



March 2, 2018

SENATE RESOLUTION No. 32

DIGEST OF RESOLUTION

A SENATE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of spousal support and educational support.

Delph, Randolph Lonnie M

February 22, 2018, read first time and referred to Committee on Judiciary.
March 1, 2018, reported favorably — Do Pass.

SR 32—SR 2512/DI 84



SENATE RESOLUTION No. 32

MADAM PRESIDENT:

I offer the following resolution and move its adoption:

1 A SENATE RESOLUTION urging the legislative council
2 to assign to the appropriate study committee the topic of
3 spousal support and educational support.

4 *Whereas, Divorce is a disruptive event in a family's life;*

5 *Whereas, Recent statistics indicate that the divorce rate is*
6 *increasing throughout the country;*

7 *Whereas, Often judges and family support magistrates are*
8 *permitted to order parents to support their children enrolled in*
9 *accredited postsecondary schools for up to four full academic*
10 *years and until they reach a specified age;*

11 *Whereas, Indiana law currently does not allow family courts*
12 *to order spousal support under most circumstances;*

13 *Whereas, The doctrine of equitable distribution is used to*
14 *look at the future financial situation of each spouse after the*
15 *termination of the marriage and is often not equitable;*

16 *Whereas, All marriages are currently treated the same,*
17 *regardless of length of time;*

18 *Whereas, rehabilitative maintenance is not sufficient nor*
19 *appropriate in some cases where spousal support should still*
20 *be considered;*

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1 *Whereas, The global economy and global employers mean*
 2 *many spouses willingly move for their spouse's career,*
 3 *sometimes several times, and are not Indiana natives;*

4 *Whereas, Indiana is one of the few states that does not allow*
 5 *spousal support in most cases;*

6 *Whereas, Women, who are more likely to be the stay-at-home*
 7 *parent, and children fare much worse financially in divorce*
 8 *than men;*

9 *Whereas, There are many misconceptions about the spousal*
 10 *support laws currently in place in Indiana;*

11 *Whereas, Lesser paid spouses are not able to afford a legal*
 12 *fight as their higher paid spouses are and are likely to agree to*
 13 *unfair settlements because of the lack of funds;*

14 *Whereas, A spousal support tool may help find a true path to*
 15 *a fair settlement in many, but not all, cases;*

16 *Whereas, Money can and is often used as a weapon against*
 17 *the lower paid spouse and children;*

18 *Whereas, Spousal support is not an issue dealing with men,*
 19 *women, fathers, or mothers; it is an issue dealing with*
 20 *Hoosiers; and*

21 *Whereas, It would benefit all Hoosiers to further study to*
 22 *better understand how the lack of the ability of a family court*
 23 *to order spousal support, in conjunction with the current law of*
 24 *equitable distribution, affects divorcees with significantly lower*
 25 *income and those in long term marriages, where certain roles*
 26 *and assumptions (an implied contract) have been accepted by*
 27 *both spouses: Therefore,*

28 *Be it resolved by the Senate*
 29 *of the General Assembly of the State of Indiana:*

30 SECTION 1. That the legislative council is urged to assign to
 31 the appropriate study committee the topic of spousal support
 32 and educational support.

33 SECTION 2. That the committee should include in its study



1 the possibility of adding to the list of factors that a court may
2 consider when making findings concerning spousal
3 maintenance and allowing a court to award spousal
4 maintenance as appropriate, but not to exceed: (1) a period of
5 time that equals the duration of the marriage; or (2) an annual
6 amount, including child support obligations for any child of the
7 marriage, equivalent to 40 percent of the payor spouse's annual
8 salary.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Resolution No. 32, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution DO PASS.

(Reference is to SR 32 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0

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