
Judiciary Committee

HB 2483

Title: An act relating to standards for awarding maintenance in dissolution or legal separation proceedings.

Brief Description: Concerning standards for awarding maintenance in dissolution or legal separation proceedings.

Sponsors: Representative Moeller.

Brief Summary of Bill

- Provides that a court in a dissolution or legal separation proceeding may not enter an award of maintenance if it is likely the person from whom maintenance is sought would become eligible for public assistance as a result of the maintenance order.

Hearing Date: 1/30/14

Staff: Edie Adams (786-7180).

Background:

In a dissolution or legal separation proceeding, the court may grant a maintenance order for either party. An order of maintenance must be in an amount and for a period of time that the court deems just considering all relevant factors, but without regard to the misconduct of the parties. A court must consider the following factors set out in statute, in addition to any other factors the court deems relevant:

- financial resources of the party seeking maintenance and his or her ability to meet his or her needs independently;
- time necessary for the party seeking maintenance to acquire sufficient education or training to find employment appropriate to his or her skills, interests, style of life, and other circumstances;
- standard of living established during the marriage or domestic partnership;
- duration of the marriage or domestic partnership;

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- age, physical and emotional condition, and financial obligations of the party seeking maintenance; and
- ability of the party from whom maintenance is sought to meet his or her needs and financial obligations while meeting those of the party seeking maintenance.

Court-ordered maintenance terminates on the death of either party or upon the remarriage or registration of a new domestic partnership of the person entitled to receive the maintenance, unless otherwise agreed in writing or expressly provided in the court order. A maintenance order may be modified upon a showing of a substantial change of circumstances that was not contemplated by the parties at the time the maintenance order was entered.

A variety of public assistance programs in Washington provide assistance to low income individuals or families in need based on certain eligibility criteria. These programs include the Basic Food Program, Temporary Assistance for Needy Families, and State Family Assistance.

Summary of Bill:

In a proceeding for dissolution, legal separation, or declaration of invalidity, a court may not enter an order for maintenance if the court finds that it is likely the person from whom maintenance is sought would become eligible for public assistance as a result of the maintenance order. "Public assistance" means public assistance to persons in need, including assistance grants, food assistance, work relief, disability lifeline benefits, medical care services, and temporary assistance for needy families.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.