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**To:** Members of The Judicial Proceedings Committee

**From:** Family & Juvenile Law Section Council (FJLSC)  
by Lindsay Parvis, Esquire

**Date:** March 10, 2022

**Subject: Senate Bill 718:**  
Family Law – Alimony - Modification

**Position: UNFAVORABLE**

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The Maryland State Bar Association (MSBA) FJLSC **OPPOSES Senate Bill 718 – Family Law – Alimony – Modification.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

### **Current Law**

Currently §8-103 of the Family Law Code provides that, unless there is an express waiver of alimony/spousal support OR a provision that specifically states that alimony/spousal support are not subject to court modification, the court may modify the amount of alimony awarded in an agreement or settlement as circumstances and justice require.

SB718 attempts to codify one such circumstance – the recipient is maintaining a common household by sharing a primary residence together with another individual. In other words, the recipient has entered into a “marriage-type relationship.” SB718 then goes on to list factors that the court may consider whether or not the recipient is maintaining a common household.

## **FJLSC Position**

The FJLSC opposes SB718 for the following reasons:

- (1) As currently written §8-103 of the Family Law Code, the court already has the authority to consider, among a multitude of other circumstances, whether since the entry of the initial agreement, the recipient now maintains a common household and as a result thereof, “circumstances and justice” require a modification to the agreement or settlement. There is no need for the proposed change to the law. To the contrary, the proposed change is potentially harmful.
- (2) By codifying only one such circumstance, this situation appears to be elevated over all other circumstances where the court MAY modify the amount of alimony awarded in an agreement.
- (3) The Section is concerned that by codifying one circumstance that the court may consider there is risk that may will in practicality become shall and there will be an unstated assumption that such a relationship should result in a modification of an agreement/settlement with regard to alimony/spousal support.
- (4) This bill is one-sided against payees and favors payors.
- (5) The Section is concerned that the other person in the relationship could be an adult child or a roommate and not a quasi-spouse.
- (6) SB718 could be used to harass the new partner of the alimony recipient.

For the reason(s) stated above, the FJLSC **OPPOSES Senate Bill 718 and urges an unfavorable committee report.**

Should you have any questions, please contact Lindsay Parvis, Esquire by e-mail at [Lparvis@jgllaw.com](mailto:Lparvis@jgllaw.com) or by telephone at 240-399-7900.