

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

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2 ENROLLED, An Act,

3 Relating to alimony; to amend Section 30-2-55, Code
4 of Alabama 1975, to provide for the termination of alimony
5 upon proof the receiving spouse is cohabiting with another
6 individual under certain circumstances.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§30-2-55.

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

19 "(b) Any decree of divorce providing for periodic
20 payments of alimony shall be modified by the court to provide
21 for the termination of ~~such~~ the alimony upon petition of a
22 party to the decree and proof that the spouse receiving ~~such~~
23 alimony has remarried or that ~~such~~ the spouse is cohabiting
24 with another individual ~~living openly or cohabiting with a~~
25 member of the opposite sex. This provision shall be applicable

1 ~~to any person granted a decree of divorce either prior to~~
2 ~~April 28, 1978, or thereafter; provided, however, that no~~
3 ~~payments of alimony already received shall have to be~~
4 ~~reimbursed."~~

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

