

Representative Jordan D. Teuscher proposes the following substitute bill:

DIVORCE IMPUTED INCOME REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to imputation of income for alimony purposes.

Highlighted Provisions:

This bill:

► provides potential limitations on imputation of income for alimony purposes in some circumstances where the recipient spouse has no recent full-time work history or has been diagnosed with a disability.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

30-3-5.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **30-3-5.5** is enacted to read:

30-3-5.5. Imputed income for recipient spouse for alimony purposes -- No recent



26 **work history or disability.**

27 (1) Notwithstanding the provisions of Section 30-3-5 or 78B-12-203, the court shall, in
28 determining imputation of income to a recipient spouse, apply the provisions of this section if
29 the recipient spouse:

30 (a) has no recent full-time work history resulting primarily from caring for a child of
31 the payor spouse; or

32 (b) has been diagnosed with a disability.

33 (2) If a recipient spouse has no recent full-time work history resulting primarily from
34 caring for a child of the payor spouse, the court may not:

35 (a) impute income to a recipient spouse for employment, training, or education which
36 is not recent or for which the recipient spouse has no recent full-time work history; or

37 (b) impute any income for employment for which the recipient spouse can show a
38 reasonable barrier to obtaining or retaining that employment.

39 (3) If a recipient spouse has been diagnosed with a disability:

40 (a) the court may not impute income to a recipient spouse in an amount that is contrary
41 to the recipient spouse's testimony and evidence, or the recipient spouse's expert's testimony,
42 unless:

43 (i) fraud is shown on the part of the recipient spouse in alleging disability or work
44 limitations; or

45 (ii) the court finds the expert testimony to be wholly unreliable; and

46 (b) the court may impute income in another amount than that shown under Subsection
47 (3)(a), as applicable, provided that the court enters specific, unrefuted findings of fact as to the
48 evidentiary basis for the imputation.

49 (4) (a) In making an income imputation under this section, the court may use relevant
50 provisions of Section 78B-12-203, provided that the provision is not contrary to the
51 requirements of this section.

52 (b) When determining the length of time that is considered by the court to be recent as
53 relates to a recipient spouse's work history, training, or education under this section, the court
54 shall consider whether the spouse is fully competitive against other employment applicants
55 whose work history, training, or education is current.

56 (5) (a) After a divorce decree has been entered, subject to the requirements of

57 Subsection 30-3-5(11), the court shall review an income imputation to a recipient spouse under
58 this section, if applicable.

59 (b) A recipient spouse's showing that barriers have prevented significant improvement
60 of the recipient spouse's employment situation, despite reasonable efforts on the part of the
61 recipient spouse to improve their employment situation, shall constitute a substantial material
62 change in circumstances and eligibility to review an income imputation under this section.

63 Section 2. **Effective date.**

64 This bill takes effect on May 1, 2024.