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# Divorced From Knowledge: Perceptions of Alimony Fairness in Relation to Educational Discrepancies

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*Spousal support or alimony is a cash transfer from one spouse to another after divorce. The amount awarded might seem arbitrary and unfair to either one or both individuals. The public often does not see the fact patterns associated with alimony awards or agreements, and their input may provide information to policymakers and decision-makers about what a fair amount of alimony might be. This study examines data collected from 1,285 U.S. participants randomly assigned to a vignette condition that details a hypothetical alimony scenario where one spouse supported the other spouse to gain education, resulting in significantly increased income prior to divorce. Analyses conducted included logistic regression to determine the likelihood a participant would suggest alimony be awarded. A multivariate Heckman selection model was also applied, suggesting that younger generations believe an educational discrepancy does not necessarily mean the person earning less money should have more alimony. T-tests indicate participants think men who are supported through their education should pay more than women who are. A comparison was made to three commonly used alimony formulas across the United States. Evidence suggests that financial therapists should be aware of the generational differences in how individuals might feel about paying or receiving alimony when there is an educational discrepancy.*

*Keywords: alimony; divorce; educational discrepancy; fairness; selection bias*

## INTRODUCTION

While some empirical work has been completed on the topic of alimony, little has examined the public perception of the circumstances under which an individual should be awarded alimony (Wery & Kothakota, 2022). One specific circumstance is examined here: situations where one spouse has supported the attainment of additional education and the resulting increase in the marketable human capital of the other. Here, we examine the perceptions of the fair value of the support provided by one spouse that allowed another spouse to increase their earning potential through increased education. In other words, what is the public's perception of what is owed to a spouse that supports the education of the other spouse, which leads to increased earning potential?

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Divorce can be financially devastating for couples (Kothakota, 2019). In many cases, at least one spouse is left economically disadvantaged post-divorce. Traditionally, women are left relatively more economically disadvantaged due to divorce than men (Simon, 2002). Couples make individual and household decisions during marriage that yield outcomes to meet the household's needs, including those about the specialization of labor. For example, a couple may decide that one spouse takes on additional responsibility within the home so that the other spouse may pursue advanced education to increase the total household income. However, in the event of a divorce, the earning potential obtained through additional education continues to benefit the spouse who obtained advanced education generally in the form of increased earning potential. After a divorce, increased education has monetary value in a market economy, whereas there is no monetary value for having supported that spouse through their educational advancement. The inequity is problematic post-divorce, particularly for those who have not maintained or increased their marketable skills (Iversen & Rosenbluth, 2006). Often, this inequity is solved by cash transfer mechanisms, such as child support and alimony. For couples with children, child support is income provided from one spouse to another for the purpose of supporting the children of the marriage (Okin, 2015), and it typically ends when children reach the age of majority (which varies by state). Alimony, the focus of the research herein, is a form of cash transfer for the dependent spouse's support after divorce.

If laws are written to reflect the public's beliefs and values, alimony laws should then be informed by the public's perception of fairness. Financial professionals, attorneys, judges, and lawmakers can benefit by understanding how the public views alimony and under which situations it should be awarded. Several attempts have led to the development of formulas that aim to describe the value provided by the dependent spouse during marriage that should be transferred after the dissolution of that marriage. Here, we designed an alternating treatment experiment that allowed for the comparison of scenarios in which there was an educational discrepancy between spouses. These results are then compared to three commonly used alimony formulas.

### **Why Alimony is Important**

Dependent spouses or individuals removed from the financial support they received during a marriage can ultimately become a public charge (Biscardi, 2014; Starnes, 2006). Alimony protects the state from dependent spouses falling into poverty and relying on government assistance (Collins, 2001; Starnes, 2011). Divorced individuals generally maintain a middle- or low-income lifestyle and may fall into poverty without alimony (Biscardi, 2014). While property settlements in the form of equitable distribution have largely replaced alimony, Biscardi (2014) argued that it does not always mitigate the need for alimony, while Kothakota and Lynn (2022) suggested it can. Given its importance in marital dissolution, the following research questions were formed:

**RQ1:** Does the public think alimony should or should not be awarded when one spouse is at an educational disadvantage?

**RQ2:** Does the public think the alimony award amount should increase or decrease in scenarios where one spouse has an educational disadvantage?

**RQ3:** Given divorce scenarios with an educational disadvantage, what amount of alimony is fair?

**RQ4:** How does the above amount compare to existing alimony formulas?

## LITERATURE REVIEW

To examine how alimony fairness may be perceived in divorce scenarios with an educational discrepancy, it is important to explore the evolution of the family. The modern American family appears different than the traditional family of the past and is seen as one of equality (Starnes, 2011; Zimmerman, 2000). Teamwork and mutuality replaced the historical marriage concept of dominant versus subordinate spousal roles (Starnes, 2011). In the past, women had limited professional options and were expected to care for the family at the expense of their own career development. Women served as homemakers and were financially dependent on their husbands (Shehan et al., 2002). Presently, women have increasingly equitable opportunities and are no longer automatically considered to be economically dependent on their spouses (Morgan, 2012). Likewise, men are increasingly responsible for parenting responsibilities. Increasingly, marriage is thought of as a partnership, where both spouses contribute efforts, share resources, and make joint decisions. The literature herein focuses on seven areas. First is the role of specialization in marriage, followed by its impact on the financial interdependence of spouses. This leads to a discussion of the role of alimony, its structure and evolution, educational discrepancy, and problems with alimony as a tool in marital dissolution.

