



**House  
Legislative  
Analysis  
Section**

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**FACTORS IN SETTING ALIMONY**

F-1 100  
MAY 23 1989

Michigan Law Library

House Bill 4186  
Sponsor: Rep. Judith Miller  
Committee: Judiciary

Complete to 3-30-89

**A SUMMARY OF HOUSE BILL 4186 AS INTRODUCED 2-15-89**

The bill would amend the divorce law to specify various factors for the court to consider in awarding temporary and regular alimony. The bill would explicitly provide that the court may review the amount of alimony or the need for alimony at any time upon the motion of either party.

Temporary alimony. In awarding temporary alimony, the court would have to provide that the financial responsibility of each party in meeting the expenses of maintaining the family domicile continue in the same proportion as during the five years immediately preceding the filing of the action for divorce or separate maintenance. "Expenses of the family domicile" would include, at a minimum, the following: house payment or rent, car payment, house and car insurance, food, utilities, consumer loans and credit card debt, and day care.

Regular alimony. Upon entry of a judgment of divorce or separate maintenance, the court may award alimony to either party, after considering the ability of either party to pay, the character and situation of the parties, and all the other circumstances of the case. The bill would replace these factors with a number of more specific factors for the court to consider, among them: the duration of the marriage and the length of time the parties lived together; the age and physical, mental, or emotional condition of each party; the financial resources of each party (including employment skills), as detailed by the bill; the extent to which the party seeking alimony contributed to the education or career position of the other party; the lost earning capacity of the party seeking alimony as a result of having foregone or delayed education or career opportunities; the financial need of the party seeking alimony and the financial ability of the other party; the standard of living established during the marriage; the tax implications for each party; and other factors the court considered appropriate.

MCL 552.13 and 552.23

House Bill 4186 (3-30-89)