

Charts*

Chart 1: Alimony/Spousal Support Factors

STATE	Statutory List**	Marital Fault Not Considered	Marital Fault Relevant	Standard of Living	Status as Custodial Parent Considered
Alabama			x	x	
Alaska	x	x		x	x
Arizona	x	x		x	x
Arkansas		x			
California	x	x		x	
Colorado	x	x		x	x
Connecticut	x		x	x	x
Delaware	x	x		x	x
District of Columbia			x	x	
Florida	x		x	x	
Georgia	x		x	x	
Hawaii	x	x		x	x
Idaho	x		x	x	x
Illinois	x	x		x	x
Indiana	x	x			
Iowa	x	x		x	x
Kansas		x			
Kentucky			x ¹	x	
Louisiana	x		x		x
Maine	x	x			
Maryland	x		x	x	
Massachusetts	x		x	x	
Michigan			x	x	
Minnesota	x	x		x	x
Mississippi			x		
Missouri			x	x	x
Montana	x	x		x	x
Nebraska	x	x		x	x
Nevada		x		x	x
New Hampshire	x		x	x	x
New Jersey	x		x	x	x
New Mexico	x	x		x	
New York	x		x	x	x
North Carolina	x		x	x	
North Dakota			x	x	
Ohio	x	x		x	x
Oklahoma		x		x	x
Oregon	x	x		x	x
Pennsylvania	x		x	x	
Rhode Island	x		x	x	x
South Carolina	x		x	x	x
South Dakota	x		x	x	
Tennessee	x		x	x	x
Texas	x		x	x	x
Utah	x		x	x	x
Vermont	x	x		x	x
Virginia	x		x	x	
Washington	x	x		x	
West Virginia	x		x		x
Wisconsin	x	x		x	x
Wyoming			x		

* Special thanks to Elizabeth Barker Brandt, James E. Rogers Distinguished Professor of Law, University of Idaho, and Angela Shapow, J.D., University of Idaho 2006, for reviewing these charts.

** Although there is a statutory list of factors, the court may in its discretion consider other factors under the particular circumstances of the case.

1. Only fault on the part of the party seeking alimony.

Chart 2: Custody Criteria

STATE	Statutory Guidelines*	Child's Wishes	Joint Custody	Cooperative Parent	Domestic Violence**	Health	Attorney or GAL***
Alabama	x	x ³	x	x	x		
Alaska	x	x	x	x	x		x
Arizona	x	x	x	x	x	x	x
Arkansas		x	x		x		x
California	x	x ⁴	x ⁷	x	x	x	x
Colorado	x	x	x ¹		x	x	
Connecticut	x	x	x	x	x	x	x
Delaware	x	x	x		x	x	x
District of Columbia	x	x	x	x	x	x	x
Florida	x	x	x ¹	x	x	x	x
Georgia	x	x ⁴	x		x		x
Hawaii	x	x ⁴	x		x		x
Idaho	x	x	x	x	x	x	
Illinois	x	x	x	x	x	x	x
Indiana	x	x	x	x	x	x	x
Iowa	x	x	x	x	x		x
Kansas	x	x	x	x	x		
Kentucky	x	x	x		x	x	
Louisiana	x	x	x	x	x	x	x
Maine	x	x	x ¹		x		x
Maryland		x ³	x	x ³	x		x
Massachusetts			x	x	x		x
Michigan	x	x	x	x	x	x	x
Minnesota	x	x	x		x	x	x
Mississippi	x	x ³	x	x	x		x
Missouri	x	x	x	x	x	x	x
Montana	x	x	x ¹		x	x	x
Nebraska	x	x	x		x		x
Nevada	x	x ⁴	x	x	x	x	
New Hampshire	x	x	x ¹	x	x		x
New Jersey	x	x	x		x		x
New Mexico	x	x ²	x	x	x	x	x
New York		x		x	x		x
North Carolina		x ³	x		x		
North Dakota	x	x	x	x ³	x	x	
Ohio	x	x	x ¹		x	x	x
Oklahoma	x	x ⁴	x	x	x		x
Oregon	x	x ³	x	x			
Pennsylvania	x	x ⁴	x	x	x		x
Rhode Island		x ³	x ³		x		
South Carolina		x ⁴	x ³		x		
South Dakota		x	x	x ³	x		x
Tennessee	x	x	x ³	x	x	x	x
Texas		x	x ⁵	x	x		x
Utah	x	x	x	x			x
Vermont	x		x ¹	x	x ⁶		x
Virginia	x	x	x	x	x	x	
Washington	x	x	x ¹		x		x
West Virginia	x	x	x ¹		x		x
Wisconsin	x	x	x	x	x	x	x
Wyoming	x	x ³	x	x	x	x	

