

1 S.112

2 Introduced by Committee on Judiciary

3 Date: March 3, 2017

4 Subject: Family law; spousal support

5 Statement of purpose of bill as introduced: This bill proposes to create the
6 Spousal Support and Maintenance Task Force.

7 An act relating to creating the Spousal Support and Maintenance Task Force

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 ~~Sec. 1. SPOUSAL SUPPORT AND MAINTENANCE TASK FORCE~~

10 ~~(a) Creation. There is created the Spousal Support and Maintenance Task~~
11 ~~Force for the purpose of reviewing and making legislative recommendations to~~
12 ~~Vermont's law concerning spousal support and maintenance.~~

13 ~~(b) Membership. The Task Force shall be composed of the following~~
14 ~~seven members:~~

15 ~~(1) a current member of the House of Representatives appointed by the~~
16 ~~Speaker of the House;~~

17 ~~(2) a current member of the Senate appointed by the Committee on~~
18 ~~Committees;~~

19 ~~(3) a Superior Court judge who has significant experience in the Family~~

1 Division of Superior Court appointed by the Chief Justice;

2 (4) the Chief Superior Judge;

3 (5) two experienced family law attorneys appointed by the Family Law

4 Section of the Vermont Bar Association; and

5 (6) a representative of Vermont Alimony Reform who is a resident of

6 Vermont.

7 (c) Powers and duties. The Task Force shall make legislative
8 recommendations to Vermont's spousal support and maintenance laws aimed to
9 improve clarity, fairness, predictability, and consistency across the State in
10 recognition of changes to the family structure in recent decades. The Task
11 Force may hold public hearings and shall consider:

12 (1) perspectives from stakeholders and interested parties;

13 (2) the Alimony Reform Report of January 13, 2017 submitted to the
14 House and Senate Committees on Judiciary by the Chief Superior Judge
15 pursuant to 2016 Acts and Resolves No. 167, Sec. 8a; and

16 (3) the Massachusetts Alimony Reform Act of 2011 and any report
17 providing analysis on distinctions between Vermont law and practice and
18 Massachusetts law and practice.

19 (d) Assistance. The Task Force shall have the administrative, technical,
20 and legal assistance of the Office of Legislative Council.

21 (e) Recommendation. On or before January 15, 2018, the Task Force shall

1 ~~submit its recommendations for any legislative action to the Senate and House~~

2 Committees on Judiciary.

3 (f) Meetings.

4 (1) The Superior Court judge appointed in accordance with subdivision
5 (b)(3) of this section shall serve as chair.

6 (2) A majority of the membership shall constitute a quorum.

7 (3) The Task Force shall cease to exist on March 1, 2018.

8 (g) Reimbursement.

9 (1) For attendance at meetings during adjournment of the General
10 Assembly, legislative members of the Task Force shall be entitled to per diem
11 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
12 no more than four regular meetings and two public hearings. No meeting shall
13 be held on the same day as a public hearing, and the Task Force shall endeavor
14 to hold the public hearings in geographically diverse parts of the State.

15 (2) Other members of the Task Force who are not employees of the
16 State of Vermont and who are not otherwise compensated or reimbursed for
17 their attendance shall be entitled to per diem compensation and reimbursement
18 of expenses pursuant to 32 V.S.A. § 1010 for no more than four regular
19 meetings and two public hearings.

20 Sec. 2. EFFECTIVE DATE

21 ~~This act shall take effect on passage.~~

Sec. 1. SPOUSAL SUPPORT AND MAINTENANCE TASK FORCE

(a) Creation. There is created the Spousal Support and Maintenance Task Force for the purpose of reviewing and making legislative recommendations to Vermont's laws concerning spousal support and maintenance.

(b) Membership. The Task Force shall be composed of the following eight members:

(1) a current member of the House of Representatives appointed by the Speaker of the House;

(2) a current member of the Senate appointed by the Committee on Committees;

(3) a Superior Court judge who has significant experience in the Family Division of Superior Court appointed by the Chief Justice;

(4) the Chief Superior Judge;

(5) two experienced family law attorneys appointed by the Family Law Section of the Vermont Bar Association;

(6) a representative of Vermont Alimony Reform who is domiciled in Vermont; and

(7) the Executive Director of the Vermont Commission on Women or a designee who is domiciled in Vermont.

(c) Powers and duties. The Task Force shall make legislative recommendations to Vermont's spousal support and maintenance laws aimed to improve clarity, fairness, predictability, and consistency across the State in recognition of changes to the family structure in recent decades. The Task Force may hold public hearings and shall consider:

(1) perspectives from stakeholders and interested parties; and

(2) spousal support and maintenance laws in other states and any relevant reports or analysis on alimony.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Office of Legislative Council.

(e) Recommendation. On or before December 1, 2017, the Task Force shall submit its recommendations for any legislative action to the Senate and House Committees on Judiciary.

(f) Meetings.

(1) The Superior Court judge appointed in accordance with subdivision (b)(3) of this section shall serve as chair.

(2) A majority of the membership shall constitute a quorum.

(3) The Task Force shall cease to exist on March 1, 2018.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than six regular meetings and two public hearings. No meeting shall be held on the same day as a public hearing, and the Task Force shall endeavor to hold the public hearings in geographically diverse parts of the State.

(2) Other members of the Task Force who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than six regular meetings and two public hearings.

Sec. 2. 15 V.S.A. § 752 is amended to read:

§ 752. MAINTENANCE

(a) In an action under this chapter, the court may order either spouse to make maintenance payments, either rehabilitative or permanent in nature, to the other spouse if it finds that the spouse seeking maintenance:

(1) lacks sufficient income, or property, or both, including property apportioned in accordance with section 751 of this title, to provide for his or her reasonable needs; and

(2) is unable to support himself or herself through appropriate employment at the standard of living established during the civil marriage or is the custodian of a child of the parties.

(b) The maintenance order shall be in such amounts and for such periods of time as the court deems just, after considering all relevant factors, including, ~~but not limited to:~~

(1) the financial resources of the party seeking maintenance, the property apportioned to the party, the party's ability to meet his or her needs independently, and the extent to which a provision for support of a child living with the party contains a sum for that party as custodian;

(2) the time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;

(3) the standard of living established during the civil marriage;

- (4) *the duration of the civil marriage;*
- (5) *the age and the physical and emotional condition of each spouse;*
- (6) *the ability of the spouse from whom maintenance is sought to meet his or her reasonable needs while meeting those of the spouse seeking maintenance; and*
- (7) *inflation with relation to the cost of living; and*
- (8) *the following guidelines:*

<u>Length of marriage</u>	<u>% of the difference between parties' gross incomes</u>	<u>Duration of alimony award as % length of marriage</u>
<u>0 to <5 years</u>	<u>0–20%</u>	<u>No alimony or short-term alimony up to one year</u>
<u>5 to <10 years</u>	<u>15–35%</u>	<u>20–50% (1–5 yrs)</u>
<u>10 to <15 years</u>	<u>20–40%</u>	<u>40–60% (3–9 yrs)</u>
<u>15 to <20 years</u>	<u>24–45%</u>	<u>40–70% (6–14 yrs)</u>
<u>20+ years</u>	<u>30–50%</u>	<u>45% (9–20+ yrs)</u>

Sec. 3. REPEAL

On July 1, 2019, 15 V.S.A. § 752(b)(8) (spousal support and maintenance guidelines) is repealed.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.