

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1333
Version: As introduced

DATE: March 9, 2015

Authors: Scott and others

Subject: Termination of spousal support based on cohabitation

Analyst: Mary Mullen

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

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

Section

- 1 Maintenance on death, cohabitation, or remarriage.** Adds a new provision requiring the termination of spousal maintenance when the party receiving the maintenance is found to be cohabitating with another individual based on specific criteria including jointly held financial accounts and assets, joint responsibilities for living expenses, the recognition of the relationship by others, living together and sharing household duties, and the length of the relationship. 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 where the court has ordered that maintenance will continue despite cohabitation then this section will not apply. The bill also requires the party paying the maintenance to prove the cohabitation and that the court must make written findings on the factors and must not use one factor to the exclusion of the other factors to determine if cohabitation is occurring.