



Note that answers given in this section cannot take the place of a lawyer. For legal advice about your specific situation, you must consult a qualified lawyer. See our [disclaimer](#).

### **"Is it better to take more of the marital property -- such as a house or IRA -- instead of spousal support?"**

It depends on your personal situation. Sorry -- no black-and-white rule exists. You need to answer numerous questions before making any decisions regarding any combination of marital property and/or spousal support. Some of these questions are:

- How much does it cost to live -- not just month to month, but year to year? Take into consideration far-reaching expenses such as automobile, roof, and appliance replacement.
- How much can you earn to cover your living expenses?
- How much in "non-retirement" funds are available to cover what you cannot earn?
- Will it last until retirement funds are available without penalty?
- Can the marital property be readily converted to cash without costs or penalty?
- Can you be assured of receiving alimony without having to go to court at a later date to enforce the order?

There are valid reasons to take spousal support. It is particularly valuable when one spouse earns significantly more than the other and the majority of assets are encumbered in a business, home equity, or retirement plan. The decision regarding marital assets or spousal support is the same as all decisions regarding division of marital property -- nothing is a stand-alone decision. You must consider and weigh every aspect of the property, your earning capacity, the earning capacity of your spouse, your standard of living, and your long-term future before you can make an informed decision about a package that meets your needs as closely as possible.

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