

Committee on Judiciary

CS/CS/SB 718 — Family Law

by Rules Committee; Judiciary Committee; and Senators Stargel, Grimsley, Richter, Thrasher, Soto, and Altman

This bill establishes guidelines for the duration and amount of alimony awards and revises other laws relating to dissolution of marriage cases. Specifically, the bill:

- Eliminates permanent, periodic alimony and limits a court's ability to award durational alimony.
- Limits the term of an award of durational alimony to 50 percent of the length of marriage unless the proponent shows sufficient need for a longer award, as supported in writing by the court.
- Provides a rebuttable presumption against an alimony award following a short-term marriage.
- Creates a rebuttable presumption in favor of an alimony award following a long-term marriage.
- Places caps on alimony payments expressed as a percentage of the income of the obligor. The caps vary based on the length of marriage.
- Provides that equal time-sharing by the parents is in the best interest of a minor child unless the court finds that equal time will pose a danger or be impracticable. This provision applies prospectively.
- Provides that the court must consider the same factors in awarding temporary alimony, alimony requested without a concurrent filing of a dissolution of marriage, and alimony required pursuant to a dissolution of marriage.
- Establishes formulas for a court to use in determining the value of the marital portion of nonmarital real property which is subject to equitable distribution in a divorce proceeding. The formulas apply if a party paid down a note and mortgage on the property with marital funds.
- The bill increases the number of years of marriage required for a marriage to qualify as a short-term, mid-term, or long-term marriage.
- Prioritizes alimony ordered by the court in order of preference starting with bridge-the-gap alimony, followed by rehabilitative alimony.
- Requires the court to consider as a factor in alimony determinations nonmarital assets relied upon during the marriage.
- Requires, rather than permits, the court to modify or terminate alimony upon a showing of a supportive relationship between the obligee and a third party.
- Prohibits an alimony award to a party whose income is equal to or greater than the other party.
- Clarifies that the court must consider the retirement of the obligor of an alimony award as a substantial change in circumstances.
- Provides for the retroactive application of the guidelines specifying the amount and duration of alimony awards.

- Provides a schedule for filing petitions to modify an existing alimony award based on the duration of the alimony obligation.

This bill was vetoed by the Governor on May 1, 2013.

Vote: Senate 29-11; House 85-31