

Effective 9/1/2024

Chapter 4 Dissolution of Marriage

Effective 9/1/2024

Part 1 General Provisions

Effective 9/1/2024

81-4-101 Definitions for chapter.

As used in this chapter:

- (1) "Alimony" means financial support made to a spouse or former spouse for the support and maintenance of that spouse.
- (2) "Child support" means the same as that term is defined in Section 81-6-101.

Enacted by Chapter 366, 2024 General Session

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81-4-102 Action for annulment or divorce as alternative relief.

Nothing in this chapter shall be construed to prevent the filing of an action requesting an annulment or a divorce as alternative relief.

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81-4-103 Nunc pro tunc order by court.

Upon a court's finding of good cause and giving of such notice as may be ordered, the court may enter an order nunc pro tunc in a matter relating to marriage, divorce, legal separation, or annulment of marriage.

Renumbered and Amended by Chapter 366, 2024 General Session

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81-4-104 Temporary separation order.

- (1) An individual may file an action for a temporary separation order, without filing a petition for divorce, by filing a petition for temporary separation and motion for temporary orders if:
 - (a) the individual is lawfully married to the individual from whom the separation is sought; and
 - (b)
 - (i) both parties are residents of the state for at least 90 days before the day on which the action is filed; or
 - (ii) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(4)(a)(ii).
- (2) The temporary orders are valid for one year after the day on which the hearing for the order is held or until one of the following occurs:
 - (a) a petition for divorce is filed and consolidated with the petition for temporary separation; or
 - (b) the case is dismissed.

- (3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.
- (4)
 - (a) If the parties to the temporary separation action have a minor child, the parties shall attend the divorce orientation course described in Section 81-4-105:
 - (i) for the petitioner, within 60 days after the day on which the petition is filed; and
 - (ii) for the respondent, within 30 days after the day on which the respondent is served.
 - (b) If the parties to the temporary separation action do not have a minor child, the parties may choose to attend the divorce orientation course described in Section 81-4-105.
 - (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation course requirement.
 - (d) A petition shall include information regarding the divorce orientation course requirement when the petition is served on the respondent.
- (5) For a party that is unable to pay the costs of the divorce orientation course, and before the court enters a decree of divorce in the action, the court shall:
 - (a) make a final determination of indigency; and
 - (b) order the party to pay the costs of the divorce orientation course if the court determines the party is not indigent.
- (6)
 - (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the temporary separation petition until the moving party completes the divorce orientation course.
 - (b) It is an affirmative defense in a temporary separation action that a party has not completed the divorce orientation course and the action may not continue until a party has complied with the divorce orientation course.
- (7)
 - (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the divorce orientation course, on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.
 - (b) If the requirement is waived, the court may permit the temporary separation action to proceed.
- (8) The petitioner shall serve the petition for a temporary separation order in accordance with the Utah Rules of Civil Procedure.
- (9) If a party files for divorce within one year after the day on which the petition for temporary separation is filed, the filing fee for a petition for temporary separation shall be credited towards the filing fee for a divorce.

Renumbered and Amended by Chapter 366, 2024 General Session

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81-4-105 Mandatory orientation course for divorce or temporary separation actions.

- (1)
 - (a) There is established a mandatory divorce orientation course for all parties with minor children who file a petition for temporary separation or for a divorce.
 - (b) A couple with no minor children is not required, but may choose to attend the course.
- (2) The divorce orientation course shall be neutral, unbiased, and at least one hour in duration.
- (3) The divorce orientation course shall educate the parties about the divorce process and reasonable alternatives, including instructing the parties on:

