

1 HB409
2 110903-1
3 By Representative Wren
4 RFD: Judiciary
5 First Read: 21-JAN-10

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8 SYNOPSIS: Existing law provides for termination of
9 alimony if the spouse receiving alimony has
10 remarried or is cohabiting with a member of the
11 opposite sex.

12 This bill would delete from the existing law
13 the language providing that the statute applies to
14 divorce decrees prior to the effective date of the
15 statute (April 28, 1978) and thereafter and would
16 delete language stating that no payments of alimony
17 already received would be required to be
18 reimbursed.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 Relating to alimony; to amend Section 30-2-55, Code
25 of Alabama 1975, providing for the termination of alimony if
26 the spouse receiving alimony has remarried or is cohabiting
27 with a member of the opposite sex; to delete from the existing

1 law the language providing that the statute applies to divorce
2 decrees prior to the effective date of the statute (April 28,
3 1978) and thereafter; and to delete language stating that no
4 payments of alimony already received would be required to be
5 reimbursed.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 30-2-55, Code of Alabama 1975, is
8 amended to read as follows:

9 "§30-2-55.

10 "Any decree of divorce providing for periodic
11 payments of alimony shall be modified by the court to provide
12 for the termination of such alimony upon petition of a party
13 to the decree and proof that the spouse receiving such alimony
14 has remarried or that such spouse is living openly or
15 cohabiting with a member of the opposite sex. ~~This provision
16 shall be applicable to any person granted a decree of divorce
17 either prior to April 28, 1978, or thereafter; provided,
18 however, that no payments of alimony already received shall
19 have to be reimbursed.~~"

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.