

S.B. 96
ALIMONY AMENDMENTS

Senator **Lyle W. Hillyard** proposes the following amendments:

1. *Page 1, Lines 11 through 14:*

11 This bill:
12 ▶ defines fault and ~~{-cohabit-}~~ cohabit ;
13 ▶ requires that a court ordering alimony in excess of \$1,000 per month for ~~{-longer than-}~~ at
least
14 60 months require a plan for self-sufficiency from the recipient;

2. *Page 6, Lines 161 through 167:*

161 (a) "~~{-Cohabitate-}~~ Cohabit " means two non-related persons living together ~~{-and~~
engaging-} in ~~{-sexual~~
162 relations-} a romantic relationship .
163 (b) "Fault" means any action that affects the mental, physical, or emotional condition
164 of a party being awarded alimony that reduces that party's ability to earn income at the party's
165 full capability.
166 (2) In any temporary orders or final decree of divorce, the court may order a party to pay alimony to
167 the
other party, taking into consideration the following factors:

3. *Page 6, Line 177:*

177 (3) The court may consider ~~{-any-}~~ fault of the parties in determining alimony.

4. *Page 7, Line 208 through Page 8, Line 214:*

208 (8) ~~{-If a party requests, or the court orders,-}~~ A party seeking alimony in an amount in
excess of \$1,000
209 per month for ~~{-more than-}~~ at least 60 months shall submit, along with the financial declaration
and settlement proposal when the case is certified as ready for trial, ~~{-, the court shall require the~~
210 requesting or recipient party to
present to the court, within 60 days after the order,-} a plan detailing a course of action the
211 recipient will undertake in order to become self-sufficient or specific facts that demonstrate why the
recipient is not able to become self-sufficient, unless the parties have reached a stipulation regarding
alimony . The court may waive this

212 requirement if it makes specific findings that the recipient is not able to become self-sufficient.
213 Unless the court orders otherwise, alimony shall be terminated if a plan is not submitted.
214 (9) If the court determines that the recipient party has the ability to become

5. *Page 8, Lines 230 through 234:*

230 (11) (a) Any order of the court that a party pay alimony to a former spouse may be
231 modified or terminated by the court if the party paying alimony establishes that the recipient is
232 ~~{cohabitating}~~ cohabiting with another person.
233 (b) There is a rebuttable presumption that, if a person spends ~~{three}~~ seven or more nights in a
234 ~~{seven}~~ 14 -day period at the residence of a non-related person, the two persons are cohabiting.