

1 Sec. 18a. 15 V.S.A. § 752 is amended to read:

2 § 752. MAINTENANCE

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

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

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

12 (b) The maintenance order shall be in such amounts and for such periods of
13 time as the court deems just, after considering all relevant factors, including:

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

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

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

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

8 Length of marriage	% of the difference	Duration of alimony award
9	between parties'	as % length of marriage
10	gross incomes	
11 0 to <5 years	0-20 <u>16%</u>	No alimony
12		or short-term alimony
13		up to one year
14 5 to <10 years	15-35 <u>12-29%</u>	20-50% (1-5 yrs)
15 10 to <15 years	20-40 <u>16-33%</u>	40-60% (34 -9 yrs)
16 15 to <20 years	24-45 <u>20-37%</u>	40-70% (6-14 yrs)
17 20+ years	30-50 <u>24-41%</u>	45% (9-20+ yrs)

18 (c)(1) In each order awarding maintenance, the court shall state whether the

19 payor reaching the age that he or she is eligible to receive full retirement

20 benefits under Title II of the federal Social Security Act or the payor's actual

21 retirement will impact payments.

1 (2) Except as provided in subdivision (3) of this subsection,
2 maintenance orders shall end upon the payor reaching the age that he or she is
3 eligible to receive full retirement benefits under Title II of the federal Social
4 Security Act or the actual retirement of the payor, whichever is later, unless the
5 parties agree otherwise or the court finds that justice requires a different
6 termination date based on special circumstances under subsection (b) of this
7 section. The payor's ability to work beyond full retirement shall not of itself be
8 a reason to extend a maintenance award. The payor shall provide the payee at
9 least sixty days' notice in advance of retirement.

10 (3) The court may extend a maintenance award past the payor reaching
11 the age that he or she is eligible to receive full retirement benefits under Title II
12 of the federal Social Security Act or the actual retirement of the payor up to an
13 amount that equalizes the parties' gross benefits under Title II of the federal
14 Social Security Act. If the court extends a maintenance award in accordance
15 with this subdivision, the requirements of subdivision (2) of this subsection
16 shall not apply.

17 Sec. 18b. 15 V.S.A. § 758 is amended to read:

18 § 758. REVISION OF JUDGMENT RELATING TO MAINTENANCE

19 On motion of either party and due notice, and upon a showing of a real,
20 substantial, and unanticipated change of circumstances, the court may from
21 time to time annul, vary or modify a judgment relative to maintenance,

1 whether or not such judgment relative to maintenance is based upon a
2 stipulation or an agreement. The application of the guidelines set forth under
3 section 752(b)(8) shall not, on its own, merit a modification of an existing
4 maintenance order.

5 Sec. X. EFFECTIVE DATES

6 Secs. 18a and 18b shall take effect on passage and shall apply to any
7 divorce actions pending as of or filed after January 1, 2019.