

HOUSE RESEARCH

Bill Summary

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Subject: Termination of spousal support based on cohabitation

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Overview

Allows for spousal maintenance to be terminated when the party receiving spousal maintenance is living with another person.

Section

1 Maintenance on death, cohabitation, or remarriage. Allows for modification or termination of spousal maintenance when the party receiving the maintenance is found to be cohabitating with another individual and directs the court to base a determination on specific criteria. Current law allows for termination of spousal maintenance on the death or remarriage of the spouse receiving the maintenance.

This bill provides that when the 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 section will not apply. This bill excludes: parents, grandparents, children, siblings, aunts, uncles, and first cousins from being considered as a cohabitating partner. The bill prohibits a modification based on cohabitation within one year the entry of judgement and decree of a divorce or legal separation being entered, except in certain circumstances.

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