

Subject Spousal Maintenance; Duration and Modification

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Overview

This bill amends the court considerations to determine if maintenance (often called alimony) should be paid from one spouse to another in a divorce, and changes considerations for modification, termination, and the duration of maintenance.

Summary

Section	Description
1	Grounds. Adjusts the court consideration for adequate self-support.
2	Amount of maintenance. Requires the court to consider whether or not the parties went into debt during the marriage, moves the consideration for the work opportunities, including seniority and benefits the spouse seeking maintenance gave up during the marriage. This section also requires the court to consider the mental and chemical health of the parties to the marriage when determining spousal maintenance and also to consider how they contributed to the other party's business or career, and when the spouses plan to retire and if they have retirement set aside.
3	Duration of maintenance. Changes the terms used for maintenance to "transitory" and "indefinite" instead of "temporary" and "permanent." This section creates a rebuttable presumption that maintenance should not be awarded when the parties were married for less than five years, and that the award should be no longer than half the length of the marriage if the parties were married for five to 20 years. Under the new language in this bill, if the parties were married for 20 years or longer, then there is a rebuttable presumption for indefinite maintenance.

Section	Description
4	Maintenance on death or remarriage. Provides a new section of law that says that maintenance ends when one of the parties dies or the party receiving maintenance remarries.
5	Modification. Allows the court to modify maintenance in the same way they issue an original maintenance order if one of the circumstances provided is met, including an increase or decrease in income or need for the obligor or obligee, or substantial changes in tax laws affecting maintenance. The modification can be retroactive to when the motion for modification was served and the court, or when the parties agree to an alternative effective date. This section does not require the court to hold an evidentiary hearing.
6	Cohabitation. Allows modification consistent with the new modification section when the party receiving maintenance lives with a partner but has not married that partner and the court considers relevant factors.
7	Retirement. Allows modification of maintenance when one of the parties retires considering whether or not the retirement is early or consistent with Social Security guidelines and the financial resources and assets available to each party. The motion for modification can be brought before a party retires and effective on retirement.
8	Form. Directs the court administrator to make forms for maintenance modifications and contempt of court for maintenance to be accessed by the public.



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