- (a) options available as alternatives to divorce;
 - (b) resources available from courts and administrative agencies for resolving custody and support issues without filing for divorce;
 - (c) resources available to improve or strengthen the marriage;
 - (d) a discussion of the positive and negative consequences of divorce;
 - (e) a discussion of the process of divorce;
 - (f) options available for proceeding with a divorce, including:
 - (i) mediation;
 - (ii) collaborative law; and
 - (iii) litigation; and
 - (g) a discussion of post-divorce resources.
- (4) The divorce orientation course may be provided in conjunction with a mandatory parenting course required by Section 81-9-103.
- (5) The Administrative Office of the Courts shall administer the divorce orientation course, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts and organize the program in each of Utah's judicial districts.
- (6) The divorce orientation course may be through live instruction, video instruction, or through an online provider.
- (7)
- (a) A party shall pay the cost of the divorce orientation course to the independent contractor providing the course at the time and place of the course.
 - (b) A party may not be charged more than \$30 to participate in the divorce orientation course.
 - (c) A petitioner may not be charged more than \$15 to participate in the divorce orientation course if the petitioner attends a live instruction course within 30 days after the day on which the petitioner filed the action.
 - (d) A respondent may not be charged more than \$15 to participate in the divorce orientation course if the respondent attends a live instruction course within 30 days after the day on which the respondent is served with the action.
 - (e) A fee of \$5 shall be collected, as part of the divorce orientation course fee paid by each participant, and deposited in the Children's Legal Defense Account described in Section 51-9-408.
 - (f) Each party who is unable to pay the costs of the course may attend the divorce orientation course, without payment, upon a prima facie showing of indigency as evidenced by an affidavit of indigency filed in the district court in accordance with Section 78A-2-302.
 - (g) The Administrative Office of the Courts shall use appropriations from the Children's Legal Defense Account to reimburse an independent contractor for the costs of a party who is unable to pay for the divorce orientation course under Subsection (7)(f).
- (8) The Online Court Assistance Program shall include instructions with the forms for divorce that inform the petitioner of the requirement of this section.
- (9) A certificate of completion constitutes evidence to the court of completion of the divorce orientation course by the parties.
- (10) The Administrative Office of the Courts shall:
- (a) adopt a program to evaluate the effectiveness of the divorce orientation course described in this section; and
 - (b) provide progress reports to the Judiciary Interim Committee if requested.

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**Part 2
Separate Maintenance**

Effective 9/1/2024

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.

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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.

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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.

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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.

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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.

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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.

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**Part 3
Annulment**

Effective 9/1/2024

81-4-301 Definitions for part.

As used in this part:

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

Enacted by Chapter 366, 2024 General Session

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81-4-302 Annulment -- Grounds.

A court may annul a marriage for any of the following causes existing at the time of the marriage:

- (1) when the marriage is prohibited or void under Title 81, Chapter 2, Part 4, Validity of Marriage;
or
- (2) upon grounds existing at common law.

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81-4-303 Petition for annulment -- Venue -- Judgment on validity of marriage.

- (1)
 - (a) When there is doubt as to the validity of a marriage, a party to the marriage may bring a petition for annulment to demand avoidance or affirmance of the marriage.
 - (b) If one of the parties was under 18 years old at the time of the marriage, the other party, being of proper age at the time of the marriage, may not bring a petition for annulment against the party who was under 18 years old.
- (2) A petitioner may bring a petition for annulment in any county where the petitioner or respondent is domiciled.
- (3)
 - (a) If a petition for annulment is filed upon the ground that one or both of the parties were prohibited from marriage because of the age of the parties, the court may refuse to grant the annulment if the court finds that it is in the best interest of the parties, or a child of the parties, to refuse the annulment.
 - (b) The refusal to annul under Subsection (3)(a) makes the marriage valid and subsisting for all purposes.

- (4) If the parties have accumulated any property or acquired any obligations subsequent to the marriage, if there is a genuine need arising from an economic change of circumstances due to the marriage, or if there is a child born or expected, the court may make temporary and final orders, and subsequently modify the orders, as may be equitable, in regards to:
 - (a) the property and obligations of the parties;
 - (b) the support and maintenance of the parties and a child, as defined in Section 81-6-101, of the parties; and
 - (c) the custody and parent-time for a minor child of the parties.
- (5) A judgment in an action under this part:
 - (a) shall declare the marriage valid or annulled; and
 - (b) is conclusive upon all persons concerned with the marriage.

Renumbered and Amended by Chapter 366, 2024 General Session

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Part 4 Divorce

Effective 9/1/2024

81-4-401 Definitions for part.

As used in this part:

- (1) "Cohabitation" means the same as the term, "cohabit," is defined in Section 81-4-501.
- (2) "Mandatory courses" means:
 - (a) the mandatory divorce orientation course described in Section 81-4-105; and
 - (b) the mandatory parenting course described in Section 81-9-103.
- (3) "Petitioner" means the individual who brings a petition for divorce.
- (4) "Respondent" means the individual against whom a petition for divorce is brought.

Enacted by Chapter 366, 2024 General Session

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81-4-402 Petition for divorce -- Divorce proceedings -- Temporary orders.

- (1) An individual may bring a petition for divorce if:
 - (a) the individual or the individual's spouse is an actual and bona fide resident of the county where the petition is filed for at least 90 days before the day on which the petition is filed;
 - (b) the individual is a member of the armed forces of the United States and the individual is stationed under military orders in this state for at least 90 days before the day on which the petition is filed; or
 - (c) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(4)(a)(ii).
- (2) A divorce action shall be commenced and conducted in accordance with this chapter and the Utah Rules of Civil Procedure.
- (3)
 - (a) The court may not enter a decree of divorce until 30 days after the day on which the petition is filed, unless the court finds that extraordinary circumstances exist.