### Specialization Within the Marriage

Researchers recognize that despite an aspirational culture of equality, evidence of specialization of roles still persists within marriage (McMullen, 2011). Starnes (2011) rationalized this cultural paradox by explaining that economic incentives are associated with role specialization. Role specialization occurs when one spouse assumes the role of the supporting spouse, focusing on their career potential, and the other spouse takes on the role of the dependent spouse, accommodating the needs of the family (Carbone & Cahn, 2015). Collins (2001) explained that the dependent spouse experiences career interruptions while raising children and supporting their partners as they advance their education or relocate to further the spouse's career. Given the evolved nature of modern marriage, both parties agree to an arrangement in which one spouse specializes in supporting the family and household tasks and the other specializes in career advancement (McMullen, 2011).

The specialization of roles within a marriage leads to distinct levels of human capital for each spouse, dependent on whether they are the supporting or dependent spouse (Hardy, 2008). Human capital can be thought of as an asset, represented by one's ability to earn a stream of income over a lifetime (Hardy, 2008). This asset is built over time through education and work experience (Becker, 1962). Human capital theory suggests a positive correlation between earnings and education (Chevalier et al., 2004), and the benefit of going back to school declines as you age because there are fewer years to glean economic profit from the investment (Zick et al., 2006).

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A point of clarification is necessary: gender roles are increasingly fluid in modern marriage but have not been so in the past when, historically, women have been the primary caregivers and men the primary earners. The increase in the number of men in the dependent spouse role within heterosexual marriages illustrates this shift (Lyle & Levy, 2004). In modern families valuing equality, men may possess talents and interests aligned with caretaking, and women may possess talents and interests aligned with producing income. While role specialization still exists, there is also an increasing cultural ideal of role sharing, where both spouses may view the division of labor within the household as equal, regardless of the nature of the tasks each spouse is responsible for (Zimmerman, 2000).

### **A Disadvantageous Position for the Dependent Spouse Post-Divorce**

Reliance theory rationale states that couples and partners make certain investments and decisions, assuming that their marriage will last (Hardy, 2008). The longer the marriage lasts, the more reliant the dependent spouse is on the supporting spouse (Hardy, 2008). However, marriage does not last forever for all couples. Approximately half of all marriages dissolve (McCoy, 2005; Raley & Bumpass, 2003; Starnes, 2006).

Often, dependent spouses experience financial hardship after divorce (Collins, 2001). Women, in particular, are more likely to become economically disadvantaged after divorce than men (Hung & Knapp, 2018; Kelly & Fox, 1993; Munnell et al., 2018). While the gender pay gap has narrowed dramatically in the past 25 years, women in each new generation are better educated and possibly encounter less discrimination than previous generations. More women are entering occupations that are or were traditionally held by men. Together, these changes have led to an upward progression in women's earning potential (Blau & Kahn, 2000). Despite increasing equality for women in the workplace, women continue to be more likely to exit marriages at a financial disadvantage partially due to differences in human capital investments during a marriage (McCoy, 2005). Women's standard of living is likely to decline after divorce; divorced women are nearly twice as likely to have incomes at or below the poverty level compared to men. Women are less likely to have the marketable skills to compete in the marketplace (Biscardi, 2014). Unfortunately, this leads to a cycle where low-income women are unable to afford additional education or training necessary to obtain higher-paying jobs (Biscardi, 2014). While women, in general, have experienced increased economic equity, the impact of specialized gender roles within the marriage continues to contribute to economic disparity post-divorce (McCoy, 2005; Starnes, 2011).

### **The Role of Alimony**

Various terms describe cash transfers between spouses, with *alimony* being the most common. *Spousal support* is typically deemed more neutral and can be seen as a more accurate term, while *maintenance* or *spousal maintenance* often is in line with a standard of maintaining the standard of living. However, the most common terms used are *alimony* and *spousal support*.

Alimony derives from the Latin *alimonia*, meaning to nourish. The term was adapted in the 17<sup>th</sup> century to have its current definition. Alimony is often used interchangeably for

both men and women, although in some instances, the term *palimony* is sometimes used to describe post-marital payments to men (Wery et al., 2016). Here, we will use alimony as the financial compensation awarded to the dependent spouse regardless of gender.

Within the United States of America, alimony is governed by state law. In most states, the factors considered include length of marriage, physical health, mental health, age, standard of living during the marriage, ability to pay for the payor versus the need of the recipient, property division, and earning potential of both spouses (Collins, 2001). Some states have alimony formulas, while others do not (Wery et al., 2016).

### **Structures and Theory of Alimony**

Alimony can be temporary or permanent (Shehan et al., 2002). It can be a periodic payment or a lump sum (Storey, 2003). It can be awarded on an at-fault or no-fault basis (Starnes, 2006). *Fault* occurs when one spouse commits some kind of marital misconduct (e.g., extramarital affair) recognized by the law. Alimony, in most cases, is modifiable based on changing circumstances (Shehan et al., 2002). However, alimony agreements entered into by a private contract (a negotiated settlement) may be non-modifiable. Most states follow a remarriage termination rule that nullifies alimony from a previous marriage upon remarriage (Starnes, 2006).

