

## Introduction

HB 1256 deals with reforms in the spousal support system. It ends the practice of lifetime spousal support. The bill cap the amount of time of spousal support to 18 years and it does not allow the amount to be increased above the original amount awarded at the time of the divorce settlement.

If you read the current statue, you will notice the language says "Taking into consideration the circumstances of the parties, the court may require one party to pay spousal support to the other party for a limited period of time in accordance with this section." How did they interpret 'a limited period of time' to include lifetime spousal support? It appears to me the intent of this law was what is says, a limited amount of time. HB 1258 caps this 'limited amount of time' to 18 years.

Once a divorce is settled, the amount of spousal support is based on their marriage and past life together. The future should have no bearing of a judgement based on their past experience. But why not come back every couple years and try your luck at the Spousal lottery. HB 1256 puts a stop to the spousal lottery by not allowing the amount to be raised in the future past the original amount.

When two people get divorced, lifetime spousal support bonds those two people that don't get along together for life. How can that be a good thing? We live in a different world and spousal support laws should reflect it.

One of the discussions that came up in the House is the discretion of the

the Ruff Fisher guidelines. The guidelines just list stuff to consider but don't give recommendations. These guidelines were created in 1952 and 1966. I think we can do better. This bill is important because it would give the direction to judges dealing with spousal support cases. We are the lawmakers, let's make the law.

Ruff/Fisher Guidelines: The respective ages of the parties; Their earning ability, duration of the marriage, conduct of the parties during the marriage, their station on life, the circumstances and necessities of each; their health and physical condition, financial circumstances by the property owned, its income producing capability and what was accumulated before of after the marriage; Such matters as may be material.

This bill puts a cap 18 years and doesn't allow the amount to go up sometime in the future past the original amount.

One of the arguments against is that this is about one case. There is a large number of cases dealing with spousal support but only some of the cases appeal and make it to the Supreme Court. However there is 30 or more cases in case law. And several recent cases in the Supreme Court Dronen v Dronen ; Havel v Havel ; Krueger v Krueger; Martire v Matire; Overland v Overland; Paulson v Paulson; Schmuck v Schmuck; Thornton v Klose; Walker v Walker; Weir v Weir

Some comments from Sandstrom's dissenting opinion in a somewhat recent case: Robert and Tiffany Stock are relatively young people, 36 and 35 years old at the time of the divorce, and in good health. They were married for 14 years, and yet the court ordered they be yoked together, based on his life expectancy, for the next 42 years by a permanent award of spousal support. Unless she chooses to end it by remarriage, he will have a duty to pay spousal support for three times the length of the



could have been for this Court's stated preference of rehabilitative support, perhaps for three years, rather than for the lifetime ordered here. The result here could have been substantially different had the parties had a different judge, or possibly even the same judge on a different day.

\*\*\*I would like to propose an amendment that many of the opponents of the bill on the House side wanted in the bill. I believe reform of our spousal support law can include exceptions for medical disability while still bringing rationality and consistency to the law. That is why I would propose an amendment to the bill that does two things.

The amendment adds a disability exception to the cap of 18 years and it adds a study of the spousal support system to get additional input from interested parties, family law attorneys and legislators. I would ask if you would please consider adding this amendment as it makes the bill better. The amended bill would be a significant reform in the spousal support system in our state. It will save families thousands of dollars in legal fees.

This bill attempts to start the process of reforming our spousal support system. There is more that could be done but this bill is a good start to the reform that is needed in our state. I would ask that you consider giving HB 1256 a DO PASS recommendation.

I will stand for questions. Thank you.

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Marriage dates back to English common law and traditionally was based on the assumption that husbands had a duty to support their wives until

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When Hector Torres got divorced in 2001, he said he felt blindsided by the alimony a Florida judge ordered him to pay his ex-wife: \$2,000 a month for the rest of his life. He was 34 years old at the time, meaning he faced the prospect of four or five decades of payments after a 13-year marriage.

"Divorce is supposed to separate your lives," said Robin DesCamp, president of Oregon Alimony Reform, whose husband pays spousal support to his ex-wife. "Alimony does not allow you to do that. It keeps a woman dependent."



Sixty-seventh  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1254**

Introduced by

Representative Vetter

Senator Meyer

1 A BILL for an Act to amend and reenact section 14-05-24.1 of the North Dakota Century Code,  
2 relating to spousal support; and to provide for a legislative management study.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-05-24.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-05-24.1. Spousal support.**

- 7 1. Taking into consideration the circumstances of the parties, the court may require one  
8 party to pay spousal support to the other party for a limited period of time not to  
9 exceed eighteen years, in accordance with this section. Except in the event of a  
10 debilitating injury or severe medical illness that prevents a spouse from caring for  
11 oneself, a spousal award may not exceed eighteen years. The court may modify ~~its~~  
12 spousal support orders but may not increase a spousal support award to an amount  
13 higher than the originally ordered amount, except to correct clerical errors.
- 14 2. Unless otherwise agreed to by the parties in writing, spousal support is terminated  
15 upon the remarriage of the spouse receiving support. Immediately upon remarriage,  
16 the spouse receiving support shall provide notice of the remarriage to the payor  
17 spouse at the last known address of the payor spouse.
- 18 3. Unless otherwise agreed to by the parties in writing, upon an order of the court based  
19 upon a preponderance of the evidence that the spouse receiving support has been  
20 habitually cohabiting with another individual in a relationship analogous to a marriage  
21 for one year or more, the court shall terminate spousal support.
- 22 4. Subsections 2 and 3 do not apply to rehabilitative spousal support.

23 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT.** During the  
24 2021-22 interim, the legislative management shall consider studying the types of spousal

- 1 support ordered by the district courts and the desirability of providing statutory guidance for
- 2 awards of spousal support to create a more equitable system similar to the child support
- 3 guidelines. The study must include a review of the frequency and duration of spousal support
- 4 awards that are entered in the state. The legislative management shall report its findings and
- 5 recommendations, together with any legislation required to implement the recommendations, to
- 6 the sixty-eighth legislative assembly.



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1254

Page 1, line 2, after "support" insert "; and to provide for a legislative management study"

Page 1, line 8, remove the overstrike over "limited"

Page 1, line 8, remove "not to"

Page 1, line 9, remove "exceed eighteen years."

Page 1, line 9, after the period insert "Except in the event of a debilitating injury or severe medical illness that prevents a spouse from caring for oneself, a spousal award may not exceed eighteen years."

Page 1, after line 20, insert:

**"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT.**

During the 2021-22 interim, the legislative management shall consider studying the types of spousal support ordered by the district courts and the desirability of providing statutory guidance for awards of spousal support to create a more equitable system similar to the child support guidelines. The study must include a review of the frequency and duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly