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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1333**

03/02/2015 Authored by Scott; Dehn, R.; Schoen; Pugh and Nash

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

03/30/2016 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to civil law; allowing for modification of spousal maintenance based
1.3 on the cohabitation of the obligee; amending Minnesota Statutes 2014, section
1.4 518.552, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2014, section 518.552, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 6. Cohabitation. Spousal maintenance may be modified pursuant to section
1.9 518A.39, subdivision 2, based on the maintenance obligee's cohabitation with another
1.10 adult following dissolution of the parties' marriage. The modification may consist of a
1.11 reduction, suspension, reservation, or termination of maintenance. In determining if
1.12 maintenance should be modified due to cohabitation, the court shall consider:

1.13 (1) whether the maintenance obligee would have married their cohabitant but for
1.14 the maintenance award;

1.15 (2) the economic benefit the maintenance obligee derives from the cohabitation;

1.16 (3) the length of the cohabitation and the likely future duration of the cohabitation;

1.17 (4) the economic impact on the maintenance obligee if maintenance was terminated
1.18 and the cohabitation ended; and

1.19 (5) whether the order providing for payment of maintenance was issued pursuant
1.20 to a binding stipulation and the terms of that stipulation.

1.21 There shall be a presumption against modifying the maintenance award based solely
1.22 on the cohabitation if the cohabitant is one of the individuals listed in section 517.03,
1.23 subdivision 1. A requested modification based on this subdivision shall be subject to
1.24 being precluded or limited if jurisdiction to modify is lacking due to the parties having

2.1 entered into a private agreement governed by section 518.552, subdivision 5. No motion
2.2 to modify a spousal maintenance award on the basis of cohabitation may be brought
2.3 within one year of the date of entry of a decree of dissolution or legal separation that
2.4 orders spousal maintenance, unless the parties have agreed a modification can be brought
2.5 by written agreement or the court finds that failing to allow the motion to proceed creates
2.6 an extreme hardship for one of the parties.