There are various rationales for alimony and vast heterogeneity in how an individual jurisdiction interprets and applies these rationales in developing statutes. The human capital model considers how the dependent spouse has invested in the income potential of the supporting spouse (Shehan et al., 2002; Starnes, 2011). Additionally, gain theory and contribution theory serve as the framework to describe the need for reimbursement for marital contributions where the dependent spouse is compensated for the personal and economic contributions to the marriage (Hardy, 2008). The human capital model contends that alimony is needed to balance the higher opportunity costs that dependent spouses experience in divorce (Kelly & Fox, 1993). The human capital model recognizes that the supporting spouse gains economic benefits early in the marriage, whereas the dependent spouse gains economic benefits later (Starnes, 2011). Economic benefits represent time spent on parenting, household, and income-producing responsibilities (Tsaoussis, 2004). The dependent spouse delivers their most valuable efforts early in the marriage by managing household and family responsibilities, while the supporting spouse will reach the height of their income potential later in life (Tsaoussis, 2004). In many marriages, spouses may decide to invest differently in human capital, during which dependent spouses support the family and the independent spouse at the expense of improving their income-generating skills, thereby reducing or forfeiting their career opportunities (Kelly & Fox, 1993). In the event of divorce, this can create inequality because the supporting spouse has realized more economic benefits of the marriage than the dependent spouse (Starnes, 2011; Tsaoussis, 2004). The supporting spouse keeps their future earnings when they are nearing their peak, from which the supporting spouse will not benefit (Hardy, 2008; Kelly & Fox, 1993). The dependent spouse has already theoretically provided their career peak in terms of household production, and the supporting spouse fully benefited from this (Kelly & Fox, 1993).

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While the human capital model emphasizes contributions made during the marriage, the needs-based model focuses on the spouses' financial needs (Hardy, 2008). The financial need of the dependent spouse is measured by age, education, dependent children, and employment (Collins, 2001; Hardy, 2008; Shehan et al., 2002). Rehabilitative alimony, which falls within a needs-based model, is commonly used in alimony cases today and is designed to improve the dependent spouse's employment prospects (McCoy, 2005; Shehan et al., 2002). It is designed to help rehabilitate the dependent spouse's earning potential in order to become self-sufficient by obtaining the skills, training, or education needed for steady employment (Biscardi, 2014; Hardy, 2008; Lyle & Levy, 2004; McCoy, 2005).

Under a needs-based model, alimony is temporary. In theory, alimony should last long enough for the dependent spouse to become self-sufficient (McMullen, 2011). For this reason, needs-based alimony is sometimes referred to as transitional, reorientation, and *bridge-the-gap* alimony (Biscardi, 2014). Limited duration alimony, transitional support, periodic maintenance, and terminable maintenance are other needs-based alimony terms used as a financial buffer to help the dependent spouse transition into a self-supporting lifestyle (Shehan et al., 2002). Often, transitional alimony is also now utilized in divorce cases where the property division will not sufficiently support the dependent spouse (Biscardi, 2014).

Economic loss is another model for alimony based on economic need, ability to pay, and opportunity costs (Kelly & Fox, 1993). The purpose is to compensate the dependent spouse for sacrifices made in the marriage (Collins, 2001; Hardy, 2008). This model highlights the dependent spouse's lost opportunity to marry someone else or to focus on their career (Collins, 2001; Starnes, 2011). Reimbursement (Biscardi, 2014; McCoy, 2005) and compensatory (Lyle & Levy, 2004; McCoy, 2005) alimony fall within the economic-loss model and seek to rectify the losses the dependent spouse suffered due to divorce. Hardy (2008) emphasized the need for justification within this model; the dependent spouse would be required to illustrate how lost wages and time in the workforce resulted in economic loss.

### **The Evolution of Alimony**

Alimony has evolved since the 1970s and is the result of two changes (Kelly & Fox, 1993; Lyle & Levy, 2004). The first is the shift from at-fault divorces to no-fault divorces (Starnes, 2011). Alimony was viewed in the past as moral or retributive justice, and now it is viewed as an economic necessity (McCoy, 2005; Shehan et al., 2002). The second is the societal attitude shift towards gender equality, where now both spouses are expected to be self-sufficient (Lyle & Levy, 2004; Shehan et al., 2002).

These changes have led to alimony being awarded less frequently (Collins, 2001; Shehan et al., 2002; Starnes, 2006, 2011). Instead, property division is increasingly considered the primary method of supporting a dependent spouse (Morgan, 2012; Storey, 2003). The tax law change implemented in 2018 eliminated the tax-deductible feature of alimony by the payor (Tax Cuts and Jobs Act, 2017), which may further disincentivize the use of alimony in divorce settlements. With this change in tax law, it is unsurprising that fewer dependent spouses request alimony (Shehan et al., 2002). For those who do, the

amount and duration of alimony awarded have decreased (McMullen, 2011). McMullen (2011) attributed this shift to feelings of guilt or shame, the perception of being awarded alimony as a hopeless endeavor, and its misalignment with the cultural importance placed on gender equality.

Spousal support negotiation is a contentious factor in settling a divorce (Collins, 2001; Jackson, 2012; McCoy, 2005; Shehan et al., 2002). Spousal support cases are also among the most appealed, which may cause judges to approach the matter conservatively. Divorce proceedings are expensive and contentious to start with (Hardy, 2008), and requesting alimony may increase costs and exacerbate feelings.

Given the perspective of the modern family, which values equality, alimony has come to be seen as an unfair burden on the financially supporting spouse, referred to by some as *involuntary servitude* (Jackson, 2012; McCoy, 2005). Society may also have a negative perception of alimony because it represents dependency in a culture that champions self-reliance (Starnes, 2011). The remarriage-termination rule also clashes with modern family values because it casts dependent spouses as a burden rather than a marital partner, dependent on the supporting spouse until the next supporting spouse relieves the prior one of their duty (Starnes, 2006).