* Although there is a statutory list of factors, the court may in its discretion consider other factors under the particular circumstances of the case.

** The jurisdiction has enacted a statute permitting the consideration of domestic violence in conjunction with child custody. The statutes vary from making domestic violence a factor in custody determinations to imposing presumptions against custody in batterers or imposing special procedural considerations in cases involving domestic violence.

*** This column indicates whether a state has statutory authority for appointment of a guardian *ad litem* or attorney for a child specifically in child custody cases.

1. Does not use the term "child custody," but instead uses the term "parental responsibilities and rights" or similar terminology.
2. The wishes of children under fourteen are a factor to be considered; the court must consider the wishes of a child fourteen years of age or older.
3. By case law.
4. Court must consider the wishes of a child of sufficient maturity to express them.
5. Uses the terminology "managing conservator" of the child to describe a custodial parent.
6. The presence of domestic violence may be a defense for a parent who refuses to comply with a visitation order.
7. Joint custody may be ordered only if the parents agree to it.

Chart 3: Child Support Guidelines*

State	Model	Extraordinary Medical Expenses**	Child Care Expenses	College Support	Share Parenting
Alabama	Income Shares	Added on and prorated	Added on and prorated	Yes	Deviation
Alaska	Income Shares	Deviation	Deduction from income	No	Offset formula
Arizona	Income Shares	Court specifies percentage	Added on and prorated	No	Deviation
Arkansas	Percentage of Income	Deviation	Deviation	No	Deviation
California	Income Shares	Deviation	Added on and prorated	No	Offset formula
Colorado	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Connecticut	Income Shares	Added on and prorated	Added on and prorated	Yes	Deviation
Delaware	Melson Formula	Added on and prorated	Added on and prorated	No	Offset formula
District of Columbia	Hybrid Formula	Case-by-case basis	Deduction from income	Yes	Offset formula
Florida	Income Shares	Deviation	Added on and prorated	No	Offset formula
Georgia ¹	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Hawaii	Melson Formula	Deviation	Deduction from income	Yes	Offset formula
Idaho	Income Shares	Added on and prorated	Added on and shared equally	No	Offset formula
Illinois	Percentage of Income	No provision	No provision	Yes	No provision
Indiana	Income Shares	Added on and prorated	Added on and prorated	Yes	Offset formula
Iowa	Income Shares	Added on and prorated	Deduction from income	Yes	Offset formula
Kansas	Income Shares	No provision	Added on and prorated	No	Offset formula
Kentucky	Income Shares	Added on and prorated	Added on and prorated	No	Deviation
Louisiana	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Maine	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Maryland	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Massachusetts	Hybrid Formula	Case-by-case basis	Deduction from income	Yes	Deviation
Michigan	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Minnesota ¹	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Mississippi	Percentage of Income	Deviation	Deviation	Yes	Deviation
Missouri	Income Shares	Added on and prorated	Added on and prorated	Yes	Offset formula
Montana	Melson Formula	Added on and prorated	Added on and prorated	No	Offset formula
Nebraska	Income Shares	Added on and prorated	Independent determination	No	Offset formula
Nevada	Percentage of Income	Equal allocation	Deviation	No	Deviation
New Hampshire	Income Shares	Deviation	Deduction from income	No	Deviation
New Jersey	Income Shares	Added on and prorated	Added on and prorated	Yes	Offset formula
New Mexico	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
New York	Income Shares	Added on and prorated	Added on and prorated	Yes	Deviation
North Carolina	Income Shares	Added on and prorated	Added on according to formula	No	Offset formula
North Dakota	Percentage of Income	Deduction from income	Deviation	Yes	Offset formula
Ohio	Income Shares	Separate order	Added on and prorated	No	Deviation
Oklahoma	Income Shares	Case-by-case basis	Added on and prorated	No	Offset formula
Oregon	Income Shares	Added on and prorated	Added on and prorated	Yes	Offset formula
Pennsylvania	Income Shares	Added on and prorated	Shared equally	No	Offset formula
Rhode Island	Income Shares	Deviation	Added on and prorated	No	Deviation
South Carolina	Income Shares	Added on and prorated	Added on and prorated	Yes	Offset formula
South Dakota	Income Shares	Deviation	Deviation	No	Deviation
Tennessee	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Texas	Percentage of Income	Added on and prorated	Deviation	No	Deviation
Utah	Income Shares	Shared equally	Shares equally	Yes	Offset formula
Vermont	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Virginia	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Washington	Income Shares	Added on and prorated	Added on and prorated	Yes	Deviation
West Virginia	Income Shares	Added on and prorated	Added on and prorated	No	Offset formula
Wisconsin	Percentage of Income	Separate order	Deviation	No	Offset formula
Wyoming	Income Shares	Deviation	Deviation	No	Offset formula

