

# Can A Court Require Your Ex To Get Life Insurance After The Divorce?

## Security for Minnesota spousal support awards

If you have gotten divorced and been awarded spousal support (often called alimony or [spousal maintenance](#)), this is a good way of securing income to support yourself—as long as your ex is able to make the payments. What happens, however, if your ex passes away (as happy as that outcome may sound to you at times!)? The alimony payments would stop, potentially leaving you without sufficient income to live on. It's because of this



It Will Happen To All Of Us Someday...

possibility that, in some circumstances, you can request the court to require that the award of spousal support be secured with a life insurance policy.

There's no hard and fast rule on when a court will grant that request. There is no law that specifically covers this question. However, factors the court will consider in making its decision include the support recipient's age, education, work experience, and employment prospects. The court will also consider the duration of your marriage—i.e., a life insurance requirement is less likely after a five-year marriage than after a thirty-year one.

Your situation doesn't have to be one of exceptional hardship in order for a life insurance requirement to be appropriate. If it's apparent that your prospects for supporting yourself in absence of the support payments are weak, the court will likely require your ex to secure the support award with life insurance.

If your request for a life insurance policy as security is successful, the court may order your ex to obtain a policy and to name you as a beneficiary on that policy. In some cases, the court may only require that you be named as a beneficiary if your ex is able to obtain life insurance under a group policy. The amount of the policy will be up to the discretion of the court and will be based on similar factors as those which the court considered in making the decision to require life insurance in the first place.

Often times in mediation and settlement discussions your lawyer will have already come up with what they think is an appropriate number that you may need in order to ensure you have enough money if your ex dies before his or her time. Since the court and the lawyers often look at actuary tables to determine how long your ex is supposed to live, the amount of life insurance often will go down on an annual basis as the total need will drop on an annual basis (you won't live forever!)

## **Child Support**

Sometimes, although certainly not in every case, if your ex is paying [child support](#) he or she maybe required to maintain life insurance to cover this monthly payment. A few things that people forget, however, is that if a parent dies the kids will receive a social security death benefit until they are 18. Often times this amount is more than the actual child support payment, so it is wise to tell your divorce lawyer what the estimated benefit is (remember, the Social Security Administration no longer mails out the benefits, you must go online to see the amount).

Finally, remember that the insurance will almost always be term life insurance. You can't require your ex to maintain whole life insurance with you getting a cash benefit, it's only to cover you or the kids if he or she dies.

Thanks for reading and as always, if you have any questions or comments either give me a call or send me an email at [jkohlmeyer@rokolaw.com](mailto:jkohlmeyer@rokolaw.com). HOWEVER, with an increased readership (thanks everyone) I'm getting a lot of "quick questions" via email, and as much as I'd like to answer them all, I can't give legal advice until we have signed a retainer (and you have put money in the trust account).

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