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## Spousal Maintenance

### New Change to Minnesota Spousal Maintenance

Are you currently paying Spousal Maintenance to your Ex? Does your Ex currently live with a new Partner? Is your spouse prolonging getting married to their new Partner simply because they would lose the Spousal Maintenance payments you are providing? If so, a new addition to Minn. Stat. §518.552 might benefit you.

Previously, in Minnesota, the Spousal Maintenance statute ignored those individuals whom cohabitated, but refused to get married for the simple fact that they would lose their monthly Spousal Maintenance payment. However, with this happening more often, Subdivision 6. Cohabitation has now been added to the statute to protect you if you find yourself in this same situation.

Minn. Stat. §518.552 subd. 6 now allows the court the opportunity to reduce, suspend, reserve or modify Spousal Maintenance payments in those situations described above. There are four criteria the court will look at when hearing these new modification requests:

1. Whether the Ex-spouse would marry their current cohabitant but for the maintenance award.

If you can show your Ex-spouse would remarry, but they are holding off until your Spousal Maintenance payments are finished, then you may have a shot at fulfilling the first requirement. Satisfying this requirement is not a walk in the park; however, an experienced family law attorney can help strategize and walk you through this process.

2. The Ex-spouse is deriving an economic benefit from the cohabitation. Meaning that by reducing or eliminating your Spousal Maintenance payments, your Ex-spouse will make up that lost benefit by the benefits they receive from cohabitating. For example, if your Maintenance was previously being used to pay X amount of rent for your Ex-spouse, but now that Ex-spouse has moved into a house with her new Partner and no longer pays rent.

3. The court is going to look at the length of the cohabitation and the likely future duration of that relationship. Meaning if your Ex-spouse recently met a new Partner, immediately moved in with them and a few weeks later you want a modification, then the court may look at this situation as a short-term

relationship where modification might not be warranted at this point. However, if it has been a long period of time since your spouse moved in with their current Partner the scales may start to tilt in your favor.

4. The impact on your Ex-spouse if the maintenance ends and the cohabitation also ends. The court is going to consider whether by ending the Spousal Maintenance the Ex-Spouse would be severely impacted if the benefits from their cohabitation also ended.

The court will look at all four of these requirements together.

There are a few other requirements and preclusions to this new law that were also enacted.

#### Contact Us

If you believe you may have an Ex-Spouse who is cohabitating with a new Partner and you are still paying Spousal Maintenance Call our office at 320-629-7537 or visit us online. This material is for advertising and informational purposes only and should not be considered legal advice. Content by Of-Counsel Attorney Brent Hood.