

HB 877 -- SPOUSAL MAINTENANCE

SPONSOR: Beard

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Civil and Criminal Proceedings by a vote of 8 to 4.

This bill specifies that when a maintenance order for spousal maintenance is in place, there is a rebuttable presumption of changed circumstances so substantial and continuing as to make the terms of the original maintenance order unreasonable if the spouse receiving maintenance is cohabiting with a person of the opposite sex.

PROPONENTS: Supporters say that it is common that divorcées will cohabit with their paramour and never marry them in order to avoid losing alimony under their original divorce decree. This bill will make it more difficult for them to continue this practice.

Testifying for the bill was Representative Beard.

OPPONENTS: Those who oppose the bill say that cohabitation often occurs with people who are not in a romantic relationship, especially in cases where there is abuse of a spouse who divorces the abuser and then has to live with a friend of the opposite sex. Also, it is not fair to put this requirement on heterosexual individuals and not on homosexual individuals as well.

Testifying against the bill was Colleen S Coble.