### **Educational Discrepancy**

In previous generations, women were largely limited to studying or training in certain fields, and fewer women pursued education altogether. Since the 1970s, however, the trend has shifted, and women have made significant gains in education and employment (McMullen, 2011). Women are increasingly pursuing higher-paying professions historically dominated by men, such as engineering, medicine, and law (Stevenson & Wolfers, 2008).

While increased educational attainment has become commonplace for women, there are observable trends that factor into the financial aspects of divorce. Education has been found to be negatively associated with divorce (McMullen, 2011; Raley & Bumpass, 2003). Almost half of stay-at-home mothers do not seek education beyond high school, and women with bachelor's degrees are more likely to be employed (Carbone & Cahn, 2015). Education discrepancies between spouses increase the likelihood that a marriage will end in divorce; mothers with less education and fathers with more education had higher rates of divorce (Wymbs et al., 2008).

Well-educated women may also be more likely to have the attitudinal predisposition to present stronger cases in request of alimony. They may be more skilled at communicating their lost opportunity costs due to professional sacrifices made during the marriage or be more adept at arriving at advantageous property settlements. In fact, women with a bachelor's degree are more likely to be awarded alimony (Kelly & Fox, 1993). Women with graduate or professional graduate degrees were not more likely to receive alimony (Kelly & Fox, 1993).



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Women without a college education were more likely to self-describe their job prospects post-divorce as grim (Biscardi, 2014). Kelly and Fox (1993) found that dependent spouses with lower levels of education were less likely to receive alimony, even if they were stay-at-home mothers. This is an interesting paradox because dependent spouses with low levels of education are arguably in greater need of spousal support post-divorce due to steeper challenges faced in the job market yet are less likely than women with higher levels of education to receive it.

### **Inherent Problems with Alimony**

Alimony is often critiqued as vague, complex, and highly discretionary, often making it unpredictable and unfair (McCoy, 2005; McMullen, 2011). Alimony laws vary from state to state and do not provide a clear framework for the amount or duration (Collins, 2001; Shehan et al., 2002; Starnes, 2011). Lacking a uniform standard, alimony is awarded on a case-by-case basis (Storey, 2003) and is often influenced by the bargaining power of each spouse (Oster, 1987). Without clear guidelines, divorcing spouses may have misconceptions and may be unable to accurately assess the risk versus reward for requesting alimony (Collins, 2001). Furthermore, the inconsistency of models used as the basis for alimony (e.g., human capital, needs-based, economic-loss) adds to the confusion and complexity (McMullen, 2011). Since alimony is not commonplace and the award amounts are irregular, it is difficult to analyze effectively, and research on alimony is rare (Kelly & Fox, 1993; McMullen, 2011; Shehan et al., 2002; ).

### **THEORY**

While this study is exploratory in nature, there is some philosophical reasoning for how discrepancies might develop during the marriage and alimony awards might intersect. The theory of alimony, a legal theory (Ellman, 1989), outlines the purpose of alimony and identifies three theories that can be thought of as sub-theories: (a) gain theory, (b) loss theory, and (c) contribution theory (Sheldon & Mills, 1993). The purpose of alimony is to provide a mechanism to prevent an economic discrepancy related to gains and losses shared within a marriage, many of which may be realized post-divorce.

Gain theory, specifically is used by economists to describe human capital investment (Starnes, 2011). Gain theory is applied to provide a reason for alimony in the situation of a spouse who finances their partner's education. It is recognized that by paying for a spouse's education, an individual is foregoing the chance to build their own human capital, and that value is lost and should be captured somewhere. The spouse who did not receive the additional education can reasonably expect to receive a return on their marital investment and, therefore, deserve remuneration, which could take the form of alimony. It is through this lens that we examine the following hypotheses:

**H1:** In situations where men are educationally disadvantaged and are the lower wage-earning spouse (i.e., dependent spouse), respondents will be more likely to award alimony to them than if they were not educationally disadvantaged.

**H2:** In situations where women are educationally disadvantaged and are the lower wage-

earning spouse (i.e., dependent spouse), respondents will be more likely to award alimony to them than if they were not educationally disadvantaged.

**H3:** In situations where men are educationally disadvantaged and are the lower wage-earning spouse, respondents will award more alimony for a longer period than if they were not educationally disadvantaged.

**H4:** In situations where women are educationally disadvantaged and are the lower wage-earning spouse, respondents will award more alimony for a longer period than if they were not educationally disadvantaged.

## METHOD

### Sample

Using a commercially available, web-based survey application (SurveyMonkey™), we examined potential factors that could impact the perceived fairness of alimony awards when there is an educational discrepancy between spouses. The total initial participants were 1,285, and compensation for participants was made via a donation to a charity on behalf of the participants and a chance to win a sweepstakes prize to encourage thoughtful and honest responses. None of the authors were privy to the specifics of the donation or sweepstakes. The participant pool was designed to be representative of the adult U.S. population with internet access but not necessarily representative of the total U.S. population. The vendor was instructed to provide only complete cases, so there were no missing data. This survey was cross-sectional, and participants were surveyed at a single point in time (October 2017).

