

REFERENCE TITLE: spousal maintenance; domestic violence

State of Arizona
House of Representatives
Fifty-seventh Legislature
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2026

HB 4071

Introduced by
Representatives Simacek: Contreras P, Garcia, Sandoval

AN ACT

AMENDING SECTION 25-319, ARIZONA REVISED STATUTES, RELATING TO SPOUSAL MAINTENANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-319, Arizona Revised Statutes, is amended to
3 read:

4 25-319. Spousal maintenance; supreme court guidelines;
5 computation factors; court jurisdiction

6 A. In a proceeding for dissolution of marriage or legal separation,
7 or a proceeding for maintenance following dissolution of the marriage by a
8 court that lacked personal jurisdiction over the absent spouse, the court
9 may grant a maintenance order for either spouse for any of the following
10 reasons if ~~it~~ THE COURT finds that the spouse seeking maintenance:

11 1. Lacks sufficient property, including property apportioned to the
12 spouse, to provide for that spouse's reasonable needs.

13 2. Lacks earning ability in the labor market that is adequate to be
14 self-sufficient.

15 3. Is the parent of a child whose age or condition is such that the
16 parent should not be required to seek employment outside the home.

17 4. Has made a significant financial or other contribution to the
18 education, training, vocational skills, career or earning ability of the
19 other spouse or has significantly reduced that spouse's income or career
20 opportunities for the benefit of the other spouse.

21 5. Had a marriage of long duration and is of an age that may
22 preclude the possibility of gaining employment adequate to be
23 self-sufficient.

24 B. The supreme court shall establish guidelines for determining and
25 awarding spousal maintenance. The court may award spousal maintenance
26 pursuant to the guidelines only for a period of time and in an amount
27 necessary to enable the receiving spouse to become self-sufficient. The
28 amount of spousal maintenance resulting from the application of the
29 guidelines shall be the amount of spousal maintenance ordered by the
30 court, unless the court finds in writing that applying the guidelines
31 would be inappropriate or unjust. The supreme court shall base the
32 guidelines and criteria for deviation from the guidelines on the following
33 relevant factors ~~listed in paragraphs 1 through 13 of this subsection and~~
34 AS considered together and weighed in conjunction with each other:

35 1. The standard of living established during the marriage.

36 2. The duration of the marriage.

37 3. The age, employment history, earning ability and physical and
38 emotional condition of the spouse seeking maintenance.

39 4. The ability of the spouse from whom maintenance is sought to
40 meet that spouse's needs while meeting those of the spouse seeking
41 maintenance.

42 5. The comparative financial resources of the spouses, including
43 their comparative earning abilities in the labor market.

44 6. The contribution of the spouse seeking maintenance to the
45 earning ability of the other spouse.

1 7. The extent to which the spouse seeking maintenance has reduced
2 that spouse's income or career opportunities for the benefit of the other
3 spouse.

4 8. The ability of both parties after the dissolution to contribute
5 to the future educational costs of their mutual children.

6 9. The financial resources of the party SPOUSE seeking maintenance,
7 including marital property apportioned to that spouse, and that spouse's
8 ability to meet that spouse's own needs independently.

9 10. The time necessary to acquire sufficient education or training
10 to enable the party SPOUSE seeking maintenance to find appropriate
11 employment and whether such education or training is readily available.

12 11. Excessive or abnormal expenditures, destruction, concealment or
13 fraudulent disposition of community, joint tenancy and other property held
14 in common.

15 12. The cost for the spouse who is seeking maintenance to obtain
16 health insurance and the reduction in the cost of health insurance for the
17 spouse from whom maintenance is sought if the spouse from whom maintenance
18 is sought is able to convert family health insurance to employee health
19 insurance after the marriage is dissolved.

20 13. All actual damages and judgments from conduct that resulted in
21 criminal conviction of either spouse in which the other spouse or a child
22 was the victim.

23 C. A maintenance order shall be made without regard to marital
24 misconduct.

25 D. If both parties agree, the maintenance order and a decree of
26 dissolution of marriage or of legal separation may state that its
27 maintenance terms shall not be modified.

28 E. Except as provided in subsection D of this section or section
29 25-317, subsection G, the court shall maintain continuing jurisdiction
30 over the issue of maintenance for the period of time maintenance is
31 awarded.

32 F. NOTWITHSTANDING ANY OTHER LAW, THE COURT MAY NOT GRANT A
33 MAINTENANCE ORDER FROM AN INJURED SPOUSE TO A SPOUSE WHO HAS BEEN
34 CONVICTED OF AN ACT OF DOMESTIC VIOLENCE AGAINST THE INJURED SPOUSE. FOR
35 THE PURPOSES OF THIS SUBSECTION:

36 1. "DOMESTIC VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION
37 13-3601.

38 2. "INJURED SPOUSE" MEANS THE SPOUSE WHO WAS THE SUBJECT OF AN ACT
39 OF DOMESTIC VIOLENCE FOR WHICH THE OTHER SPOUSE WAS CONVICTED.