12) The contribution of a spouse as homemaker.
- 13) The relative needs of the parties.
- 14) The marital misconduct of either of the parties during the marriage. The marital misconduct of either of the parties from the date of final separation shall not be considered by the court in its relation to alimony except that the Court shall consider the abuse of one party by the other party.
- 15) The Federal, State and local tax ramifications of the alimony award.
- 16) Whether the party seeking alimony lacks sufficient property, including, but not limited to, property distributed to provide for the party's reasonable needs.

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- 17) Whether the party seeking alimony is incapable of self-support through appropriate employment.

The statute does not specify the weight a Pennsylvania Court must give to these factors under the Pennsylvania Alimony Law.

Alimony cannot be used to punish or reward the parties' behavior. Rather, it is intended to ensure that an individual's reasonable needs are met if the person cannot support himself or herself through employment. The spouse requesting alimony is expected to attempt to contribute to his or her economic well-being.

Once the person seeking alimony cohabits with a person of the opposite sex who is not a family member, the person loses a right to alimony. The right does not revive when cohabitation ends.

To read statutes and related materials, please visit www.janarbarnettesq.com

If you would like to speak with Attorney Jana R. Barnett about alimony and learn how she can assist you, call her at 610-478-1860, or click here to send her an e-mail, and she will reply as quickly as possible.

Attorney Jana R. Barnett's offices are located at 525 Kenhorst Boulevard, Reading, PA 19611 and 1238 Cleveland Avenue, Wyomissing, PA 19610-2102. Attorney Jana R. Barnett practices family law, employment law, and employment discrimination law in Reading, Wyomissing and the surrounding cities and towns, as well as in Berks County, Bucks County, Chester County, Delaware County, Lancaster County, Lehigh County, Montgomery County, Northampton County, Philadelphia County and in the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.