

Brave New World: Spousal Maintenance Laws Revised



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The Minnesota State Legislature has undertaken a significant overhaul of the family law statutes, due to take effect August 1, 2024. This article will serve as your guide to the upcoming changes and understanding their impact on spousal maintenance in Minnesota.

New Guidelines for Duration

One of the most significant revisions to the spousal maintenance statute is the new guideline on duration. After August 1, 2024, spousal maintenance awards will be characterized as either “transitional” or “indefinite,” based on the length of the marriage.

0-4 Years of Marriage	Rebuttable Presumption for No Spousal Maintenance
5-19 Years of Marriage	Rebuttable Presumption for Transitional Spousal Maintenance to Last No Longer than Half the Length of the Marriage
20+ Years of Marriage	Rebuttable Presumption for Indefinite Spousal Maintenance

This change is intended to provide much needed clarity to families and practitioners alike. However, because duration is now directly tied to the date of commencement, deciding when to file could have a significant impact in your family law case.

What was previously deemed “temporary” maintenance will now be characterized as “transitional” maintenance and an award of “permanent” maintenance will now be known as “indefinite”

maintenance. Whether this change to the statute is sufficient in and of itself to modify a prior spousal maintenance award is yet to be determined.

Amendments to Factors Governing Amount

The amount of spousal maintenance continues to be governed by the factors listed in Minn. Stat. § 518.552, subd. 2, but with a few important changes:

Factor 3	The Legislature expanded factor 3, requiring the Court to consider the extent to which the marital standard of living was supported by debt.
Factors 4 and 5	The Legislature combined factors 4 and 5, so the Court must now consider the earnings, seniority, and other employment opportunities forgone by the spouse seeking maintenance to support the other spouse or children. Notably, this did not change the Court’s obligation to consider the duration of the marriage, the length of absence from employment, and the extent to which any education, skills, or experience have become outmoded and earning capacity has become permanently diminished.
Factor 6	The Legislature expanded factor 6, requiring the Court to consider the health of the parties rather than just the party seeking spousal maintenance. The Legislature also expanded the definition of health to include the mental and chemical health of the parties, in addition to their age and physical health.
Factor 8	The Legislature eliminated the language in factor 8 governing the acquisition, preservation, depreciation, or appreciation in value of marital property. Instead, the Court is only to consider the contribution of a spouse to furtherance of the other party’s employment or business.
Factor 9	The Legislature added a new factor, directing the Court to consider the need and ability of each spouse to prepare for retirement and the anticipated time of retirement.

If you have questions regarding an existing spousal maintenance order, the family law attorneys at Moss & Barnett are available to discuss whether a modification may be appropriate for your circumstance.