- (b) The court may make interim orders as the court considers just and equitable before the expiration of the 30-day period described in Subsection (3)(a).
- (4)
 - (a) If the parties to the divorce action have a minor child, the parties shall attend the mandatory courses:
 - (i) for the petitioner, within 60 days after the day on which the petition is filed; and
 - (ii) for the respondent, within 30 days after the day on which the respondent is served.
 - (b) If the parties to a divorce action do not have a minor child, the parties may choose to attend the mandatory divorce orientation course described in Section 81-4-105.
 - (c) The clerk of the court shall provide notice to a petitioner of the requirement for the mandatory courses.
 - (d) A petition shall include information regarding the mandatory courses when the petition is served on the respondent.
- (5) For a party that is unable to pay the costs of the mandatory courses, and before the court enters a decree of divorce in the action, the court shall:
 - (a) make a final determination of indigency; and
 - (b) order the party to pay the costs of the mandatory courses if the court determines the party is not indigent.
- (6)
 - (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce until the moving party completes the mandatory courses.
 - (b) It is an affirmative defense in a divorce action that a party has not completed the mandatory courses and the action may not continue until a party has complied with the mandatory courses.
- (7)
 - (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the mandatory courses, on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, or feasible, or in the best interest of the parties.
 - (b) If the requirement is waived, the court may permit the divorce action to proceed.
- (8) The use of counseling, mediation, and education services provided under this part may not be construed as condoning or promoting divorce.

Enacted by Chapter 366, 2024 General Session

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81-4-403 Mediation requirement.

- (1) There is established a mandatory domestic mediation program to help reduce the time and tensions associated with obtaining a divorce.
- (2)
 - (a) If there are any remaining contested issues after the filing of a response to a petition for divorce, the parties shall participate in good faith in at least one session of mediation.
 - (b) The requirement described in Subsection (2)(a) does not preclude the entry of pretrial orders before mediation takes place.
- (3) The parties shall use a mediator qualified to mediate domestic disputes under criteria established by the Judicial Council in accordance with Section 78B-6-205.

- (4) Unless otherwise ordered by the court or the parties agree upon a different payment arrangement, the cost of mediation shall be divided equally between the parties.
- (5) The director of dispute resolution programs for the courts, the court, or the mediator may excuse either party from the requirement to mediate for good cause.
- (6) A mediation described in this section shall be conducted in accordance with the Utah Rules of Court-Annexed Alternative Dispute Resolution.

Renumbered and Amended by Chapter 366, 2024 General Session

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81-4-404 Allegations of child abuse or child sexual abuse in a divorce proceeding -- Investigation.

- (1) When an allegation of child abuse or child sexual abuse is made in a divorce proceeding, or a request for modification of a divorce decree, that implicates a party, the court, after making an inquiry, may order that an investigation be conducted by the Division of Child and Family Services in accordance with Title 80, Chapter 2, Child Welfare Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.
- (2) A final award of custody or parent-time may not be rendered until a report on that investigation, consistent with Section 80-2-1005, is received by the court.
- (3) The Division of Child and Family Services shall conduct an investigation described in Subsection (1) within 30 days of the court's notice and request for an investigation.
- (4) In reviewing a report described in Subsection (2), the court shall comply with Sections 78A-2-703, 78A-2-705, and 78B-15-612.

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81-4-405 Grounds for divorce.

- (1) A court may order the dissolution of a marriage contract between the petitioner and the respondent on the grounds of:
 - (a) impotency of the respondent at the time of marriage;
 - (b) adultery committed by the respondent subsequent to marriage;
 - (c) willful desertion of the petitioner by the respondent for more than one year;
 - (d) willful neglect of the respondent to provide for the petitioner the common necessities of life;
 - (e) habitual drunkenness of the respondent;
 - (f) conviction of the respondent for a felony;
 - (g) cruel treatment of the petitioner by the respondent to the extent of causing bodily injury or great mental distress to the petitioner;
 - (h) irreconcilable differences of the marriage;
 - (i) incurable insanity; or
 - (j) when the petitioner and respondent have lived separately under a decree of separate maintenance of any state for three consecutive years without cohabitation.
- (2) A decree of divorce granted under Subsection (1)(j) does not affect the liability of either party under any provision for separate maintenance previously granted.
- (3)
 - (a) A court may not order the dissolution of a marriage contract between the petitioner and the respondent on the grounds of insanity unless:

