

Chapter 4

Separate Maintenance

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

30-4-2 Procedure -- Venue.

In all actions brought hereunder the proceedings and practice shall be the same as near as may be as in actions for divorce; but the action may be brought in any county where the wife or the husband may be found.

Amended by Chapter 122, 1977 General Session

30-4-3 Custody and maintenance of children -- Property and debt division -- Support payments.

- (1) In all actions brought under this chapter the court may by order or decree:
 - (a) provide for the care, custody, and maintenance of the minor children of the parties and may determine with which of the parties the children or any of them shall remain;
 - (b)
 - (i) provide for support of either spouse and the support of the minor children remaining with that spouse;
 - (ii) provide how and when support payments shall be made; and
 - (iii) provide that either spouse have a lien upon the property of the other to secure payment of the support or maintenance obligation;
 - (c) award to either spouse the possession of any real or personal property of the other spouse or acquired by the spouses during the marriage; or
 - (d) pursuant to Section 15-4-6.5:
 - (i) specify which party is responsible for the payment of joint debts, obligations, or liabilities contracted or incurred by the parties during the marriage;
 - (ii) require the parties to notify respective creditors or obligees regarding the court's division of debts, obligations, and liabilities and regarding the parties' separate, current addresses; and
 - (iii) provide for the enforcement of these orders.
- (2) The orders and decrees under this section may be enforced by sale of any property of the spouse or by contempt proceedings or otherwise as may be necessary.

(3) The court may change the support or maintenance of a party from time to time according to circumstances, and may terminate altogether any obligation upon satisfactory proof of voluntary and permanent reconciliation. An order or decree of support or maintenance shall in every case be valid only during the joint lives of the husband and wife.

Amended by Chapter 257, 1991 General Session

30-4-4 Restraining disposal of property.

At the time of filing the complaint mentioned in Section 30-4-1, or at any time subsequent thereto, the plaintiff may procure from the court, and file with the county recorder of any county in the state in which the defendant may own real estate, an order enjoining and restraining the defendant from disposing of or encumbering the same or any portion thereof, describing such real estate with reasonable certainty, and from the time of filing such order the property described therein shall be charged with a lien in favor of the plaintiff to the extent of any judgment which may be rendered in the action.

No Change Since 1953

30-4-5 Rights and remedies -- Imprisonment of husband or wife.

Like rights and remedies shall be extended to either husband or wife on the imprisonment of the other in the state prison under a sentence of one year or more when suitable provision has not been made for the support of the one not so imprisoned.

Amended by Chapter 122, 1977 General Session