

S.99

An act relating to spousal support and maintenance reform

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

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 long term 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:

(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 both his or her own reasonable needs while meeting those of the spouse seeking maintenance and those of the spouse seeking maintenance, taking into account the standard of living established during the civil marriage and the extent to which the parties must both fairly adjust their standards of living based on the creation and maintenance of separate households;

(7) inflation with relation to the cost of living;

(8) the impact of both parties reaching the age of eligibility to receive full retirement benefits under Title II of the federal Social Security Act or the parties' actual retirement, including any expected discrepancies in federal Social Security Retirement benefits; and

(9) the following guidelines:

Length of marriage	% of the difference	Duration of alimony award
	between parties'	as % <u>of</u> length of marriage
	gross incomes	

0 to <5 years	0–16%	No alimony or short-term alimony up to one year
5 to <10 years	12–29%	20–50% (1–5 yrs)
10 to <15 years	16–33%	40–60% (4–9 yrs)
15 to <20 years	20–37%	40–70% (6–14 yrs)
20+ years	24–41%	45% (9–20+ yrs)

Sec. 2. 15 V.S.A. § 758 is amended to read:

§ 758. REVISION OF JUDGMENT RELATING TO MAINTENANCE

On motion of either party and due notice, and upon a showing of a real, substantial, and unanticipated change of circumstances, the court may from time to time annul, vary, or modify a judgment relative to rehabilitative or long-term maintenance, whether or not such judgment relative to maintenance is based upon a stipulation or an agreement. The court may consider the remarriage of either party as a factor in whether there has been a showing of a real, substantial, and unanticipated change in circumstances. The party seeking a revision shall have the burden of proving the change in circumstances.

Sec. 3. REPEAL

2017 Acts and Resolves No. 60, Sec. 3, as amended by 2018 Acts and Resolves No. 203, Sec. 1, is repealed.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.