- (i) the respondent has been adjudged insane by the appropriate authorities of this or another state prior to the commencement of the action; and
- (ii) the court finds by the testimony of competent witnesses that the insanity of the respondent is incurable.
- (b) The court shall appoint for the respondent a guardian ad litem who shall protect the interests of the respondent.
- (c) A copy of the summons and petition shall be served on:
 - (i) the respondent in person or by publication, as provided by the laws of this state in other actions for divorce, or upon the respondent's guardian ad litem; and
 - (ii) the county attorney for the county where the action is prosecuted.
- (d) The county attorney shall:
 - (i) investigate the merits of the case;
 - (ii) if the respondent resides out of this state, take depositions as necessary;
 - (iii) attend the proceedings; and
 - (iv) make a defense as is just to protect the rights of the respondent and the interests of the state.
- (e) The petitioner or respondent may:
 - (i) if the respondent resides in this state, upon notice, have the respondent brought into the court at trial; or
 - (ii) have an examination of the respondent by two or more competent physicians to determine the mental condition of the respondent.
- (f) For the purpose described in Subsection (3)(e), a party may have leave from the court to enter any asylum or institution where the respondent may be confined.
- (g) The court shall apportion the costs of court in this action.

Renumbered and Amended by Chapter 366, 2024 General Session

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81-4-406 Decree of divorce -- When decree becomes absolute -- Remarriage -- Jurisdiction to modify a decree for a child born after the decree.

- (1)
 - (a) The court shall enter a decree of divorce upon the evidence or the petitioner's affidavit in the case of default as described in Subsection (1)(b).
 - (b) A court may not grant a divorce upon default, unless there is evidence to support a decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the Utah Rules of Civil Procedure.
- (2) Unless the requirement is waived by the court under Subsection 81-4-402(5), a court may not grant a decree of divorce for parties with a minor child until:
 - (a) both parties have attended the mandatory courses described in Sections 81-4-105 and 81-4-106; and
 - (b) both parties have presented a certificate of course completion for each course to the court.
- (3) In a decree of divorce, the court shall:
 - (a) 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;
 - (b) 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;
 - (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);

- (d) if a party owns a life insurance policy or an annuity contract, include an acknowledgment by the court that the party:
 - (i) has reviewed and updated, where appropriate, the list of beneficiaries;
 - (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries after the divorce becomes final; and
 - (iii) understands that, if no changes are made to the policy or contract, the beneficiaries currently listed will receive any funds paid by the insurance company under the terms of the policy or contract; and
- (e) if the parties have a child as defined in Section 81-6-101, include an order for child support and medical expenses as described in Chapter 6, Child Support.
- (4) The court may include in the divorce decree any equitable orders relating to:
 - (a) the parties, including any alimony to be awarded to a party in accordance with Part 5, Spousal Support;
 - (b) a child of the parties; and
 - (c) any property, debts, or obligations.
- (5) A decree of divorce becomes absolute:
 - (a) on the date it is signed by the court and entered by the clerk in the register of actions;
 - (b) at the expiration of a period of time the court may specifically designate, unless an appeal or other proceedings for review are pending;
 - (c) if an appeal is taken, when the decree is affirmed; or
 - (d) when the court, before the decree becomes absolute, for sufficient cause otherwise orders.
- (6) The court, upon application or on the court's own motion for good cause shown, may waive, alter, or extend a designated period of time before the decree becomes absolute, but not to exceed six months from the signing and entry of the decree.
- (7) A party to a divorce proceeding may not marry another individual other than the other party for whom the divorce was granted until the party's divorce becomes absolute.
- (8) The court has jurisdiction to modify a decree of divorce to address child support, parent-time, and other matters related to a minor child born to the parties after the decree of divorce is entered.

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Part 5 Spousal Support

Effective 9/1/2024

81-4-501 Definitions for part.

As used in this part:

- (1) "Child support guidelines" means the same as that term is defined in Section 81-6-101.
- (2) "Cohabit" means to live together, or to reside together on a regular basis, in the same residence and in a relationship of a romantic or sexual nature.
- (3) "Fault" means any of the following wrongful conduct during the marriage that substantially contributed to the breakup of the marriage:
 - (a) engaging in sexual relations with an individual other than the party's spouse;

- (b) knowingly and intentionally causing or attempting to cause physical harm to the other party or a minor child;
 - (c) knowingly and intentionally causing the other party or a minor child to reasonably fear life-threatening harm; or
 - (d) substantially undermining the financial stability of the other party or the minor child.
- (4) "Length of the marriage" means, for purposes of alimony, the number of years from the day on which the parties are legally married to the day on which the petition for divorce is filed with the court.
- (5) "Payee" means the party who is or would receive alimony from the other party.
- (6) "Payor" means the party who is paying, or would pay, alimony to the other party.
- (7) "Temporary alimony" means money that the court orders a party to pay during the pendency of an action under this chapter for the support and maintenance of a party as described in Subsection 81-1-203(4).