* Chart prepared by Laura W. Morgan from her treatise, *Child Support Guidelines: Interpretation and Application*.

** Extraordinary expenses are to be distinguished from regularly incurred uninsured-health expenses.

1. Changed from Percentage of Income to Income Shares in June 2006.

Chart 4: Grounds for Divorce and Residency Requirements

STATE	No Fault Sole Ground	No Fault Added to Traditional	Incompatibility	Living Separate and Apart	Judicial Separation	Durational Requirements
Alabama		x	x	2 years	x	6 months
Alaska		x	x		x	None
Arizona	x	x ²				90 days
Arkansas		x ²		18 months	x	60 days
California	x				x	6 months ¹
Colorado	x				x	90 days
Connecticut		x		18 months	x	1 year
Delaware		x		6 months	x	6 months
District of Columbia	x			6 months	x	6 months
Florida	x					6 months
Georgia		x				6 months
Hawaii	x			2 years	x	6 months
Idaho		x		5 years		6 weeks
Illinois		x		2 years	x	90 days
Indiana	x				x	6 months
Iowa	x				x	1 year
Kansas			x		x	60 days
Kentucky	x				x	180 days
Louisiana		x ²		6 months ³	x	6 months
Maine		x			x	6 months
Maryland				12 months	x	1 year
Massachusetts		x			x	None
Michigan	x				x	180 days
Minnesota	x				x	180 days
Mississippi		x ⁴				6 months
Missouri	x				x	90 days
Montana	x			180 days	x	90 days
Nebraska	x				x	1 year
Nevada			x	1 year	x	6 weeks
New Hampshire		x			x	1 year
New Jersey		x		18 months	x	1 year
New Mexico		x	x			6 months
New York		x		1 year ⁵	x	1 year
North Carolina		x		1 year	x	6 months
North Dakota		x			x	6 months
Ohio		x	x	1 year		6 months
Oklahoma			x		x	6 months
Oregon	x				x	6 months
Pennsylvania		x		2 years		6 months
Rhode Island		x		3 years	x	1 year
South Carolina		x		1 year	x	1 year ⁶
South Dakota		x			x	None
Tennessee		x		2 years	x	6 months
Texas		x		3 years		6 months
Utah		x		3 years	x	3 months
Vermont		x		6 months		6 months
Virginia		x		1 year	x	6 months
Washington	x					None
West Virginia		x		1 year	x	1 year
Wisconsin	x			12 months	x	6 months
Wyoming		x			x	60 days

