

Senate Engrossed

spousal maintenance; income; property

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

SENATE BILL 1049

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 FOUR**
37 **YEARS.** The amount of spousal maintenance resulting from the application
38 of the guidelines shall be the amount of spousal maintenance ordered by
39 the court, unless the court finds in writing that applying the guidelines
40 would be inappropriate or unjust. The supreme court shall base the
41 guidelines and criteria for deviation from the guidelines on the following
42 relevant factors ~~listed in paragraphs 1 through 13 of this subsection and~~
43 **AS** considered together and weighed in conjunction with each other:

44 1. **ONE-HALF OF** the standard of living established during the
45 marriage.

1 2. The duration of the marriage.

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

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

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

9 6. The contribution of the spouse seeking maintenance to the
10 earning ability of the other spouse.

11 7. The extent to which the spouse seeking maintenance has reduced
12 that spouse's income or career opportunities for the benefit of the other
13 spouse.

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

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

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

22 11. Excessive or abnormal expenditures, destruction, concealment or
23 fraudulent disposition of community, joint tenancy and other property held
24 in common.

25 12. The cost for the spouse who is seeking maintenance to obtain
26 health insurance and the reduction in the cost of health insurance for the
27 spouse from whom maintenance is sought if the spouse from whom maintenance
28 is sought is able to convert family health insurance to employee health
29 insurance after the marriage is dissolved.

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

33 C. A maintenance order shall be made without regard to marital
34 misconduct.

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

38 E. Except as provided in subsection D of this section or section
39 25-317, subsection G, the court shall maintain continuing jurisdiction
40 over the issue of maintenance for the period of time maintenance is
41 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.