

Senate Bill 718

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Favorable to bill

Across our Great State, many are struggling with this burden, as there is currently no remedy in law. This proposed modification would offer opportunity, to correct that injustice.

“Spousal support law” is a problematic subject. It was in the Maryland Appellant Opinion of “Gordon Vs Gordon No125, 1994 term “; it was decided, that divorcing couples could agree by contract, so long as that contract does not violate law or public policy. Furthermore, this Court defined a “legal definition” for “Cohabitation”. However, in a contested divorce no such relief accessible.

This current proposal to modify Family Law Sec 11-107 (b) would allow the facts of “cohabitation” as defined by above cited case, to be considered only on “Petition for Modification”, of an existing “Order of Alimony”. The “burden of Proof” lies upon the Supporting Spouse. That party must prove its existence, only then could the Court determine the contributions that cohabitation has contributed to the Supported Spouse, thereby allowing the modification of an original “Alimony Order”. With Cohabitation becoming common practice, it must be considered as a **Chosen** part of one’s rehabilitation plan. Furthermore, it would follow the intent of Law and standing opinion to make both parties self-sufficient.

Our current law specifically is clear in this area:

“Alimony is not intended to be a lifelong Pension, but to be rehabilitative in nature, allowing both parties to become self-sufficient.

With the trend of our laws, allowing “no fault divorce”, a “free exit” of marriage is now allowed.

Rehabilitative alimony is sought to force both the Ex-spouses to become self-sufficient.

While both in Theory and statute we attempt to achieve such, there is no prescription provided to our courts to enforce or monitor that self-sufficient growth. Without enforcement, these schemes actually have discouraged such growth and lean toward promotion of co habitation and dependency. The misuse of current law encourages the Supported Spouse to choose not to remarry, and/ or fully participate in that rehabilitation process, for practical reasons to protect their alimony payment and both leading to an eventual lifelong dependency.

In conclusion, if cohabitation is being practiced, then we must conclude, it is that Supported Spouses **“chosen”** action, and therefore should be considered rehabilitation. Why should the Supporting Spouse, but for the sake of remarriage, be without remedy and forced to support a former Spouse who is being supported by another?

In closing I ask for your favorable support of this bill