

Paul A. Cutler proposes the following substitute bill:

**Alimony Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Paul A. Cutler

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**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;
- addresses the modification of alimony after a court enters a divorce decree; 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

**81-4-504**, as enacted by Laws of Utah 2024, Chapter 366

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

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*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:

- 30 (i) income;
- 31 (ii) the approximate value of real and personal property; and
- 32 (iii) any other factor that the court determines to be appropriate to enable the court to
- 33 make a determination of the standard of living existing during the marriage;
- 34 (b) the financial condition and needs of the payee, provided that the payee may show
- 35 financial needs by itemizing expenses present during the marriage rather than by
- 36 itemizing post petition expenses;
- 37 (c) the payee's earning capacity or ability to produce income, including the impact of
- 38 diminished workplace experience resulting from primarily caring for a minor child of
- 39 the payor;
- 40 (d) the ability of the payor to provide support;
- 41 (e) the tax consequences of alimony on each party;
- 42 ~~(e)~~ (f) the length of the marriage;
- 43 ~~(f)~~ (g) whether the payee has custody of a minor child requiring support;
- 44 ~~(g)~~ (h) whether the payee worked in a business owned or operated by the payor; and
- 45 ~~(h)~~ (i) whether the payee directly contributed to any increase in the payor's skill by
- 46 paying for education received by the payor or enabling the payor to attend school
- 47 during the marriage.
- 48 (2)(a) The court may consider the fault of the parties in determining whether to award
- 49 alimony and the terms of the alimony.
- 50 (b) The court may, when fault is at issue, close the proceedings and seal the court
- 51 records.
- 52 (3)(a) Except as otherwise provided by this section, the court shall consider the standard
- 53 of living, existing at the time of separation, in determining alimony in accordance
- 54 with this section.
- 55 (b) In considering all relevant facts and principles, the court may, in the court's
- 56 discretion, base alimony on the standard of living that existed at the time of trial.
- 57 (4)(a) The court may attempt to equalize the parties' respective standards of living.
- 58 (b)(i) If a marriage has been in effect for 10 years or more, and if the payee has
- 59 significantly diminished workplace experience resulting from an agreement
- 60 between the spouses that the payee reduce the payee's workplace experience to
- 61 care for a minor child of the payor, it shall be the rebuttable presumption that the
- 62 court equalize the parties' standard of living.
- 63 (ii) The presumption under Subsection (4)(b)(i) can be rebutted by a showing of good

64 cause, and the court shall enter specific findings of fact as to the evidentiary basis  
65 for its determination.

66 (c) This Subsection (4) may not be applied to or used as the basis to modify an alimony  
67 award if the petition for divorce was filed before May 1, 2024.

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

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

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

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

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

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

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

89 Section 2. Section **81-4-504** is amended to read:

90 **81-4-504 . Modification of alimony after divorce decree.**

91 (1) The court has continuing jurisdiction to make substantive changes and new orders  
92 regarding alimony based on a substantial material change in circumstances not expressly  
93 stated in the divorce decree or in the findings that the court entered at the time of the  
94 divorce decree.

95 (2)(a) A party's retirement is a substantial material change in circumstances that is  
96 subject to a petition to modify alimony, unless the divorce decree, or the findings that  
97 the court entered at the time of the divorce decree, expressly states otherwise.

98 (b) Subsection (2)(a) applies to a divorce decree [~~regardless of the date on which the~~  
 99 ~~divorce decree was~~]entered on or after May 12, 2020.

100 (3) The court may not modify alimony or issue a new order for alimony to address needs of  
 101 the recipient that did not exist at the time the decree was entered, unless the court finds  
 102 extenuating circumstances that justify that action.

103 (4) In modifying the amount of alimony, the court may not consider the income of any  
 104 subsequent spouse of the payor, except that the court may consider:

105 (a) the subsequent spouse's financial ability to share living expenses; or

106 (b) the income of a subsequent spouse if the court finds that the payor's improper  
 107 conduct justifies that consideration.

108 Section 3. Section **81-4-505** is amended to read:

109 **81-4-505 . Termination of alimony.**

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

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

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

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

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

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

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

130 [(b) ~~A payor may not seek termination of alimony under Subsection (3)(a) later than one~~  
 131 ~~year after the day on which the payor knew or should have known that the payee has~~

132            ~~cohabited with another individual.]~~

133            Section 4. **Effective Date.**

134            This bill takes effect on May 6, 2026.