

1995 SESSION

INTRODUCED

LD1955492

HOUSE JOINT RESOLUTION NO. 439

Offered January 16, 1995

Requesting the Family Law Section of the Virginia State Bar to study the issue of the award of rehabilitative alimony and the reservation of spousal support after the entry of a final decree of divorce.

Patrons—Woodrum and Jones, J.C.

Referred to Committee on Rules

WHEREAS, rehabilitative alimony is generally known as a type of spousal support awarded for a defined or limited term or event without a further reservation of support after payment of such award; and

WHEREAS, Virginia case law and § 20-107.1 of the Virginia Code do not recognize the authority of the trial court to award rehabilitative alimony without a continued reservation of spousal support; and

WHEREAS, the great majority of the case law or statutes of other states provides courts with the authority to award rehabilitative alimony as an alternative or in addition to an award of permanent periodic spousal support or an award of lump sum spousal support; and

WHEREAS, a recent survey of the members of the Family Law Section of the Virginia State Bar resulted in over 80 percent of the respondents to such survey favoring an amendment to Virginia's spousal support statute to provide the court with the discretion to award rehabilitative alimony as a further alternative method of awarding spousal support in appropriate cases; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Family Law Section of the Virginia State Bar study the desirability of allowing judges, in their discretion, to award rehabilitative alimony or spousal support to a spouse, to determine the conditions under which such an award should be made and its relationship to the issue of the continued reservation of spousal support to a spouse, and to determine the amendments necessary to the Code of Virginia to provide language granting such authorization; and, be it

RESOLVED FURTHER, That such study shall also include one member each from the Virginia Women's Attorneys Association, the National Organization of Women, and such other interest groups as deemed appropriate by the Family Law Section of the Virginia State Bar.

The Family Law Section of the Virginia State Bar shall complete its work in time to submit its findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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