

1 HB63  
2 181421-1  
3 By Representative Hill  
4 RFD: Judiciary  
5 First Read: 07-FEB-17  
6 PFD: 01/27/2017

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8 SYNOPSIS: Under existing law, any decree of divorce  
9 providing for periodic payments of alimony may be  
10 modified to provide for termination of these  
11 payments if the spouse receiving alimony remarries  
12 or openly cohabits with a member of the opposite  
13 sex.

14 This bill would provide for termination of  
15 periodic payments of alimony when the spouse  
16 receiving the periodic payments remarries or openly  
17 cohabits with another person, regardless of the sex  
18 of that person. This bill would specify that, for  
19 purposes of termination of periodic alimony, to  
20 cohabit means to live together as a couple in a  
21 continuing romantic or intimate relationship in the  
22 same manner as if they were married.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1                   Relating to alimony; to amend Section 30-2-55 of the  
2 Code of Alabama 1975, to provide further for termination of  
3 periodic payments of alimony when the spouse receiving alimony  
4 remarries or openly cohabits with another person.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8                   "§30-2-55.

9                   "Any decree of divorce providing for periodic  
10 payments of alimony shall be modified by the court to provide  
11 for the termination of such alimony upon petition of a party  
12 to the decree and proof that the spouse receiving such alimony  
13 has remarried or that such spouse is living openly or  
14 cohabiting with ~~a member of the opposite sex~~ another person  
15 with whom they share a continuing romantic or intimate  
16 relationship and they are living in the same manner as if they  
17 were married to one another. This provision shall be  
18 applicable to any person granted a decree of divorce either  
19 prior to April 28, 1978, or thereafter; provided, however,  
20 that no payments of alimony already received shall have to be  
21 reimbursed."

22                   Section 2. The amendatory provisions of this act  
23 shall apply only to petitions for termination of alimony  
24 awarded pursuant to a decree of divorce entered on or after  
25 the effective date of this act.

1                   Section 3. 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.