

1 HB264
2 216040-1
3 By Representative Treadaway
4 RFD: Judiciary
5 First Read: 03-FEB-22

SYNOPSIS: Under existing law, alimony terminates upon decree and proof that the person receiving alimony is remarried or cohabitating with a member of the opposite sex.

This bill would provide that alimony terminates if the person receiving alimony is remarried or cohabitating with a member of the same or opposite sex

This bill would also clarify the meaning of the term cohabitating.

A BILL
TO BE ENTITLED
AN ACT

Relating to alimony; to amend Section 30-2-55, Code of Alabama 1975, to terminate alimony upon decree and proof that a person receiving alimony is cohabitating with a member of the same or opposite sex.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§30-2-55.

4 "(a) For the purposes of this section,
5 "cohabitating" means the act of two adults habitually dwelling
6 together in an intimate relationship, even if the relationship
7 is not solemnized by marriage, as evidenced by, but not
8 necessarily dependent on, sexual relations, the voluntary
9 mutual assumption of rights, duties, and obligations that are
10 usually manifested by married individuals, and a sense of
11 permanency in the relationship.

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

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