### Measures

To reduce social desirability bias, we used an indirect measurement approach (Fisher, 1993). Indirect measures infer attitudes from participants' behaviors rather than directly asking their viewpoint on alimony awards (Banse & Imhoff, 2013). We asked participants to engage in a task by reading a short vignette about the divorce of a fictional friend of theirs. Four vignettes were presented on separate pages, so participants could not review responses from previous vignettes. Demographic information was asked at the end of the survey.

### *Vignette Manipulation*

We constructed four sets of vignettes. Each set had two individual scenarios briefly describing a couple in the early stages of divorcing. Each vignette was manipulated by changing the gendered point of view (POV; i.e., the friend was a male or a female). The financial status of the friend within the marriage (i.e., whether the friend was the supporting spouse or the dependent spouse) was also varied. As a result, there were four variations of each vignette: (a) female friend is the supporting spouse; (b) male friend is the supporting spouse; (c) female friend is the dependent spouse; and (d) male friend is the dependent spouse. The vignettes were short and constant. The vignettes possessed: (a) name and age

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of the friend and implied sex (POV); (b) name, age, and implied sex of the friend's spouse; (c) names and ages of the children; (d) length of the marriage; (e) spouse's professions with annual and monthly income; (f) which spouse is leaving; and (g) which person is the educationally-disadvantaged spouse. The vignettes were structured so that the gender and role of the spouse were changed, as detailed above. Spousal terms (i.e., *husband* and *wife*) and male and female pronouns were changed as appropriate. The participants were asked to provide what they thought was a fair monthly alimony award (in US dollars) and length (in years).

The following is an example of a vignette:

Your long-time friend Greg (aged 35) has been married to his wife, Heidi (aged 35), for 13 years. Heidi worked as a receptionist and waitress on nights and weekends to support Greg as he went to medical school. After his residency, they moved to a new city, and Heidi started a cupcake business. Greg, now an OB/GYN earns about \$315,000 per year (\$26,250/month). Heidi's business has not yet taken off and is currently running at a loss. Greg has become dissatisfied with the marriage and has asked for a divorce.

What is a fair alimony offer for Greg to make Heidi (\$\_\_\_), (length of time)?

### ***Outcome Variables***

The outcome variables, alimony award (in US dollars), and alimony length (in years) were collected after each vignette. The participants provided the actual dollar amount in an open-ended response box that only allows dollars with no fractions and provided the number of years they believe alimony should be awarded in a separate open-ended response box in whole numbers. In addition, the ratio of alimony amount to differences in income was also calculated as follows:

$$r_a = \frac{\text{suggested alimony amount}}{(\text{vignette higher income} - \text{vignette lower income})}$$

where  $r_a$  is the ratio of alimony to the differences in spousal income.

### ***Independent Variables of Interest***

A primary variable of interest was whether the person was the disadvantaged partner in terms of education (ED) by gender (e.g., Male ED) contained within the vignette. Also of interest were the POV (point of view) and gender effects on the outcome variables (e.g., Male POV). In other words, did the participant's affinity to the person who was disadvantaged in terms of education and the gender of the respondent affect the outcome in either case?

### ***Independent Variables***

Upon participant completion of responses to both vignettes, they were asked about their demographics (e.g., age, gender, race/ethnicity, state of residence, employment status, and household income) and other characteristics related to their marital history. These items were designed to mimic those present in the vignettes and include: (a) marital status; (b) length of current marriage; (c) presence of children from the current or other relationship; (d) experience as a stay-at-home spouse; (e) experience with extra-marital affairs; and (f) experience with divorce.

Age was presented as a categorical variable with four levels: 18-29, 30-44, 45-59, and 60 and over and were labeled as named generations as there has been evidence that named generations (e.g., “Millennials,” etc.) have different attitudes about money, power, and gender. The only genders examined were male and female. Participants were either employed or unemployed. Income was measured at the household level and divided into the following ranges: \$0-24,999; \$25,000 - \$49,999; \$50,000-\$99,999; \$100,000 - \$124,999 and \$125,000 or greater.

### **ANALYSIS**

A logistic regression estimator was used to examine differences in the probability that a participant would recommend alimony in the case of an educational discrepancy. If any amount of alimony was suggested, it was coded as “1,” and if no alimony was suggested, the response was coded as “0.” All demographic variables were included for inference purposes.

For both the payor and the recipient of alimony, the amount and length of the term are important. Participants could suggest any amount of alimony, including zero. This may create biased estimates if ordinary least squares with two outcome variables are used. This selection bias was ameliorated using a multi-variate Heckman selection model (Yen, 2005). After visual inspection of the distribution of amounts of alimony suggested by participants, the amount of alimony was skewed to the right, and most data were below the mean. The amount of alimony was transformed by taking the logarithm. While the length of the term is bounded by zero, it was also transformed by taking the logarithm.

A t-test was performed to determine whether there were differences in the case where one gender was in the power (supporting spouse role) position within the ED group. The ratios should be the same if there were no gender bias. Welch’s t-test provides accurate estimates on the differences between ratios (Delacre et al., 2017).

Several entities have sought to create a *fair* approach to determining alimony via an alimony calculator or alimony formula. We compare three of the most commonly used calculations to the average amounts suggested by participants within this study.

The American Academy of Matrimonial Lawyers (AAML) developed a formula they believe can be applied nationally (Willick, 2014) The AAML formula is 30% of the supporting

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spouse's gross income minus 20% of the dependent spouse's gross income. The suggested amount should not exceed 40% of the spouses' combined income.

Another formula, the  $1/3, 1/3, 1/3$  formula, sums the spouses' income, divides that sum by three, and then subtracts the lower wage-earning spouse's income from the quotient, yielding the amount of alimony to be paid.

