

ANALYSIS OF FAMILY CODE §4320 SPOUSAL SUPPORT FACTORS

(a) The extent to which the earning capacity of each party is sufficient to maintain the standard of living established during the marriage, taking into account all of the following:

(1) The marketable skills of the supported party; the job market for those skills; the time and expenses required for the supported party to acquire the appropriate education or training to develop those skills; and the possible need for retraining or education to acquire other, more marketable skills or employment.

(2) The extent to which the supported party's present or future earning capacity is impaired by periods of unemployment that were incurred during the marriage to permit the supported party to devote time to domestic duties.

Bob Pierce is employed and has been employed in their respective position long-term.

Bob Pierce has been employed at sutter hospital for 20 years and 0 months.

Sue Pierce has been voluntarily unemployed for 2 years and 0 months.

Despite this period of unemployment Sue Pierce's present and future earnings and earning capacity are unaffected. Sue Pierce's marketable skills are fully developed. They do not require any additional education or training in order to qualify for employment in current and available positions for hire.

Sue Pierce's earnings alone are not sufficient for both to maintain the standard of living during marriage or a standard substantially similar to that established during marriage.

#2 Spousal Support Fn.21 marriage of Zywieciel

(b) The extent to which the supported party contributed to the attainment of an education, training, a career position, or a license by the supporting party.

Factor b. does not apply to the facts and circumstances of this case.

(c) The ability of the supporting party to pay spousal support, taking into account the supporting party's earning capacity, earned and unearned income, assets, and standard of living.

Bob Pierce has the ability to pay spousal support after taking into account their earning capacity, earned and unearned income, assets, and standard of living.

community and separate assets or debts. Bob Pierce discloses assets with a current gross fair market value of \$500,000

The total amount of money owed or encumbrance on these assets is 0 The total amount of debt disclosed is 0 The resulting total equity for all of the assets and debts declared by Bob Pierce is \$500,000

Page 1 of Bob Pierce's Income and Expense Declaration (FL-150) filed on 12/31/10 indicates that they earn \$20,000 per month (before taxes). Page 2 indicates that they earned a total of \$20,00.00

last month and over the last twelve months have a total average monthly income of \$20,00.00

Based on Bob Pierce's own filings signed under penalty of perjury Bob Pierce has the ability to pay spousal support.

(d) The needs of each party based on the standard of living established during the marriage.

Bob Pierce is currently paying long term spousal support of \$4,500.00 a month and \$1,000.00 a month child support

(e) The obligations and assets, including the separate property, of each party.

Factor e. does not apply to the facts and circumstances of this case.

(f) The duration of the marriage.

The parties were married on 01/01/1998 [and separated on 12/31/2010. The duration of the marriage was 12 years and 0 months thus making it a long-term marriage.

Given the long-term status of this marriage Sue Pierce requests that Bob Pierce pay spousal support for as long as necessary to permit Sue Pierce to become self-supporting. Sue Pierce asks that the court retain jurisdiction over the issue of spousal support, to not set a specific date for the termination of spousal support, and leave the decision to continue, modify, or terminate support open to the future trier of facts.

(g) The ability of the supported party to engage in gainful employment without unduly

Sue Pierce is now pregnant. Before Bob Pierce left the marriage he left a donation @ the sperm bank due to his age for future use. Sue Pierce is much younger than Bob Pierce now age 38, so she put his donation to use. There was no time limits or stipulations in his application (see Exhibit 1),[FL-34-donor] at this time she is 7months pregnant & can not work, (see Exhibit 2).[FL-35-doc excuse]

(h) The age and health of the parties.

Bob Pierce claims he has back problems but has had this fixed. Bob Pierce wants to squander his money but he has domestic duties also, the interests of his child & soon to be child. He may after birth have a paternity test to confirm his sperm donation.

(i) Documented evidence of any history of domestic violence, as defined in Section 6211, between the parties, including, but not limited to, consideration of emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party, and consideration of any history of violence against the supporting party by the supported party.

Factor i. does not apply to the facts and circumstances of this case.

(j) The immediate and specific tax consequences to each party.

Factor j. does not apply to the facts and circumstances of this case.

(k) The balance of the hardships to each party.

Bob Pierce & Sue Pierce have equal hardship due to dependent children.

(l) The goal that the supported party shall be self-supporting within a reasonable period of time. Except in the case of a marriage of long duration as described in Section §4336, a "reasonable period of time" for purposes of this section generally shall be one-half the length of the marriage. However, nothing in this section is intended to limit the court's discretion to order support for a greater or lesser length of time, based on any of the other factors listed in this section, Section §4336, and the circumstances of the parties.

There has been a change of circumstances. See Marriage of Schaffer (1999) 69 Cal. App 4th

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(m) The criminal conviction of an abusive spouse shall be considered in making a

Factor m. does not apply to the facts and circumstances of this case.

(n) Any other factors the court determines are just and equitable.

Factor n. does not apply to the facts and circumstances of this case.

DATE:01/28/2012

Submitted By: