

Committee on Judiciary

CS/CS/SB 668 — Family Law

by Appropriations Committee; Judiciary Committee; and Senator Stargel

This bill revises laws on the amount and duration of alimony awards, grounds for alimony, and bases for modification of alimony due to a substantial change in circumstances. The bill also revises the laws governing the establishment of parenting plans and time-sharing schedules.

Regarding initial alimony awards, the bill:

- Establishes presumptive alimony ranges based on formulas that incorporate the difference between the parties' gross incomes and the duration of their marriage.
- Limits the duration of an alimony award to 25 to 75 percent of the duration of the parties' marriage.
- Caps the combination of alimony and child support at 55 percent of the obligor's income.
- Provides an exception to alimony guidelines so that the court may consider the contributions to the marriage of a long-term homemaker.

The bill identifies additional bases for modifications or terminations of alimony, which include:

- An increase in the recipient's income, and if the income has increased by 10 percent, the obligor is entitled to pursue an immediate modification of alimony.
- The involuntary underemployment or unemployment of the obligor.
- The obligor's retirement at a reasonable age.

The bill also clarifies that in instances in which an obligor alleges the existence of a supportive relationship between the obligee and another person, the obligor does not have to actually prove cohabitation.

Current law provides that the public policy of the state is for each minor to have frequent and continuing contact with both parents after the parents separate or divorce. The bill provides instead that the court must begin with the premise that a minor child should spend approximately equal amounts of time with each parent. In formulating a specific parenting plan or time-sharing schedule, the bill directs courts to consider the existing statutory factors, which have been slightly revised. The revisions allow a court to consider the disposition of a parent to perform new roles after the parents separate. Finally, the bill generally requires courts to make detailed, written findings of fact when establishing parenting plans and time-sharing schedules.

If approved by the Governor, these provisions take effect October 1, 2016.

Vote: Senate 24-14; House 74-38