The Ginsburg formula is calculated as 30% of the higher wage-earner's gross income minus 20% of the lower wage-earner's gross income but is not to exceed 40% of the combined gross income of both spouses (Dugan & Feder, 2002).

## RESULTS

Descriptive statistics of the sample are outlined in Table 1. A total of 1,285 individuals responded. Ages were divided into groups that mirror "generations." The mean alimony amount ordered was \$5,287 (\$3,595), and the length of the term was 9.25 years (4.88), while the log amount of alimony was 3.56 (0.41). Respondents aged 18-29 represented 12.8% of the sample, those aged 30-44 were 23.6%, 45-59 were 28.4% and 60 and older were 35.2%. White respondents made up the majority of the participants at 83% of the sample, while Black respondents were 4.9%, LatinX respondents were 5.2%, Native American/Alaska Native was 1.5%, Asian or Pacific Islander was 2.2% and two or more races or other was 2.4%. Female participants were 63.5% of the sample, with males making up 36.5% of the sample. Married individuals on their first marriage made up 38.70% of the sample, 17.80% of the sample were married but previously divorced, 18.3% identified as divorced, 4.2% identified as widowed, and 21.0% identified as single or cohabitating. 65.2% of the participants were employed, while 34.8% were not employed. Participants who made approximately the same as their spouse comprised 36.0% of the sample, while 29.70% made less than their spouse and 34.30% made more than their spouse.

**Table 1.**

*Variable Descriptive Statistics.*

Variable	Percentage	M (SD)
Log amount of alimony	(0.41)	3.56
Length of alimony	(4.88)	9.25
Age		
18-29	12.80%	
30-44	23.60%	
45-59	28.40%	
60 and older	35.20%	

Race		
	White	83.00%
	Black	4.90%
	Hispanic/LatinX	5.20%
	Native American/AN	1.50%
	Asian or Pacific Islander	2.20%
	Two or more races/Other	2.40%
Sex		
	Female (1)	63.50%
	Male (0)	36.50%
Marital status		
	Married (first marriage)	38.70%
	Married (p. divorced)	17.80%
	Divorced	18.30%
	Widowed	4.20%
	Single	21.00%
Income		
	\$0 - \$24,999	12.30%
	\$25,000 - \$49,999	19.00%
	\$50,000 - \$74,999	16.60%
	\$75,000 - \$99,999	12.60%
	\$100,000 - \$124,999	11.40%
	\$125,000 - \$149,999	6.10%
	\$150,000 - \$174,999	3.50%
	\$175,000 - \$199,999	1.70%
	\$200,000 or greater	3.90%
Employment status		
	Employed	65.20%
	Unemployed	34.80%
Relative income		
	Same as spouse	36.00%
	Less than spouse	29.70%
	More than spouse	34.30%

*Note.* (n=1,285)

## Logistic Regression Results

Logistic regression results for educational discrepancy are contained in Table 2. The only variable of significance was when the respondent was female. Female respondents were 47% less likely than males to award alimony ( $p = 0.02$ ; OR = 0.53; CI = 0.31: 0.88). No other variables were significant in this model. In most cases, the respondents awarded some alimony.

**Table 2.**

*Logistic Regression Ed. Disc.*

Variable	Est.	SE	OR	LB	UB	<i>p</i>
Intercept	3.67	0.53	-	-	-	***<.01
Ed power	0.11	0.26	1.12	0.67	1.86	0.67
Ed POV	0.03	0.27	1.03	0.61	1.75	0.91
<b>Age</b>						
18-29	-0.21	0.48	0.81	0.32	2.08	0.67
30-44	-0.3	0.36	0.74	0.37	1.49	0.4
45-59	-0.06	0.33	0.94	0.49	1.81	0.86
<b>Race</b>						
Black	-	-	-	-	-	-
Hispanic/LatinX	0.01	0.55	1.01	0.34	2.97	0.99
Native American or Alaska Native	-	-	-	-	-	-
Asian or Pacific Islander	-	-	-	-	-	-
Two or more races/Other	-1.11	1.13	0.33	0.04	3.04	0.33
<b>Sex</b>						
Male	-0.64	0.26	0.53	0.31	0.88	**0.02
<b>Marital status</b>						
Married (first marriage)	-0.61	0.47	0.55	0.22	1.38	0.20
Married (prev. divorced)	-0.74	0.51	0.48	0.18	1.29	0.15
Widowed	-	-	-	-	-	-
Single	-0.78	0.52	0.46	0.17	1.27	0.13
<b>Income</b>						
\$0 - \$24,999	0.59	0.58	1.8	0.58	5.55	0.31
\$25,000 - \$49,999	-0.04	0.37	0.96	0.46	1.99	0.91
\$100,000 - \$124,999	0.23	0.45	1.26	0.52	3.06	0.61
\$125,000 or greater	0.12	0.39	1.13	0.53	2.41	0.76

*Note. AIC = 1121.41; -2 Log L = 1121.28; psuedo r-squared = 0.03; c=0.71*

### **Group Difference Results**

Results comparing the ratios of alimony awarded when there was an educational discrepancy between males and females are in Table 3. The mean percentage of income when the male is in the power position was 20.14% [SD: 13.70%], and the mean percentage of income when the female is in the power position and the female has the affair is 17.00% [SD: 11.29%]. Results were significant ( $p < .01$ ), and the mean difference was greater than zero, suggesting respondents think women who support men through education should receive less than men who support women.