1. California requires domicile as distinguished from residency for jurisdictional purposes.
2. Covenant Marriage Statutes establish specific grounds for divorce for covenant marriages.
3. Two years for covenant marriages.
4. No fault grounds only available in a jointly filed petition.
5. New York requires that the parties live separate and apart after the execution of a written separation agreement.
6. South Carolina's one-year residency requirement only applies where the Plaintiff is a resident of the state but the defendant is not. If both parties are residents of South Carolina, the durational requirement is three months.

Chart 5: Property Division

STATE	Community Property	Only Marital/Community Property Divided	Statutory List of Factors	Nonmonetary Contributions	Economic Misconduct	Contribution to Education
Alabama		x		x		x
Alaska	x ¹		x	x	x	
Arizona	x	x			x	x
Arkansas		x	x	x	x	
California	x	x ²			x	x
Colorado		x	x	x	x	
Connecticut			x	x	x	x
Delaware		x	x	x	x	x
District of Columbia		x	x	x	x	
Florida		x	x	x	x	x
Georgia		x				
Hawaii		x	x	x ³	x ⁴	
Idaho	x	x	x			
Illinois		x	x	x	x	
Indiana			x	x	x	
Iowa			x	x	x	x
Kansas					x	
Kentucky		x	x	x	x	x
Louisiana	x	x ²				
Maine		x	x	x	x	
Maryland		x	x	x	x	
Massachusetts			x	x	x	x
Michigan		x		x	x	x
Minnesota		x	x	x	x	
Mississippi				x	x	
Missouri		x	x	x	x	x
Montana			x	x	x	
Nebraska			x	x		
Nevada	x	x		x	x	x
New Hampshire			x	x	x	x
New Jersey						
New Mexico	x	x				
New York		x	x	x	x	x
North Carolina		x	x	x	x	x
North Dakota				x	x	x
Ohio		x	x	x	x	x
Oklahoma		x		x	x	
Oregon				x	x	x
Pennsylvania		x	x	x	x	x
Rhode Island		x	x	x	x	x
South Carolina		x	x	x	x	x
South Dakota				x	x	
Tennessee		x	x	x	x	x
Texas	x	x			x	
Utah						
Vermont			x	x	x	x
Virginia		x	x	x	x	x
Washington	x		x			
West Virginia		x	x	x	x	x
Wisconsin	x	x	x	x	x	x
Wyoming			x	x	x	x

1. The parties may contract to make some or all of their marital property community property.
2. Community property must be divided equally.
3. Nonmonetary contributions during marriage do not affect property division nor does the lack of them.
4. No statutory provision; case law is mixed.

Chart 6: Third-Party Visitation

STATE	Stepparents	Grandparents— generally*	Grandparents— Death of their child	Grandparents— Child divorced	Grandparents— Parents never married	Any Interested Party
Alabama			x ¹	x ¹		
Alaska	x		x	x	x	
Arizona			x	x	x	x ²
Arkansas	x		x	x	x	
California	x ¹		x ¹	x ¹		
Colorado	x ²		x	x	x	x ²
Connecticut						x ¹
Delaware		x				x ^{2,4}
District of Columbia						
Florida			x ¹	x ¹	x ¹	
Georgia		x				
Hawaii		x				
Idaho	x ^{2,4}	x				
Illinois	x ¹		x	x	x	
Indiana ³			x	x	x	
Iowa ³			x ¹	x ¹	x ¹	
Kansas ³	x	x ¹				
Kentucky		x				
Louisiana	x ^{2,4}		x	x		
Maine		x	x			x ^{2,4}
Maryland		x ¹				
Massachusetts		x	x	x		x ^{2,4}
Michigan		x	x	x		
Minnesota	x		x	x	x	
Mississippi		x	x	x		
Missouri ³		x	x	x		
Montana		x				
Nebraska			x	x	x	
Nevada			x	x	x	x ⁵
New Hampshire		x				
New Jersey		x ¹				x ^{2,4,7}
New Mexico		x	x	x		
New York		x	x			x ^{2,4}
North Carolina				x		
North Dakota		x				
Ohio			x ¹	x ¹	x ¹	
Oklahoma		x ¹	x ¹	x ¹	x ¹	
Oregon		x ⁶				x ²
Pennsylvania	x ^{2,4}	x		x		x ^{2,4,7}
Rhode Island		x	x	x		x ^{2,4}
South Carolina						
South Dakota		x				x ²
Tennessee	x	x	x	x		
Texas			x	x		x ^{2,4}
Utah		x				
Vermont			x	x		
Virginia	x	x				x
Washington						x ⁸
West Virginia ³		x				
Wisconsin	x ¹	x ¹	x ¹		x	x ^{2,4}
Wyoming		x				x ²

* Grandparents may obtain visitation when the parents are alive and regardless of their marital status. Many of these statutes contain requirements such as the establishment of a substantial relationship, the best interests of the child, the existence of a residential relationship, the parent's unreasonable denial of visitation, or a combination of these.

1. A court of the state has declared the statute unconstitutional either on its face or as applied.
2. A person who stands "in loco parentis," who is a "de facto," "equitable" or "psychological parent," or who has a substantial residential relationship with a child may seek visitation or custody without showing that a parent is unfit or other extraordinary circumstances.
3. Pending legislation would substantially revise existing statute.
4. By case law where stepparent is a de facto parent.
5. Any person may seek visitation if they have resided with the child and formed a "meaningful relationship."
6. Grandparent may petition for visitation in stepparent adoption situations.
7. Case law is mixed.
8. Washington's third-party visitation statute has been declared unconstitutional, but its supreme court has recognized that de facto parents have custody & visitation rights.

Chart 7: Appointment Laws in Adoption, Guardianship, Unmarried Parent and Divorce Cases*

STATE	Adoption	Guardianship	Unmarried Parent	Divorce: Role, When, Who
Alabama	Req'd if contested	Discretionary	Req'd if minor is a party	GAL - Discretionary - Att'y
Alaska	Discretionary	Discretionary	No statute	Att'y or GAL - Discretionary - Att'y/Gov't Att'y
Arizona	Discretionary	Discretionary; Req'd if to terminate guardianship	No statute	Att'y - Discretionary - Att'y
Arkansas	Discretionary	Discretionary	No statute	Att'y - Discretionary - Att'y
California	Discretionary	Req'd if abuse or neglect	Req'd if minor is a party	Hybrid - Discretionary - Att'y/Gov't Att'y
Colorado	Discretionary	Discretionary	Discretionary	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
Connecticut	Discretionary	Req'd if abuse or neglect	Req'd if minor is a party	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
Delaware	Discretionary	Required	Discretionary	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
District of Columbia	Discretionary	Discretionary	No statute	GAL - Discretionary - Att'y
Florida	Discretionary	Discretionary	Discretionary	Att'y or GAL req'd if abuse involved - GAL - Att'y/Certified Citizen
Georgia	Discretionary	Discretionary	Discretionary	GAL - Discretionary - Att'y
Hawaii	Discretionary	Discretionary	Req'd if minor is a party	GAL - Discretionary - Att'y/Gov't Att'y/Professional
Idaho	No statute	Required	No statute	Att'y - Discretionary - Att'y
Illinois	Required	Discretionary	Discretionary	Att'y - Hybrid or GAL - Discretionary - Att'y/Gov't Att'y
Indiana	Discretionary	Discretionary	Req'd if minor is a party	GAL - Discretionary - Att'y/CASA trained
Iowa	Discretionary	Discretionary	Discretionary	Att'y or GAL - Discretionary - Att'y
Kansas	Discretionary	Required	Req'd if minor is a party	GAL - Discretionary - Att'y/Other Professional
Kentucky	Req'd if contested	Required	Req'd if minor is a party	GAL - Discretionary - Att'y
Louisiana	Discretionary	Discretionary	No statute	Att'y - Req'd if abuse involved - Att'y
