

House Research Act Summary

CHAPTER: 132

SESSION: 2016 Regular Session

TOPIC: Modification of spousal maintenance; cohabitation

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Overview

This law allows the court to modify or terminate spousal maintenance when the party receiving spousal maintenance is living with another person.

Section

1 Cohabitation. Allows for modification, reduction, or termination of spousal maintenance when the party receiving the maintenance is found to be cohabitating with another individual.

The law directs the court to base a determination on specific criteria including the economic benefits derived from cohabitation and the economic impact of modifying or terminating the spousal maintenance award.

This law does not allow modification based on cohabitation when parties have agreed, or the court has ordered, that maintenance will continue despite cohabitation, or the parties have stipulated to limit the court's jurisdiction over maintenance.

This law excludes: parents, grandparents, children, siblings, aunts, uncles, and first cousins from being considered as a cohabitating partner.

A modification based on cohabitation within one year the entry of judgment and decree of a divorce or legal separation being entered, unless the parties have agreed or the court find that there would be an extreme hardship to one of the parties if a motion to modify does not proceed.

Effective date: This bill applies to motions for modification of spousal maintenance filed on or after August 1, 2016.