**Table 3.**

*T-test Results Ratio Between Male and Female Power Educational Discrepancy.*

Power	n	Mean	SD	t-cal	t-crit	df	p
Male	581	20.14%	13.70%	4.16	1.96	1043	***<0.01
Female	538	17.00%	11.29%				

### **Heckit Regression Results**

Results for the multivariate selection model for educational discrepancy are outlined in Table 4. The estimate for log alimony amount for age group 18-29 was  $\beta = 0.33$  ( $p < 0.01$ ), suggesting the youngest age group thinks that when one spouse supports another through their education, the supporting spouse should be compensated when compared to the oldest age group (60 and above). Similarly, the age group 30-44 had a slightly smaller estimate of  $\beta = 0.23$  ( $p < 0.01$ ), suggesting the same. There were no other significant results for the amount of alimony. When considering the log length of the term, all age groups had estimates of a shorter length for alimony when compared to the oldest age group. These were, respectively 18-29 ( $\beta = -1.54$ ;  $p < 0.05$ ), 30-44 ( $\beta = -1.91$ ;  $p < 0.01$ ), and 45-59 ( $\beta = -0.79$ ;  $p < 0.01$ ). In addition, two-income groups were significant for the length of term – those with household income under \$25,000 ( $\beta = 1.08$ ;  $p < 0.05$ ) and those with household income greater than \$125,000 ( $\beta = 1.04$ ;  $p < 0.05$ ). When the person with the greater education (and resultant income) was in the power position, alimony was awarded for a longer period of time ( $\beta = 0.65$ ;  $p < 0.05$ ). No other results were significant.



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**Table 4.**

*Multivariate Selection Model Results.*

Variable	Log alimony amount				Log length of term			
	Est.	SE	F-value	p	Est.	SE	F-value	p
Intercept	8.34	0.2	1738.91	***<0.01	9.43	1.13	69.77	***<0.01
Ed power	0.08	0.09	2.21	0.14	0.65	0.31	4.51	**<0.05
Ed POV	-0.01	0.06	0.04	0.84	0.2	0.32	0.42	0.52
<b>Age</b>								
18-29	-0.33	0.11	9.98	***<0.01	-1.54	0.6	6.61	**<0.05
30-44	-0.23	0.08	9.03	***<0.01	-1.91	0.44	18.92	***<0.01
45-59	-0.02	0.07	0.1	0.75	-0.79	0.39	4.14	***<0.01
<b>Race</b>								
Black	-0.17	0.13	1.76	0.18	-0.43	0.73	0.35	0.55
Hispanic/LatinX	-0.23	0.12	3.29	0.07	-0.1	0.7	0.02	0.89
Native American or Alaska Native	0.08	0.26	0.09	0.76	0.37	1.47	0.06	0.8
Asian or Pacific Islander	-0.08	0.18	0.22	0.64	2.53	0.99	6.47	0.07
Two or more races/Other	-0.05	0.35	0.02	0.88	0.88	2.01	0.19	0.66
<b>Sex</b>								
Male	-0.01	0.06	0.01	0.93	-0.04	0.33	0.02	0.9
<b>Marital status</b>								
Married (first marriage)	-0.03	0.08	0.11	0.74	0.19	0.46	0.17	0.68
Married (previously divorced)	-0.07	0.09	0.58	0.45	-0.58	0.53	1.19	0.28
Widowed	-0.24	0.14	2.81	0.09	-0.56	0.81	0.49	0.48
Single	-0.15	0.10	2.53	0.11	-0.14	0.55	0.07	0.79
<b>Income</b>								
\$0 - \$24,999	-0.17	0.10	3.1	0.08	1.08	0.55	3.92	**<0.05
\$25,000 - \$49,999	0.00	0.08	0	0.99	0.34	0.46	0.54	0.46
\$100,000 - \$124,999	0.09	0.09	0.83	0.36	-0.11	0.53	0.04	0.84
\$125,000 or greater	0.11	0.09	1.77	0.18	1.04	0.49	4.53	**<0.05
More than spouse								
<i>R-Square=0.06; C(p)=23</i>					<i>R-Square=0.038; C(p)=25</i>			

### ***Comparison of average amounts from respondents versus existing formulas***

Table 5 compares average experimental outcomes with existing formulas when women and men are in the power position (supporting spouse). All amounts suggested by respondents were lower than those for the AAML, the "rough cut," and the Ginsburg formulas. The average amount suggested by respondents when the female was the higher wage-earner was \$4,465 per month. When the male was the higher wage earner, the average amount suggested was \$5,287. The AAML formula suggests \$7,875, \$2,598 more than when the male was the higher wage earner. The "rough cut" formula is \$8,750, and the Ginsburg formula suggests \$11,667 per month in alimony, or 2.61 times the amount when women were the higher wage earners.

