

HB 242 -- DOMESTIC RELATIONS

SPONSOR: Sharpe (4)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 10 to 3. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 8 to 1.

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 three years but less than 10 years, to provide support for legitimate short-term needs for no more than two years. This award 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 10 years but less than 20 years. This award is 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 will be a specific and defined rehabilitative plan prior to awarding a rehabilitative maintenance order and the 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 20 or more years. For marriages lasting:

(a) Three years but less than 10 years, durational maintenance must not exceed 50% of the marriage's length;

(b) Ten years but less than 20 years, durational maintenance must not exceed 60% of the marriage's length; and

(c) Twenty or more years, durational maintenance must not exceed 75% of the marriage's length.

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, 2025, the court must consider all relevant factors including but not limited to:

- (1) The ability of the spouse paying maintenance to retire;
- (2) The age of the party paying maintenance;
- (3) The duration and amount of maintenance already paid; and
- (4) The likelihood that the lifestyle of both spouses may reasonable decline following a dissolution and as the parties approach retirement age.

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.

This bill is similar to HCS HB 2851 (2024) and HB 1942 (2024).

PROPONENTS: Supporters say that this bill provides updated language that adds clarity to how and where maintenance orders can be reduced by a court. Currently, the court's hands are tied, but this bill allows the court to take into consideration all factors in determining what the maintenance amount should be. Supporters further say that this bill treats marriages of different durations as separate calculations when determining maintenance, because currently, once maintenance is "turned on", it cannot be "turned off."

Testifying in person for the bill were Representative Sharpe; Brent Karasik; Gary Stamper.

OPPONENTS: Those who oppose the bill say that the laws governing maintenance were put in place for good reason, and amending them should be done with careful consideration.

Testifying in person against the bill was Arnie Dienoff.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.