

1 S.2

2 Introduced by Senators White and Sears

3 Referred to Committee on

4 Date:

5 Subject: Family law; spousal support and maintenance

6 Statement of purpose of bill as introduced: This bill proposes to amend
7 generally the statutes related to spousal support and maintenance.

8 An act relating to spousal support and maintenance reform

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

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

11 § 752. MAINTENANCE

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

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

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

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

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

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

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

11 (4) the duration of the civil marriage;

12 (5) the age and the physical and emotional condition of each spouse;

13 (6) the ability of the spouse from whom maintenance is sought to meet
14 both his or her own reasonable needs while meeting those of the spouse
15 seeking maintenance and those of the spouse seeking maintenance, taking into
16 account the standard of living established during the civil marriage and the
17 extent to which the parties must both fairly adjust their standards of living
18 based on the creation and maintenance of separate households;

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

20 (8) the impact of both parties reaching the age of eligibility to receive
21 full retirement benefits under Title II of the federal Social Security Act or the

1 parties' actual retirement, including any expected discrepancies in federal
2 Social Security Retirement benefits; and

3 (9) the following guidelines:

4 Length of marriage	% of the difference	Duration of alimony award
	5 between parties'	as % <u>of</u> length of marriage
	6 gross incomes	
7 0 to <5 years	0–16%	No alimony
		8 or short-term alimony
		9 up to one year
10 5 to <10 years	12–29%	20–50% (1–5 yrs)
11 10 to <15 years	16–33%	40–60% (4–9 yrs)
12 15 to <20 years	20–37%	40–70% (6–14 yrs)
13 20+ years	24–41%	45% (9–20+ yrs)

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

15 § 758. REVISION OF JUDGMENT RELATING TO MAINTENANCE

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

1 real, substantial, and unanticipated change in circumstances. The party seeking
2 a revision shall have the burden of proving the change in circumstances.

3 Sec. 3. REPEAL

4 2017 Acts and Resolves No. 60, Sec. 3, as amended by 2018 Acts and
5 Resolves No. 203, Sec. 1, is repealed.

6 Sec. 4. EFFECTIVE DATE

7 This act shall take effect on July 1, 2021.