**Table 5.**

*Comparison of experimental outcomes with existing formulas - Educational Discrepancy.*

	ED average Female	ED average Male	AAML formula	"Rough cut - 1/3, 1/3, 1/3"	Ginsburg
Suggested amount awarded	\$4,465	\$5,287	\$7,875	\$8,750	\$11,667

## **DISCUSSION**

Only one of the original hypotheses was upheld, as women were less likely to suggest spousal support should be awarded to spouses of either gender. H3 and H4 were partially upheld but did not have a gender effect, and only longer alimony was statistically significant. Gain theory posits there should have been an increase in spousal support awards for those with an educational deficit. Results suggest there are generational differences in whether helping a spouse achieve more education and, subsequently, more income should result in alimony in the event of marital dissolution. While logistic regression results suggest women are less likely to think alimony is warranted when there is more education for one spouse, fewer than 8% of participants felt no alimony should be awarded. The Heckit regression results point not only to less alimony awarded as the participant drops into younger age bands but to fewer years as well. This coincides with previous research on perceptions of alimony fairness and infidelity (Wery & Kothakota, 2022). Interestingly, when it came to the length of alimony awards, both the lowest income bands and highest income bands wanted a longer term. In addition, regardless of gender for the person with greater education, participants wanted to award alimony for a longer time, suggesting that the amount mattered less than some form of lengthy support.

Comparing results from the survey with existing formulas, when the income disparity is greater, respondents award less monthly alimony than described by the formulas. These formulas purport to provide a fair amount of alimony. In every case, the commonly used

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formulas suggested a significantly higher alimony amount than the average between men and women suggested by study participants. This suggests existing formulas are inconsistent with the public perception of a “fair” alimony amount.

### **Implications for Practice**

Financial therapy practitioners might use these results to help explain to their higher wage-earning spouses, particularly those where their lower wage-earning spouse supported them, why what “feels” fair may be inconsistent with an alimony amount based on an existing formula. In particular, the amounts the public thinks should be awarded are lower than existing formulas; therefore, the higher wage-earning spouse should be prepared emotionally and financially for a significantly higher payment. Alimony tends to be an emotional issue regardless of the circumstances. With their training in behavior, relationships, and money, financial therapists can help clients understand the economic value and help them through the emotional pains of paying alimony.

Knowing there are generational differences in the perception of how supporting a spouse to further their education can create an economic disadvantage for the spouse who did not further their education could help in having conversations around fairness as it relates to awards. Financial professionals trained in economic principles can be a tremendous asset to a divorcing process. Framing the support in terms of investment can help make the conversation less emotional and more practical.

### **Limitations**

While this randomized alternating treatment design study protected the anonymity of the participants, self-report information from surveys is still subject to social desirability bias. Since no questions were asked about how participants feel about alimony, it would be difficult to tell which direction bias might move. Even though many view alimony as old-fashioned or unnecessary (Nannarone, 2019), further research into the phenomenon is warranted. In addition, it would have been useful to examine many other types of educational discrepancy (e.g., law school, business school, etc.) as there may be variability inherent in types of disparities. While household income was included as a covariate, respondent income would have been an interesting covariate to add.

### **Future Research**

More research into perceptions of alimony fairness should be conducted as there is a great deal of heterogeneity in how couples manage their resources. In many cases, a couple may have one spouse stay at home, which might affect their ability to earn income and impact their long-term human capital. Actual alimony awards would be a good way of aligning what happens when getting divorced and what the public thinks should happen. It would also be useful for attorneys and judges to provide estimates of what they think would happen under certain circumstances. It may even be important to ask if the movement toward gender equality has affected individuals economically. Finally, it would be helpful to examine

whether the costs associated with seeking alimony that deviates from public perception is worth the potential benefit.

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**APPENDIX****Vignettes for Educational Discrepancy*****POV M, Power M:***

Your long-time friend Greg (aged 35) has been married to his wife, Heidi (aged 35) for 13 years. Heidi worked as a receptionist and waitress on the nights and weekends to support Greg as he went to medical school. After his residency, they moved to a new city, and Heidi started a cupcake business. Greg, now an OB/GYN, earns about \$315,000 per year (\$26,250/month). Heidi's business has not yet taken off and is currently running at a loss. Greg has become dissatisfied with the marriage and has asked for a divorce.

What is a fair alimony offer for Greg to make Heidi (\$\_\_\_), (length of time)

***POV F, Power M:***

Your long-time friend Heidi (aged 35), has been married to her husband, Gregg (aged 35) for 13 years. Heidi worked as receptionist and waitress on the nights and weekends to support Greg as he went to medical school. After his residency, they moved to a new city and Heidi started a cupcake business. Greg, now an OB/GYN earns about \$315,000 per year (\$26,250/month). Heidi's business has not yet taken off and is currently running at a loss. Greg has become dissatisfied with the marriage and has asked for a divorce.

What is a fair alimony offer for Greg to make Heidi (\$\_\_\_), (length of time)

***POV M, Power F:***

Your long-time friend Greg (aged 35), has been married to his wife, Heidi (aged 35) for 13 years. Greg worked as data-entry specialist and waiter on the nights and weekends to support Heidi as she went to medical school. After her residency, they moved to a new city and Greg started a landscape business. Heidi, now an OB/GYN earns about \$315,000 per year (\$26,250/month). Greg's business has not yet taken off and is currently running at a loss. Heidi has become dissatisfied with the marriage and has asked for a divorce.

What is a fair alimony offer for Heidi to make Greg (\$\_\_\_), (length of time)

***POV F, Power F:***

Your long-time friend Heidi (aged 35), has been married to her husband, Gregg (aged 35) for 13 years. Greg worked as data-entry specialist and waiter on the nights and weekends to support Heidi as she went to medical school. After her residency, they moved to a new city and Greg started a landscape business. Heidi, now an OB/GYN earns about \$315,000 per year (\$26,250/month). Greg's business has not yet taken off and is currently running at a loss. Heidi has become dissatisfied with the marriage and has asked for a divorce.

What is a fair alimony offer for Heidi to make Greg (\$\_\_\_), (length of time)