

Spousal Support in the Juvenile and Domestic Relations District Court



Written by: [Mary G. Commander](#), 5442 Tidewater Drive, Norfolk, VA 23509 (757)533-5400

Attorney/ Mediator licensed in Virginia since 1981

Spousal Support in the Juvenile and Domestic Relations District Court

Virginia has a curious system in which two courts can enter Orders dealing with the same matters. The Juvenile and Domestic Relations District Court and the Circuit Court in divorces can enter Orders establishing child custody, child support and spousal support. The Circuit Court also hears appeals from the Juvenile and Domestic Relations Court.

In the Circuit Court, spousal support is determined by the judge with the guidance of statutory factors set forth in Virginia Code Section 20-107.1. Even with these factors listed, the actual determination remains very subjective both as to the amount and as to the duration of the support award.

In contrast, there are presumptive spousal support guidelines in the Juvenile and Domestic Relations District Court.

Section 16.1-278.17:1 of the Virginia Code provides:

Formula for determination of pendente lite spousal support

A. There shall be a presumption in any judicial proceeding for pendente lite spousal support and maintenance under this title that the amount of the award that would result from the application of the formula set forth in this section is the correct amount of spousal support to be awarded. The court may deviate from the presumptive amount as provided in subsection D.

B. If the court is determining both an award of pendente lite spousal support and maintenance and an award of child support, the court shall first make a determination of the amount of the award of pendente lite spousal support, if any, owed by one party to the other under this section.

C. If the parties have minor children in common, the presumptive amount of an award of pendente lite spousal support and maintenance shall be the difference between 28% of the payor spouse's monthly gross income and 58% of the payee spouse's monthly gross income. If the parties have no minor children in common, the presumptive amount of the award shall be the difference between 30% of the payor spouse's monthly gross income and 50% of the payee spouse's monthly gross income. For the purposes of this section, monthly gross income shall have the same meaning as it does in section Sec. 20-108.2, as amended.

D. The court may deviate from the presumptive amount for good cause shown, including any relevant evidence relating to the parties' current financial circumstances that indicates the presumptive amount is inappropriate.

E. The formula set forth in this section shall only apply to cases where the parties' combined monthly gross income does not exceed \$10,000.

Additional Resources

[Family Law Website](#)

[Family Law Blog](#)