

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 718
Family Law – Alimony - Modification
DATE: March 2, 2022
(3/10)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 718. This bill would alter the circumstances under which a court is authorized to modify the amount of alimony awarded.

This bill is designed to allow a court to modify an alimony award if the recipient of alimony is maintaining a primary residence with another individual. The proposed bill includes six “considerations” that the court may consider in determining whether a recipient is maintaining a common household.

The Judiciary has concerns that the bill creates evidentiary issues. Specifically, §11-107(b)(i) of this bill would allow the court to consider any oral or written statements made to third parties regarding a recipient of alimony’s relationship with another individual. This is problematic because it seems to legislatively authorize the admission of hearsay testimony. This also presents privacy concerns for the third party.

This bill is also unnecessary. There is well-developed law in Maryland concerning a court’s role in determining whether a party is maintaining a common household, and the determination of that is for the court to determine, especially in the context of situations involving children. Certain current case law also provides court modification of an alimony award when a party is sharing a primary residence with another individual.

cc. Hon. Bryan Simonaire
Judicial Council
Legislative Committee
Kelley O’Connor