

H.B. 236

ALIMONY MODIFICATIONS

Representative **Stephen E. Sandstrom** proposes the following amendments:

1. *Page 5, Lines 145 through 146:*

145 (iii) In determining alimony, the income of any subsequent spouse of the payor may not
146 be considered, except as provided in this Subsection (8) , however, the ability of a cohabitant to earn income shall be considered and imputed to the payor .

2. *Page 5, Lines 149 through 150:*

149 (B) The court may consider the income of a subsequent spouse if the court finds that
150 the payor's improper conduct justifies that consideration. Improper conduct that justifies consideration includes adultery, alienation of affection, and a finding of fault under this Subsection (8). If the court finds that the improper conduct of the payor justifies the consideration of the income of a subsequent spouse, the subsequent spouse's ability to earn income shall be considered and imputed to the payor.

3. *Page 6, Lines 156 through 158:*

156 (9) Unless a decree of divorce specifically provides otherwise, any order of the court
157 that a party pay alimony to a former spouse automatically terminates upon the {~~remarriage or~~}
158 death of that former spouse. Upon remarriage of the former spouse, alimony shall be reviewed by the court. However, if the remarriage is annulled and found to be void ab

4. *Page 6, Line 163:*

163 another person.

(11) As used in this Section, "cohabit" means two persons living together when not legally married in a shared financial and sexual or romantic relationship.

(a) In determining whether cohabitation exists, the court shall consider whether there is probable cause to believe that cohabitation exists based on the following factors:

(i) financial support from or to the alleged cohabitant;

(ii) shared financial obligations between alleged cohabitants;

(iii) frequency and duration of overnights shared by the alleged cohabitants; and

(iv) any and all evidence of a sexual or romantic relationship between the alleged cohabitants.

(b) There is a rebuttable presumption that if two unrelated people spend twelve or more nights together in a four week time period, repeated in two consecutive four week time periods, the two persons are cohabitating.

