

HB 1818 with HCA 1 -- SPOUSAL SUPPORT

SPONSOR: Fraker

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 6 to 5.

This bill requires any court that awards maintenance to include a termination date that is not more than 50% of the length of the marriage. If the obligor owes an arrearage at the termination date he or she must continue paying until the arrearage is paid in full.

Maintenance orders currently in effect will automatically terminate after maintenance has been paid. An obligor who meets these requirements may file a notice with the court including documentation verifying that his or her obligation is paid in full and not in arrears. Upon verification, the court must automatically terminate the obligor's maintenance obligation and notify the obligee.

The bill prohibits the court from modifying an existing maintenance order during the six month period specified in these provisions or during the period that the obligor is paying the arrearage.

This bill allows the court to extend the maintenance obligation past the termination date under specified circumstances.

HCA #1: This amendment specifies that in determining whether to limit the term of maintenance, the maintenance recipient should be capable of becoming self-supporting, and the length of the marriage and ages of the parties at the time of the entry of the judgment must be deemed factors relevant to the court's entry of a shorter maintenance term duration. During the durational limit period of any modifiable maintenance order, either party may file a motion requesting that the order be increased, decreased, or terminated.

The maintenance recipient may request a hearing to establish grounds to extend maintenance, to present clear and convincing evidence that the obligor is in arrears, or that the durational limited has not been satisfied.

A payor reaching full retirement age must establish a substantial and continuing change of circumstances that makes the terms of a maintenance award unreasonable.

This bill is similar to HB 503 (2015).

PROPONENTS: Supporters say that they are attempting to change how spousal maintenance payments work so the divorced parties can move

on with their lives. Currently, the length of time that maintenance can go on is unlimited; it is at the discretion of the court. There is inconsistency and unreasonable verdicts. This bill would put a final termination date on the length of spousal support and list some exemptions for circumstances that would justify the continuance of such payments. The ongoing maintenance with no end date can be an absolute windfall for individuals who are able to work, but unwilling to work to take care of themselves. These maintenance payments to individuals who are capable of working and supporting themselves is a form of welfare off the backs of the ex-spouses. You have divorced individuals who can't stop working because they must work to support their ex-spouse who refuses to work. This bill would serve the payor, the payee, and the children stuck in the middle by forcing these people to get on their feet and become self-supporting. Some individuals are making maintenance payments for a duration in excess of the length of the actual marriage. These payments are supposed to help get the other spouse on their feet, not subsidize a lifestyle of not working or supporting oneself. One father testified that he paid his ex-wife \$12,000 a year in alimony, and another \$18,000 per year for child support. Once his two children went to college, he continued paying his ex-wife \$30K a year in alimony and child support, and the ex-wife gave none of the money to the children; she kept it all for herself, and the children had to take out student loans to put themselves through college. It is extremely difficult, if not impossible, to terminate alimony. Paying alimony for 40 years for a 17-year marriage is simply inequitable. Alimony is an antiquated concept; women are in the workforce. Alimony is a system by which two people make a mistake, and one person continues to pay for it. One man testified that he has full custody of his kids, and he pays his ex-wife \$3,000 per month in maintenance for life. This has caused him to lose the family home, his retirement, and the children's college savings plans; while his ex-wife continues to receive \$36,000 a year from him, just in alimony. They both have the same level of education; when his wife started working again, it was reduced to \$1,000 a month. If she loses her job, it immediately goes back up to \$3,000. He had to liquidate his IRA just to pay his ex-wife's legal fees.

Testifying for the bill were Representative Fraker; Mike Bettlach; Debrah Snyder; Larry Miller; Lawrence Rosen; Mark Spinabella; Julia Jowett; David Dunavandt; and Matt Padberg.

OPPONENTS: Those who oppose the bill say that there is a concern about the retrospective aspect of this bill. Fifty percent of the length of the marriage seems like an arbitrary number. The witness thinks this bill is unconstitutional.

Testifying against the bill was Alan Fried.