

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 99  
3 entitled “An act relating to spousal support and maintenance reform”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 Sec. 1. 15 V.S.A. § 752 is amended to read:

8 § 752. MAINTENANCE

9 (a) In an action under this chapter, the court may order either spouse to  
10 make maintenance payments, either rehabilitative or long term in nature, to the  
11 other spouse if it finds that the spouse seeking maintenance:

12 (1) lacks sufficient income or property, or both, including property  
13 apportioned in accordance with section 751 of this title, to provide for his or  
14 her reasonable needs; and

15 (2) is unable to support himself or herself through appropriate  
16 employment at the standard of living established during the civil marriage or is  
17 the custodian of a child of the parties.

18 (b) The maintenance order shall be in such amounts and for such periods of  
19 time as the court deems just, after considering all relevant factors, including:

20 (1) the financial resources of the party seeking maintenance, the  
21 property apportioned to the party, the party’s ability to meet his or her needs

1 independently, and the extent to which a provision for support of a child living  
2 with the party contains a sum for that party as custodian;

3 (2) the time and expense necessary to acquire sufficient education or  
4 training to enable the party seeking maintenance to find appropriate  
5 employment;

6 (3) the standard of living established during the civil marriage;

7 (4) the duration of the civil marriage;

8 (5) the age and the physical and emotional condition of each spouse;

9 (6) the ability of the spouse from whom maintenance is sought to meet  
10 his or her reasonable needs at the standard of living established during the  
11 civil marriage while meeting those of the spouse seeking maintenance;

12 (7) inflation with relation to the cost of living;

13 (8) the impact of both parties reaching the age of eligibility to receive  
14 full retirement benefits under Title II of the federal Social Security Act or the  
15 parties' actual retirement, including any expected discrepancies in federal  
16 Social Security Retirement benefits; and

17 (9) the following guidelines:

18	Length of marriage	% of the difference	Duration of alimony award
19		between parties'	as % length of marriage
20		gross incomes	
21	0 to <5 years	0-16%	No alimony

1			or short-term alimony
2			up to one year
3	5 to <10 years	12-29%	20-50% (1-5 yrs)
4	10 to <15 years	16-33%	40-60% (4-9 yrs)
5	15 to <20 years	20-37%	40-70% (6-14 yrs) 2
6	0+ years	24-41%	45% (9-20+ yrs)

7 Sec. 2. 15 V.S.A. § 758 is amended to read:

8 § 758. REVISION OF JUDGMENT RELATING TO MAINTENANCE

9 On motion of either party and due notice, and upon a showing of a real,  
10 substantial, and unanticipated change of circumstances, the court may from  
11 time to time annul, vary, or modify a judgment relative to rehabilitative or long  
12 term maintenance, whether or not such judgment relative to maintenance is  
13 based upon a stipulation or an agreement. The remarriage of the recipient  
14 spouse shall result in [a downward modification] OR [an end] to the [non-  
15 compensatory aspect of] the maintenance award.

1       Sec. 3. 2017 Acts and Resolves No. 60, Sec. 3, as amended by 2017 (Adj.  
2       Sess.) Acts and Resolves No. 203, Sec. 1, is amended to read:

3           Sec. 3. REPEAL

4           ~~On July 1, 2021, 15 V.S.A. § 752(b)(8) (spousal support and maintenance~~  
5       ~~guidelines) is repealed.~~

6       Sec. 4. EFFECTIVE DATE

7           This act shall take effect on July 1, 2020.

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13       (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE