

HCS HB 194 -- MAINTENANCE ORDERS

SPONSOR: Neely

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 9 to 6. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 5 to 3.

This bill modifies provisions related to maintenance a court may grant to either spouse by specifying that it can be bridge-the-gap, rehabilitative, or durational, based upon the length of the marriage.

The bill defines the duration of a marriage based upon the day of the marriage to the date of filing for divorce or legal separation. For purposes of determining maintenance, the duration of a marriage is defined as:

- 1) A short-term marriage which has a duration of less than seven years and;
- 2) A moderate-term marriage which has a duration of seven years but less than 17 years; or
- 3) A long-term marriage which has a duration of 17 years or more and either party may be awarded durational maintenance for a period not to exceed 15 years, based upon the years.

This bill specifies that either party may be awarded bridge-the-gap maintenance when leaving a short-term marriage to allow the party to make a transition from being married to being single; rehabilitative maintenance when leaving a short-term or moderate-term marriage to establish the capacity for self-support, as specified; or durational maintenance to provide for the needs and necessities of life as they were established during a moderate-term or long-term marriage.

The bill sets time limits for how many years each type of maintenance may be granted.

This bill is the same as HB 1969 (2018).

PROPONENTS: Supporters say that people should be able to fight for their clients and the laws are pretty antiquated when it comes to alimony. They want to establish what is appropriate so there can be an end to this type of support. The intent of the legislation is to create more guidance as a bright line for how to handle maintenance. There are circumstances under which the time lines in

the legislation do not work. Spousal support is only one factor in a divorce settlement, and a judge has discretion. This legislation does not remove a judge's discretion.

Testifying for the bill were Representative Neely; Barbara Lotsoff; and Lawrence C. Rosen.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that it is good to have standards that are in the legislation. There could be some adjustments made to the durations specified in the bill, but this does help. Some more simple guidelines could include disparities between incomes.

Testifying on the bill was Carla Holste.