

REFERENCE TITLE: spousal maintenance; income; property

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1049

Introduced by
Senator Rogers

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; definition

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~~ IS UNABLE TO provide for that spouse's OWN reasonable needs
13 THROUGH A COMBINATION OF EARNING ABILITY AND PROPERTY APPORTIONED TO THE
14 SPOUSE SEEKING MAINTENANCE.

15 2. ~~Lacks earning ability in the labor market that is adequate to be~~
16 ~~self-sufficient.~~

17 3. 2. Is the parent of a child whose age or condition is such that
18 the parent should not be required to seek employment outside the home AND
19 DOES NOT HAVE SUFFICIENT PROPERTY APPORTIONED TO THAT PARENT OR OTHER
20 INCOME SOURCES TO PROVIDE FOR THE CHILD'S REASONABLE NEEDS.

21 4. 3. Has made a significant financial or other contribution to
22 the education, training, vocational skills, career or earning ability of
23 the other spouse or has significantly reduced that spouse's income or
24 career opportunities for the benefit of the other spouse AND DOES NOT HAVE
25 SUFFICIENT PROPERTY APPORTIONED TO THE SPOUSE SEEKING MAINTENANCE OR OTHER
26 INCOME SOURCES PROVIDED FOR THAT SPOUSE'S OWN REASONABLE NEEDS.

27 5. 4. Had a marriage of long duration and is of an age that may
28 preclude the possibility of gaining employment adequate to be
29 self-sufficient AND DOES NOT HAVE SUFFICIENT PROPERTY APPORTIONED TO THE
30 SPOUSE SEEKING MAINTENANCE OR OTHER INCOME SOURCES TO PROVIDE FOR THAT
31 SPOUSE'S OWN REASONABLE NEEDS.

32 B. The supreme court shall establish guidelines for determining and
33 awarding spousal maintenance. The court may award spousal maintenance
34 pursuant to the guidelines only for a period of time and in an amount
35 necessary to enable the receiving spouse to become self-sufficient. THE
36 COURT MAY NOT AWARD SPOUSAL MAINTENANCE FOR A PERIOD OF MORE THAN
37 _____ YEARS. The amount of spousal maintenance resulting from the
38 application of the guidelines shall be the amount of spousal maintenance
39 ordered by the court, unless the court finds in writing that applying the
40 guidelines would be inappropriate or unjust. The supreme court shall base
41 the guidelines and criteria for deviation from the guidelines on the
42 following relevant factors ~~listed in paragraphs 1 through 13 of this~~
43 ~~subsection and~~ AS considered together and weighed in conjunction with each
44 other:

- 1 1. ONE-HALF OF the standard of living established during the
2 marriage.
- 3 2. The duration of the marriage.
- 4 3. The age, employment history, earning ability and physical and
5 emotional condition of the spouse seeking maintenance.
- 6 4. The ability of the spouse from whom maintenance is sought to
7 meet that spouse's needs while meeting those of the spouse seeking
8 maintenance.
- 9 5. The comparative financial resources of the spouses, including
10 their comparative earning abilities in the labor market.
- 11 6. The contribution of the spouse seeking maintenance to the
12 earning ability of the other spouse.
- 13 7. The extent to which the spouse seeking maintenance has reduced
14 that spouse's income or career opportunities for the benefit of the other
15 spouse.
- 16 8. The ability of both parties after the dissolution to contribute
17 to the future educational costs of their mutual children.
- 18 9. The financial resources of the party SPOUSE seeking maintenance,
19 including marital property apportioned to that spouse, and that spouse's
20 ability to meet that spouse's own needs independently.
- 21 10. The time necessary to acquire sufficient education or training
22 to enable the party SPOUSE seeking maintenance to find appropriate
23 employment and whether such education or training is readily available.
- 24 11. Excessive or abnormal expenditures, destruction, concealment or
25 fraudulent disposition of community, joint tenancy and other property held
26 in common.
- 27 12. The cost for the spouse who is seeking maintenance to obtain
28 health insurance and the reduction in the cost of health insurance for the
29 spouse from whom maintenance is sought if the spouse from whom maintenance
30 is sought is able to convert family health insurance to employee health
31 insurance after the marriage is dissolved.
- 32 13. All actual damages and judgments from conduct that resulted in
33 criminal conviction of either spouse in which the other spouse or a child
34 was the victim.
- 35 C. A maintenance order shall be made without regard to marital
36 misconduct.
- 37 D. If both parties agree, the maintenance order and a decree of
38 dissolution of marriage or of legal separation may state that its
39 maintenance terms shall not be modified.
- 40 E. Except as provided in subsection D of this section or section
41 25-317, subsection G, the court shall maintain continuing jurisdiction
42 over the issue of maintenance for the period of time maintenance is
43 awarded.

- 1 F. FOR THE PURPOSES OF THIS SECTION, "REASONABLE NEEDS":
- 2 1. MEANS BASIC NECESSITIES THAT ARE NECESSARY TO ENABLE A RECEIVING
- 3 SPOUSE TO ACQUIRE EDUCATION OR TRAINING TO BECOME SELF-SUFFICIENT OR THAT
- 4 ARE NECESSARY FOR THE CARE OF A CHILD.
- 5 2. INCLUDES FOOD, HOUSING, UTILITIES, HEALTH INSURANCE, MEDICAL
- 6 EXPENSES, TRANSPORTATION AND EDUCATIONAL EXPENSES.