

## Alimony Amendments

## 2026 GENERAL SESSION

STATE OF UTAH

## **Chief Sponsor: Lincoln Fillmore**

### House Sponsor:

## LONG TITLE

### **General Description:**

This bill addresses alimony.

## **Highlighted Provisions:**

This bill:

- requires a court to consider the tax consequences of alimony on each party when determining or modifying alimony; and
- addresses the effect of cohabitation on alimony.

### **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

**AMENDS:**

**81-4-502**, as enacted by Laws of Utah 2024, Chapter 366  
**81-4-505**, as enacted by Laws of Utah 2024, Chapter 366

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **81-4-502** is amended to read:

## **81-4-502 . Determination of alimony.**

(1) For a proceeding under Chapter 4, Dissolution of Marriage, or in a proceeding to modify alimony, the court shall consider at least the following factors in determining alimony:

- (a) the standard of living existing during the marriage, which factors shall include the following:
  - (i) income;
  - (ii) the approximate value of real and personal property; and
  - (iii) any other factor that the court determines to be appropriate to enable the court to

31 make a determination of the standard of living existing during the marriage;

32 (b) the financial condition and needs of the payee, provided that the payee may show  
33 financial needs by itemizing expenses present during the marriage rather than by  
34 itemizing post petition expenses;

35 (c) the payee's earning capacity or ability to produce income, including the impact of  
36 diminished workplace experience resulting from primarily caring for a minor child of  
37 the payor;

38 (d) the ability of the payor to provide support;

39 (e) the tax consequences of alimony on each party;

40 [(e)] (f) the length of the marriage;

41 [(f)] (g) whether the payee has custody of a minor child requiring support;

42 [(g)] (h) whether the payee worked in a business owned or operated by the payor; and

43 [(h)] (i) whether the payee directly contributed to any increase in the payor's skill by  
44 paying for education received by the payor or enabling the payor to attend school  
45 during the marriage.

46 (2)(a) The court may consider the fault of the parties in determining whether to award  
47 alimony and the terms of the alimony.

48 (b) The court may, when fault is at issue, close the proceedings and seal the court  
49 records.

50 (3)(a) Except as otherwise provided by this section, the court shall consider the standard  
51 of living, existing at the time of separation, in determining alimony in accordance  
52 with this section.

53 (b) In considering all relevant facts and principles, the court may, in the court's  
54 discretion, base alimony on the standard of living that existed at the time of trial.

55 (4)(a) The court may attempt to equalize the parties' respective standards of living.

56 (b)(i) If a marriage has been in effect for 10 years or more, and if the payee has  
57 significantly diminished workplace experience resulting from an agreement  
58 between the spouses that the payee reduce the payee's workplace experience to  
59 care for a minor child of the payor, it shall be the rebuttable presumption that the  
60 court equalize the parties' standard of living.

61 (ii) The presumption under Subsection (4)(b)(i) can be rebutted by a showing of good  
62 cause, and the court shall enter specific findings of fact as to the evidentiary basis  
63 for its determination.

64 (c) This Subsection (4) may not be applied to or used as the basis to modify an alimony

65 award if the petition for divorce was filed before May 1, 2024.

66 (5)(a) If the marriage is short in duration and a minor child has not been conceived or  
67 born during the marriage, the court may consider the standard of living that existed at  
68 the time of the marriage.

69 (b) In determining alimony when a marriage of short duration dissolves and a minor  
70 child has not been conceived or born during the marriage, the court may consider  
71 restoring each party to the condition which existed at the time of the marriage.

72 (6)(a) When a marriage of long duration dissolves on the threshold of a major change in  
73 the income of one of the parties due to the collective efforts of both parties, the court  
74 shall consider the change when dividing the marital property and in determining the  
75 amount of alimony.

76 (b) If a party's earning capacity has been greatly enhanced through the efforts of both  
77 parties during the marriage, the court may make a compensating adjustment in  
78 dividing the marital property and awarding alimony.

79 (7)(a) Except as provided in Subsection (7)(c), the court may not order alimony for a  
80 period of time longer than the length of the marriage.

81 (b) If a party is ordered to pay temporary alimony during the pendency of a divorce  
82 action, the court shall count the period of time that the party pays temporary alimony  
83 towards the period of time for which the party is ordered to pay alimony.

84 (c) At any time before the termination of alimony, the court may find extenuating  
85 circumstances or good cause that justify the payment of alimony for a longer period  
86 of time than the length of the marriage.

87 Section 2. Section **81-4-505** is amended to read:

88 **81-4-505 . Termination of alimony.**

89 (1)(a) Except as provided in Subsection (1)(b), or unless a decree of divorce specifically  
90 provides otherwise, any order of the court that a payor pay alimony to a payee  
91 automatically terminates upon the remarriage or death of that payee.

92 (b) If the remarriage of the payee is annulled and found to be void ab initio, the payment  
93 of alimony shall resume if the payor is made a party to the action of annulment and  
94 the payor's rights are determined.

95 (2)(a) If a payor establishes that a payee cohabits with another individual during the  
96 pendency of the divorce action or after the court enters a divorce decree, the court:

97 [ (a) ] (i) may not order the payor to pay [temporary] alimony, including temporary  
98 alimony, to the payee; and

99       [~~(b)~~] (ii) shall terminate any order that the payor pay ~~[temporary]~~ alimony, including  
100       temporary alimony, to the payee, even if the payee is not cohabiting with the  
101       individual when the payor files the motion to terminate alimony.

102       (b) A payor may not seek termination of alimony under Subsection (2)(a)(ii) later than  
103       one year after the day on which the payor knew or should have known that the payee  
104       has cohabited with another individual.

105       [~~(3)(a) Subject to Subsection (3)(b), the court shall terminate an order that a payor pay~~  
106       ~~alimony to a payee if the payor establishes that, after the order for alimony is issued,~~  
107       ~~the payee cohabits with another individual even if the payee is not cohabiting with~~  
108       ~~the individual when the payor files the motion to terminate alimony.]~~

109       [(b) A payor may not seek termination of alimony under Subsection (3)(a) later than one  
110       year after the day on which the payor knew or should have known that the payee has  
111       cohabited with another individual.]

112       **Section 3. Effective Date.**

113       This bill takes effect on May 6, 2026.