

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 3420**

(SENATE AUTHORS: BENSON and Osmek)

DATE	D-PG	OFFICIAL STATUS
04/01/2016	5459	Introduction and first reading Referred to Judiciary
04/11/2016		Comm report: To pass as amended Second reading Author added Osmek

A bill for an act

1.1  
 1.2 relating to civil law; allowing for termination of awards based on the cohabitation  
 1.3 of the obligee; amending Minnesota Statutes 2014, section 518A.39, subdivision  
 1.4 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 518A.39, subdivision 3, is amended to read:

1.7 Subd. 3. **Maintenance on death, cohabitation, or remarriage.** (a) Unless  
 1.8 otherwise agreed in writing or expressly provided in the decree, the obligation to pay  
 1.9 future maintenance is terminated upon the death of either party or the remarriage of the  
 1.10 party receiving maintenance.

1.11 (b) Unless otherwise agreed in writing or expressly provided in the decree, the  
 1.12 obligation to pay future maintenance shall be suspended or terminated upon evidence that  
 1.13 the party receiving maintenance cohabitates with another individual. The determination  
 1.14 that the obligee is cohabitating for the purposes of this section shall include consideration  
 1.15 of:

1.16 (1) joint bank accounts, joint holdings, or other jointly held assets or liabilities  
 1.17 including joint ownership in real estate;

1.18 (2) joint responsibilities for living expenses;

1.19 (3) recognition of the relationship with family and friends;

1.20 (4) whether or not the parties are living together, maintaining frequent contact,  
 1.21 sharing household chores, or demonstrating other indicia of a mutually supportive intimate  
 1.22 personal relationship;

1.23 (5) the duration of the relationship;

2.1 (6) whether or not the obligee has an enforceable promise of support from another  
2.2 person or has engaged in a commitment ceremony regardless of the legal significance; and

2.3 (7) other relevant evidence.

2.4 (c) In evaluating whether cohabitation is occurring under paragraph (b) and in  
2.5 determining whether maintenance should be suspended or terminated, the court shall not  
2.6 find an absence of cohabitation solely on the grounds that the obligee and the individual  
2.7 with whom the obligee cohabitates maintain separate residences or do not live together on  
2.8 a full-time basis. The court must not use one of the factors for consideration in paragraph  
2.9 (b) to the exclusion of all others. The burden of proving that the obligee is cohabitating  
2.10 with another individual is on the obligor. The court must make written findings on each of  
2.11 the factors in paragraph (b) in a determination on the issue of whether or not the obligee is  
2.12 cohabitating with another individual.