

965883492

HOUSE JOINT RESOLUTION NO. 69

House Amendments in [] — February 1, 1996

Requesting the Family Law Section of the Virginia State Bar to continue 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.

Patron—Woodrum_____
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, although Virginia case law and § 20-107.1 of the Code of Virginia do not recognize the authority of the trial court to award rehabilitative alimony without a continued reservation of spousal support, the great majority of case law or statutes of other states provide 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, House Joint Resolution No. 439 (1995) directed the Family Law Section of the Virginia State Bar to 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

WHEREAS, following considerable deliberation, the Section has reached a consensus that there are certain circumstances in which rehabilitative alimony should be awarded, but has thus far been unable to reach a consensus on specific statutory recommendations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Family Law Section of the Virginia State Bar be [directed to continue to 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 requested to continue 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. The Section shall (i) consider the desirability of allowing judges, in their discretion, to award rehabilitative alimony or spousal support to a spouse; (ii) examine 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 (iii) determine the amendments necessary to the Code of Virginia to provide language granting such authorization; and, be it]

RESOLVED FURTHER, That representatives of the Virginia Women's Attorneys Association and such other interest groups deemed appropriate by the Family Law Section of the Virginia State Bar continue to participate in the study.

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 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

ENGROSSED

HJ69E