

1 HB54
2 214583-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 01/06/2022

SYNOPSIS: Under existing law, an award of alimony is terminated upon petition of a party to the decree and proof that the spouse receiving alimony has remarried or is cohabiting with a member of the opposite sex.

This bill would amend existing law to clarify the definition of the term "cohabiting," and would provide that alimony may be terminated upon proof that the receiving spouse has either remarried or is dwelling together with another individual in a heterosexual or homosexual relationship.

A BILL
TO BE ENTITLED
AN ACT

Relating to alimony; to amend Section 30-2-55, Code of Alabama 1975, to provide for the termination of alimony

1 upon proof the receiving spouse is cohabiting with another
2 individual under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§30-2-55.

7 "(a) For the purposes of this section, "cohabiting"
8 means the act of two adults dwelling together continually and
9 habitually in a private heterosexual or homosexual
10 relationship, even if the relationship is not solemnized by
11 marriage, evidenced by the voluntary mutual assumption of
12 those marital rights, duties, and obligations that are usually
13 manifested by married individuals, and which include, but are
14 not necessarily dependent on, sexual relations.

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

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