

88 spouse; and

89 (vii) whether the recipient spouse directly contributed to any increase in the payor
90 spouse's skill by paying for education received by the payor spouse or ~~allowing~~ enabling the
91 payor spouse to attend school during the marriage.

92 (b) The court may consider the fault of the parties in determining ~~alimony.~~ whether or
93 not to award alimony. An alimony award is not considered punitive if it complies with this
94 subsection.

95 (c) "Fault" means that one party committed substantiated acts or engaged in
96 substantiated behavior during the marriage that unilaterally and substantially compromised the
97 marriage, or unilaterally and substantially harmed the ~~Ĥ~~→ **physical** ←~~Ĥ~~ safety, or financial
97a stability of the other
98 party or their minor children, including:

99 (i) sexual relations with a person who is not the party's spouse; ~~Ĥ~~→ **[or]** ←~~Ĥ~~

100 (ii) physical abuse of the spouse or minor children

100a ~~Ĥ~~→ **(iii) substantiated long term addictions to alcohol, drugs, pornography, or gambling; or**

100b **(iv) conviction of a violent felony** ←~~Ĥ~~ .

101 (d) A party may stipulate to an allegation of fault.

102 (e) ~~Ĥ~~→ **The participation by a party in professional counseling, therapy, or other**
102a **programs for the purpose of seeking to overcome addictions may not be used to establish fault.**

102b **(f)** ←~~Ĥ~~ The court may, when fault is at issue, close the proceedings and seal the court
103 records.

104 ~~(e)~~ ~~Ĥ~~→ **(f)** **(g)** ←~~Ĥ~~ As a general rule, the court should look to the standard of living,
104a existing at the
105 time of separation, in determining alimony in accordance with Subsection (8)(a). However, the
106 court shall consider all relevant facts and equitable principles and may, in its discretion, base
107 alimony on the standard of living that existed at the time of trial. In marriages of short
108 duration, when no children have been conceived or born during the marriage, the court may
109 consider the standard of living that existed at the time of the marriage.

110 ~~(d)~~ ~~Ĥ~~→ **(g)** **(h)** ←~~Ĥ~~ The court may, under appropriate circumstances, attempt to
110a equalize the
111 parties' respective standards of living.

112 ~~(e)~~ ~~Ĥ~~→ **(h)** **(i)** ←~~Ĥ~~ When a marriage of long duration dissolves on the threshold
112a of a major
113 change in the income of one of the spouses due to the collective efforts of both, that change
114 shall be considered in dividing the marital property and in determining the amount of alimony.
115 If one spouse's earning capacity has been greatly enhanced through the efforts of both spouses
116 during the marriage, the court may make a compensating adjustment in dividing the marital
117 property and awarding alimony.

118 **(f)** ~~Ĥ~~→ **(i)** **(j)** ←~~Ĥ~~ In determining alimony when a marriage of short duration
118a dissolves, and no