

Effective 9/1/2024

Part 2 Separate Maintenance

81-4-201 Definitions for part.

As used in this part:

- (1) "Petitioner" means an individual who brings a petition for separate maintenance.
- (2) "Respondent" means the individual against whom a petition for separate maintenance is brought.

Enacted by Chapter 366, 2024 General Session

81-4-202 Petition for separate maintenance -- Grounds.

- (1) A married individual may bring a petition seeking separate maintenance from the married individual's spouse if:
 - (a) the married individual, or the married individual's spouse, is a resident of this state; and
 - (b) the married individual's spouse:
 - (i) deserts the married individual without good and sufficient cause;
 - (ii) being of sufficient ability to provide support, neglects or refuses to properly provide for and suitably maintain the married individual;
 - (iii) has property within this state and deserts, neglects, or refuses to provide support to the married individual; or
 - (iv) lives separate and apart from the married individual without any fault to the married individual.
- (2) If a petition is filed under Subsection (1), the court shall allot, assign, set apart, and decree as alimony the use of the real and personal estate or earnings of the respondent as the court may determine is appropriate.
- (3) During the pendency of the action, the court may require the respondent to pay a sum as provided in Section 81-1-203.

Renumbered and Amended by Chapter 366, 2024 General Session

81-4-203 Venue -- Procedure.

- (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a petitioner shall bring an action under this part in any county in which the petitioner or respondent is found.
- (2) An action under this part shall proceed in accordance with the Utah Rules of Civil Procedure.

Renumbered and Amended by Chapter 366, 2024 General Session

81-4-204 Custody and maintenance of children -- Property and debt division -- Support payments.

- (1) In an action under this part, the court may by order or decree:
 - (a) provide for the care, custody, and maintenance of a minor child of the parties ;
 - (b)
 - (i) provide for support of a spouse and the support of a minor child remaining with that spouse;

- (ii) provide how and when support payments are made; and
 - (iii) provide that a spouse have a lien upon the property of the other spouse to secure payment of the support or maintenance obligation;
 - (c) award to a spouse the possession of any real or personal property of the other spouse or acquired by the spouses during the marriage;
 - (d) specify which party is responsible for the payment of joint debts, obligations, or liabilities of the parties contracted or incurred during marriage in accordance with Section 15-4-6.5;
 - (e) require the parties to notify respective creditors or obligees regarding the court's division of debts, obligations, or liabilities and regarding the parties' separate and current addresses in accordance with Section 15-4-6.5; or
 - (f) provide for the enforcement of the orders described in Subsections (1)(a) and (e).
- (2) A court may enforce an order or decree under this section:
- (a) by sale of any property of the spouse;
 - (b) by contempt proceedings; or
 - (c) as is otherwise necessary.
- (3) The court may:
- (a) change the support or maintenance of a party from time to time according to circumstances; or
 - (b) terminate altogether any obligation upon satisfactory proof of voluntary and permanent reconciliation.
- (4) An order or decree of support or maintenance described in this part is valid only during the joint lives of the parties.

Renumbered and Amended by Chapter 366, 2024 General Session

81-4-205 Restraining disposal of property.

- (1) At the time of the filing of a petition described in Section 81-4-202, or at any time subsequent to the filing of the petition, a party may procure from the court, and file with the county recorder of any county in the state in which the other party may own real estate, an order enjoining and restraining the other party from disposing of or encumbering the real estate or any portion of the real estate.
- (2) The party shall describe the real estate with reasonable certainty in a filing described in Subsection (1).
- (3) From the time in which a party receives a court order described in Subsection (1), the party has a lien in favor of the party to the extent of any judgment that is rendered in an action under this part.

Renumbered and Amended by Chapter 366, 2024 General Session

81-4-206 Rights and remedies -- Imprisonment of spouse.

If a party to an action for separate maintenance is imprisoned in the state prison for a sentence of one year or more and a suitable provision of support has not been made for the other party, the rights and remedies of this part shall be extended to the party that is not imprisoned.

Renumbered and Amended by Chapter 366, 2024 General Session