

House Proposal of Amendment

S. 112

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

The House proposes to the Senate to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 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:

% of the difference

Duration of alimony award

<u>Length of marriage</u>	<u>between parties’ gross income</u>	<u>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. 2. SPOUSAL SUPPORT AND MAINTENANCE STUDY

On or before January 15, 2018, the Family Division Oversight Committee of the Supreme Court shall review how the spousal support and maintenance guidelines set forth in 15 V.S.A. § 752(b)(8) are working in practice, and report on its findings to the Senate and House Committees on Judiciary. In addition to this review, the Committee may consider any of the following topics for further legislative recommendations:

(1) the purposes of alimony;

(2) the meaning of both permanent and rehabilitative alimony, as used in 15 V.S.A. §752(a), and if judges should specify whether they are awarding rehabilitative alimony or permanent alimony, or both;

(3) whether income from a pension should be considered for alimony purposes when such pension is also divided or awarded in the division of assets and property;

(4) whether to establish a “retirement age” for purposes of ending alimony payments, and whether judges should continue to have the discretion to order alimony to continue past such retirement age if the facts of a case call for such continuation;

(5) what constitutes cohabitation for purposes of alimony, and what effect a recipient spouse’s cohabitation should have on alimony awards; and

(6) what effect the remarriage of a recipient spouse should have on an alimony award.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to spousal support and maintenance guidelines and study”