

Effective 3/23/2026

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 make a determination of the standard of living existing during the marriage;
 - (b) the financial condition and needs of the payee, provided that the payee may show financial needs by itemizing expenses present during the marriage rather than by itemizing post petition expenses;
 - (c) the payee's earning capacity or ability to produce income, including the impact of diminished workplace experience resulting from primarily caring for a minor child of the payor;
 - (d) the ability of the payor to provide support;
 - (e) the tax consequences of alimony on each party;
 - (f) the length of the marriage;
 - (g) whether the payee has custody of a minor child requiring support;
 - (h) whether the payee worked in a business owned or operated by the payor; and
 - (i) whether the payee directly contributed to any increase in the payor's skill by paying for education received by the payor or enabling the payor to attend school during the marriage.
- (2)
 - (a) The court may consider the fault of the parties in determining whether to award alimony and the terms of the alimony.
 - (b) The court may, when fault is at issue, close the proceedings and seal the court records.
- (3)
 - (a) Except as otherwise provided by this section, the court shall consider the standard of living, existing at the time of separation, in determining alimony in accordance with this section.
 - (b) In considering all relevant facts and principles, the court may, in the court's discretion, base alimony on the standard of living that existed at the time of trial.
- (4)
 - (a) The court may attempt to equalize the parties' respective standards of living.
 - (b)
 - (i) If a marriage has been in effect for 10 years or more, and if the payee has significantly diminished workplace experience resulting from an agreement between the spouses that the payee reduce the payee's workplace experience to care for a minor child of the payor, it shall be the rebuttable presumption that the court equalize the parties' standard of living.
 - (ii) The presumption under Subsection (4)(b)(i) can be rebutted by a showing of good cause, and the court shall enter specific findings of fact as to the evidentiary basis for its determination.
 - (c) This Subsection (4) may not be applied to or used as the basis to modify an alimony award if the petition for divorce was filed before May 1, 2024.
- (5)
 - (a) If the marriage is short in duration and a minor child has not been conceived or born during the marriage, the court may consider the standard of living that existed at the time of the marriage.

- (b) In determining alimony when a marriage of short duration dissolves and a minor child has not been conceived or born during the marriage, the court may consider restoring each party to the condition which existed at the time of the marriage.
- (6)
 - (a) When a marriage of long duration dissolves on the threshold of a major change in the income of one of the parties due to the collective efforts of both parties, the court shall consider the change when dividing the marital property and in determining the amount of alimony.
 - (b) If a party's earning capacity has been greatly enhanced through the efforts of both parties during the marriage, the court may make a compensating adjustment in dividing the marital property and awarding alimony.
- (7)
 - (a) Except as provided in Subsection (7)(c), the court may not order alimony for a period of time longer than the length of the marriage.
 - (b) If a party is ordered to pay temporary alimony during the pendency of a divorce action, the court shall count the period of time that the party pays temporary alimony towards the period of time for which the party is ordered to pay alimony.
 - (c) At any time before the termination of alimony, the court may find extenuating circumstances or good cause that justify the payment of alimony for a longer period of time than the length of the marriage.
- (8)
 - (a) If the parties to the divorce action were previously married to each other, divorced, and then remarried each other, the court shall consider the aggregate of the two marriages as the length of the marriage under Subsection (7)(a) if:
 - (i) the parties are seeking a divorce for the subsequent marriage; and
 - (ii) the petition for divorce for the subsequent marriage was filed on or after January 1, 2026.
 - (b) The aggregate of the two marriages described in Subsection (8)(a):
 - (i) is the sum of:
 - (A) the length of time beginning on the day that the parties first married and ending on the day that one of the parties filed the petition for divorce in the prior divorce action; and
 - (B) the length of time beginning on the day that the parties remarried and ending on the day that one of the parties filed the petition for divorce in the current divorce action; and
 - (ii) does not include the time period between the day that a party filed the petition for divorce in the prior divorce action and the day on which the parties remarried.
 - (c) A court may decline to consider the aggregate of the two marriages as the length of the marriage if the court finds, by a preponderance of the evidence, that aggregating the two marriages would be inequitable.
 - (d) This Subsection (8) does not:
 - (i) reopen, modify, or affect the finality of the prior divorce; or
 - (ii) alter the division of property, debts, or obligations in the prior divorce.

Amended by Chapter 249, 2026 General Session