
BILL NO: *Senate Bill 718*
TITLE: *Family Law - Alimony - Modification*
COMMITTEE: *Judicial Proceedings*
HEARING DATE: *March 10, 2022*
POSITION: *OPPOSE*

Senate Bill 718 would terminate alimony if the payee party “maintains a common household” with someone else. The Women’s Law Center opposes this bill as unnecessary and unclear.

Senate Bill 718 is unnecessary as a party may return to court to seek a modification of alimony as circumstances and justice require, including for facts explicitly laid out in the SB 718. Md. Code Ann. FL §11-107. In addition, there is no way to ascertain whether, in every case where alimony is being paid, it is appropriate to terminate alimony if the payee party merely “maintains a common household” with another. SB 718 does not distinguish between living with a platonic roommate in a common household versus living in a common household in a romantic or other type of relationship (although page 2 lines 21-22 seems to suggest the goal here is to be able to terminate alimony if the payee party is in a romantic relationship with another). What if the parties only intend to share a common household for a distinct period of time, say during a home remodel, or for an extended vacation? Certainly sharing living expenses with one’s platonic roommate is beneficial, and sometimes the only way the party can afford to live¹.

This bill would likely increase rather than decrease litigation in the courts if alimony is unilaterally terminated by one side based on assumptions of fact. All of these decisions are properly left to the discretion of the trial judge based on current law.

Currently, under Maryland law, a court may award alimony to a party after consideration of many factors. The Court may award either rehabilitative alimony or indefinite alimony depending on making certain findings (Md. Code Ann. FL §11-106). Rehabilitative alimony is awarded to allow the payee party to complete education or training or otherwise get on his or her feet to being self-supporting. A court awards indefinite alimony in two circumstances only: 1) if, even after the party seeking alimony has made as much progress towards becoming self-supporting, the standards of living of the parties would be so disparate as to be unconscionable; or 2) the party will never be self-supporting due to a variety of factors (Md. Code Ann. FL §11-106(c)(1-2)). Therefore, these two kinds of alimony, rehabilitative and indefinite, are awarded for entirely different reasons and in entirely different circumstances. Senate Bill 718 does not distinguish between the purposes of the two different types of award. It is illogical to terminate rehabilitative alimony in every circumstance where the payee party lives with someone else. The Court has granted the amount of alimony and the duration based on the party’s need to rehabilitate him or herself for the workplace. Sharing a residence doesn’t necessarily change those terms.

For these reasons, the Women’s Law Center of Maryland, Inc. opposes Senate Bill 718 and urges an unfavorable report.

The Women’s Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

¹ <https://www.avail.co/education/articles/why-roommates-over-50-is-trending>, last viewed March 8, 2022.