

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 718

(Senator Simonaire)

Judicial Proceedings

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**Family Law - Alimony - Modification**

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This bill alters the circumstances under which a court is authorized to modify the amount of alimony awarded. Specifically, the bill authorizes the court to modify the amount (subject to an existing exception) if the recipient is maintaining a common household by sharing a primary residence together with another individual. For purposes of determining whether a recipient is maintaining a common household, the court may consider (1) any oral or written statements or representations made to third parties regarding the relationship of the individuals; (2) the economic interdependence of the individuals together or the economic dependence of one individual on the other; (3) the conduct and collaborative roles of the individuals in furtherance of their life together; (4) the benefits for either individual from the relationship; (5) the community representation of the individuals as a couple; or (6) any other factors that the court considers relevant. The bill retains the authority of the court to modify an alimony award as circumstances and justice require (as authorized under current law).

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** The bill is not anticipated to materially affect local finances or operations.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Statutory provisions under Title 11 of the Family Law Article authorize the court to award alimony to either party. Generally, the court must determine the amount of and the period for an award of alimony and must consider all factors necessary for a fair and equitable award, including (1) the ability of the party seeking alimony to be wholly or partly self-supporting; (2) the standard of living that the parties established during the marriage; (3) the duration of the marriage; (4) the contributions, monetary and nonmonetary, of each party to the well-being of the family; and (5) the ability of the party from whom alimony is sought to meet that party's needs while meeting the needs of the party seeking alimony. The court may award alimony for an indefinite period under specified circumstances.

Generally, a court may modify the amount of alimony awarded as circumstances and justice require. The court may modify any provision of a deed, agreement, or settlement with respect to alimony or spousal support executed on or after April 13, 1976, regardless of how the provision is stated, *unless* there is an express waiver of alimony or spousal support or a provision that specifically states that the provisions with respect to alimony or spousal support are not subject to any court modification.

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### Additional Information

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2022  
fnu2/lgc

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