Maine	Discretionary	Discretionary	No statute	GAL - Discretionary - Att'y/Other Professional
Maryland	Req'd if minor over 10	Required	Required	GAL - Discretionary - Att'y
Massachusetts	Req'd if contested	Discretionary	Discretionary	Att'y or GAL - Discretionary - Att'y/Disinterested Person
Michigan	Discretionary	Discretionary	Discretionary	Hybrid - Discretionary - Att'y
Minnesota	Discretionary	Discretionary	Discretionary	GAL - Req'd if abuse involved - Att'y/Professional
Mississippi	Req'd if contested	Discretionary	Discretionary	GAL - Req'd if abuse involved - Att'y/Professional
Missouri	Required	Discretionary	Required	GAL - Req'd if abuse - Att'y
Montana	Discretionary	Discretionary	Required	GAL - Discretionary - Att'y
Nebraska	Discretionary	Discretionary	Required	Att'y or GAL - Discretionary - Att'y
Nevada	No statute	Discretionary	Required	GAL - Discretionary - Att'y/Other Professional
New Hampshire	Discretionary	Discretionary	Discretionary	GAL - Discretionary - Att'y/Other Professional
New Jersey	Req'd if minor was removed from home	Discretionary	Discretionary	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
New Mexico	Req'd if contested	Discretionary	Req'd if minor is a party	GAL - Discretionary - Att'y
New York	Required	Required	Required	Att'y or GAL - Discretionary - Att'y/Gov't Att'y
North Carolina	Discretionary	Discretionary	Required	GAL - Discretionary - Does not specify
North Dakota	Required	Discretionary	Required	GAL - Discretionary - Att'y
Ohio	Discretionary	Discretionary	Requires party's request	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
Oklahoma	Req'd if contested	Discretionary	No statute	GAL - Discretionary - Att'y
Oregon	No statute	No statute	No statute	Att'y - Req'd if a minor requests - Att'y
Pennsylvania	Req'd if contested	Discretionary	No statute	Att'y or Hybrid - Discretionary - Att'y
Rhode Island	Discretionary	Discretionary	Discretionary	Att'y or GAL - Discretionary - Does not specify
South Carolina	Required	Discretionary	Req'd if action seeks to legitimize minor	GAL - Discretionary - Att'y/Other
South Dakota	No statute	Discretionary	No statute	Att'y - Discretionary - Att'y
Tennessee	Discretionary	Required	Discretionary	Att'y or GAL - Discretionary - Does not specify
Texas	Discretionary	Discretionary	Discretionary	Att'y or GAL or Att'y <i>ad Litem</i> - Req'd if in best interest - GAL can be Att'y/Adut
Utah	Discretionary	Discretionary	Req'd if minor is a party	Att'y or GAL - Discretionary - GAL - Att'y/Gov't Att'y
Vermont	Req'd if contested	Discretionary	Req'd if minor is a party	Att'y req'd if minor is a witness - GAL is discretionary - Att'y
Virginia	Required	Required	Req'd if minor is a party	Att'y or GAL - Req'd if abuse involved - Att'y
Washington	Discretionary	Discretionary	Discretionary	GAL - Discretionary - Att'y/Other
West Virginia	Discretionary	Discretionary	Req'd if father brings action	Att'y or GAL - Req'd if abuse involved - GAL - does not specify
Wisconsin	Req'd if contested	Discretionary	Required	GAL - Req'd if contested - Att'y
Wyoming	Discretionary	Discretionary	Req'd if minor is a party	Hybrid - Req'd if abuse involved - Att'y

* Prepared by Linda Rio Reichmann, Director, ABA Child Custody and Adoption Pro Bono Project.