

HB 2851 -- MAINTENANCE ORDERS

SPONSOR: Sharpe (4)

This bill creates three categories of spousal maintenance orders that may be awarded by a court in certain proceedings:

(1) "Bridge" maintenance orders may be awarded to a party to a short-term marriage, defined as having a duration of less than seven years, to provide support for legitimate short-term needs for no more than two years. Such awards will not be modifiable in duration or amount.

(2) "Rehabilitative" maintenance orders may be awarded to assist a party to a short-term marriage or a moderate-term marriage, defined as having a duration of seven to less than 17 years. Such awards are designed to facilitate self-support through the redevelopment of previous skills or credentials or the acquisition of education, training, or work experience and the development and implementation of a career plan and goals. There shall be a specific and defined rehabilitative plan prior to awarding a rehabilitative maintenance order and such order will not exceed four years in duration. Rehabilitative maintenance orders may be terminated upon a substantial change in circumstances, upon noncompliance with the rehabilitative plan, or upon completion of the plan.

(3) "Durational" maintenance orders may be awarded to provide for the needs and necessities of a party as established during a moderate-term or long-term marriage, defined as having a duration of 17 or more years. A durational maintenance order will not remain in effect for more than:

(a) Five years, if the marriage lasted seven to less than 10 years;

(b) Seven years, if the marriage lasted 10 to less than 17 years; and

(c) Ten years, if the marriage lasted 17 or more years.

Durational maintenance orders may be modified as specified in the bill.

In establishing the term of durational maintenance, and for the purposes of maintenance modifications decided on or after August 28, 2024, the court must consider all relevant factors including but not limited to:

(1) The ability of the spouse paying maintenance to retire;

(2) Whether the court or the parties considered the retirement of the spouse paying maintenance in previous agreements or maintenance awards;

(3) Access to health care by both spouses; and

(4) The duration and amount of maintenance already paid.

A court may exceed the durational limits specified in this bill in awarding or modifying rehabilitative or durational maintenance only if the court specifically finds, after consideration of all relevant factors, that the durational limits are not in the interests of fairness for the party seeking maintenance or modification of an existing maintenance order. The court must enter written findings of fact and conclusions of law setting forth the grounds for exceeding the durational limits. Maintenance orders may be subject to modification or termination if it can be shown that the recipient and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has lasted for at least 12 months in an 18-month period.

This bill is the same as HB 1942 (2024) and similar to HB 1566 (2022).