

**30-4-1 Action by spouse -- Grounds.**

Whenever a resident of this state:

- (1) deserts a spouse without good and sufficient cause;
- (2) being of sufficient ability to provide support, neglects or refuses to properly provide for and suitably maintain that spouse;
- (3) having property within this state and the spouse being a resident of this state, so deserts or neglects or refuses to provide such support; or
- (4) where a married person without that person's fault lives separate and apart from that spouse, the district court shall, on the filing of a complaint, allot, assign, set apart and decree as alimony the use of the real and personal estate or earnings of the deserting spouse as the court may determine appropriate. During the pendency of the action, the court may require the deserting spouse to pay a sum as provided in Section 30-3-3.

Amended by Chapter 137, 1993 General Session