



# THE 2 STEP THRESHOLD TEST.

THE 2 STEP TEST THAT DETERMINES WHETHER OR NOT YOU ARE ELIGIBLE FOR SPOUSAL MAINTENANCE.

- ① You, the applicant, must demonstrate that you are **unable to support yourself adequately.**

This means showing your inability to meet a need yourself due to an adequate reason such as:

- you have care of a child who is under the age of 18;
- you are unable to gain appropriate employment due to your age or a physical or mental incapacity you have; or
- another adequate reason the Court may consider.

- ② The payer (your former spouse/ partner) **is reasonably able to pay.**

Next you have to show that the payer can afford to meet your needs. So you need to demonstrate that they have enough income or financial resources available to them to meet the need you are claiming you can't meet yourself.

The Court will look at the pre-separation standard of living to determine whether the needs you are claiming are reasonable. They will also compare yours and your former spouse/partners standing of living post-separation to ensure that you are both living to similar standard.