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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 length of the marriage;
 - (f) whether the payee has custody of a minor child requiring support;
 - (g) whether the payee worked in a business owned or operated by the payor; and
 - (h) 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.

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81-4-503 Imputed income for payee for alimony purposes -- No recent work history or disability.

- (1) Notwithstanding the provisions of Section 81-4-502 or 81-6-203, the court may, in determining imputation of income to a payee, apply the provisions of this section if the payee:
 - (a) has diminished workplace experience, that resulted from an agreement between the spouses that the payee reduce the payee's workplace experience to care for a minor child of the payor;
or
 - (b) has been diagnosed with a disability that has caused a reduction in the payee's workplace experience.
- (2) If a payee meets the requirements of Subsection (1)(a) or (b), the court:
 - (a) may consider reasonable efforts made by the payee to improve the payee's employment situation and any reasonable barrier to obtaining or retaining employment; and

- (b) is not required to consider that the payee may be underemployed if the payee is employed and has shown reasonable barriers to improving the payee's employment.
- (3)
- (a) In making an income imputation under this section, the court may use relevant provisions of Section 81-6-203, provided that the provision is not contrary to the requirements of this section.
 - (b) When considering what constitutes a reasonable barrier to obtaining or retaining employment, the court:
 - (i) may include in its analysis a determination of the length of time that is considered by the court to be recent as it relates to a payee's work history, training, or education under this section;
 - (ii) may consider whether the payee:
 - (A) is fully competitive against other employment applicants whose work history, training, or education is current; and
 - (B) in the case of a disability, is fully competitive against other employment applicants who do not have a disability; and
 - (iii) may impute any income as it relates to employment for which the spouse is fully competitive and has not shown any reasonable barriers to obtain.
 - (c) If the court imputes any income to a payee who qualifies for income determination under this section, the court shall enter specific findings of fact as to the evidentiary basis for imputing the income.
- (4)
- (a) After a divorce decree has been entered, subject to the requirements of Section 81-4-504, the court may review an income imputation to a payee under this section.
 - (b) A payee's showing that barriers have prevented significant improvement of the payee's employment situation, despite reasonable efforts on the part of the payee to improve the payee's employment situation, may, in the court's determination, constitute a substantial material change in circumstances and eligibility to review an income imputation under this section.

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

- (1) The court has continuing jurisdiction to make substantive changes and new orders regarding alimony based on a substantial material change in circumstances not expressly stated in the divorce decree or in the findings that the court entered at the time of the divorce decree.
- (2)
- (a) A party's retirement is a substantial material change in circumstances that is subject to a petition to modify alimony, unless the divorce decree, or the findings that the court entered at the time of the divorce decree, expressly states otherwise.
 - (b) Subsection (2)(a) applies to a divorce decree regardless of the date on which the divorce decree was entered.
- (3) The court may not modify alimony or issue a new order for alimony to address needs of the recipient that did not exist at the time the decree was entered, unless the court finds extenuating circumstances that justify that action.
- (4) In modifying the amount of alimony, the court may not consider the income of any subsequent spouse of the payor, except that the court may consider:
- (a) the subsequent spouse's financial ability to share living expenses; or

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

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81-4-505 Termination of alimony.

- (1)
 - (a) Except as provided in Subsection (1)(b), or unless a decree of divorce specifically provides otherwise, any order of the court that a payor pay alimony to a payee automatically terminates upon the remarriage or death of that payee.
 - (b) If the remarriage of the payee is annulled and found to be void ab initio, the payment of alimony shall resume if the payor is made a party to the action of annulment and the payor's rights are determined.
- (2) If a payor establishes that a payee cohabits with another individual during the pendency of the divorce action, the court:
 - (a) may not order the payor to pay temporary alimony to the payee; and
 - (b) shall terminate any order that the payor pay temporary alimony to the payee.
- (3)
 - (a) Subject to Subsection (3)(b), the court shall terminate an order that a payor pay alimony to a payee if the payor establishes that, after the order for alimony is issued, the payee cohabits with another individual even if the payee is not cohabiting with the individual when the payor files the motion to terminate alimony.
 - (b) A payor may not seek termination of alimony under Subsection (3)(a) later than one year after the day on which the payor knew or should have known that the payee has cohabited with another individual.

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