

1 (b)1. The court may reduce or terminate an award of
2 alimony upon specific written findings by the court that since
3 the granting of a divorce and the award of alimony a conjugal
4 supportive relationship has existed between the obligee and a
5 person of the opposite sex with whom the obligee resides. On
6 the issue of whether alimony should be reduced or terminated
7 under this paragraph, the burden is on the obligor to prove by
8 a preponderance of the evidence that a conjugal supportive
9 relationship exists.

10 2. In determining whether an existing award of alimony
11 should be reduced or terminated because of an alleged conjugal
12 supportive relationship between an obligee and a person of the
13 opposite sex who is not related by consanguinity or affinity
14 and with whom the obligee resides, the court shall elicit the
15 nature and extent of the relationship in question. The court
16 shall give consideration, without limitation, to
17 circumstances, including, but not limited to, the following,
18 in determining the relationship of an obligee to another
19 person of the opposite sex:

20 a. The extent to which the obligee and the other
21 person have held themselves out as a married couple by
22 engaging in conduct such as using the same last name, using a
23 common mailing address, referring to each other in terms such
24 as "my husband" or "my wife," or otherwise conducting
25 themselves in a manner that evidences a permanent supportive
26 conjugal relationship.

27 b. The period of time that the obligee has resided
28 with the ~~other~~ person of the opposite sex in a permanent place
29 of abode.

1 c. The extent to which the obligee and the ~~other~~
2 person of the opposite sex have pooled their assets or income
3 or otherwise exhibited financial interdependence.

4 d. The extent to which the obligee or the ~~other~~ person
5 of the opposite sex has supported the other, in whole or in
6 part.

7 e. The extent to which the obligee or the ~~other~~ person
8 of the opposite sex has performed valuable services for the
9 other.

10 f. The extent to which the obligee or the ~~other~~ person
11 of the opposite sex has performed valuable services for the
12 other's company or employer.

13 g. Whether the obligee and the ~~other~~ person of the
14 opposite sex have worked together to create or enhance
15 anything of value.

16 h. Whether the obligee and the ~~other~~ person of the
17 opposite sex have jointly contributed to the purchase of any
18 real or personal property.

19 i. Evidence in support of a claim that the obligee and
20 the ~~other~~ person of the opposite sex have an express agreement
21 regarding property sharing or support.

22 j. Evidence in support of a claim that the obligee and
23 the ~~other~~ person of the opposite sex have an implied agreement
24 regarding property sharing or support.

25 k. Whether the obligee and the ~~other~~ person of the
26 opposite sex have provided support to the children of one
27 another, regardless of any legal duty to do so.

28 3. This paragraph does not abrogate the requirement
29 that every marriage in this state be solemnized under a
30 license, does not recognize a common law marriage as valid,
31 and does not recognize a de facto marriage. This paragraph

1 recognizes only that relationships do exist that provide
2 economic support equivalent to a marriage and that alimony
3 terminable on remarriage may be reduced or terminated upon the
4 establishment of equivalent equitable circumstances as
5 described in this paragraph. The existence of a conjugal
6 relationship, ~~though it may be relevant to the nature and~~
7 ~~extent of the relationship,~~ is ~~not~~ necessary for the
8 application of the provisions of this paragraph.

9 4. The court that conducts the hearing to determine
10 whether an award of alimony should be reduced or terminated
11 shall retain jurisdiction for any subsequent hearing
12 concerning the modification of alimony or child support.

13 5. If the conjugal supportive relationship between the
14 obligee and the person of the opposite sex with whom the
15 obligee resides terminates, the obligee may petition the court
16 to reinstate the award of alimony previously reduced or
17 terminated due to the conjugal supportive relationship.

18 Section 2. This act shall take effect July 1, 2006.

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21 SENATE SUMMARY

22 Provides that an award of alimony may be reduced or
23 terminated upon a specific written finding showing that a
24 conjugal supportive relationship exists between the
25 obligee granted the award of alimony and a person of the
26 opposite sex with whom the obligee resides. Requires that
27 a conjugal relationship exist between the obligee and a
28 person of the opposite sex before an award of alimony may
29 be reduced or terminated. Provides that if the conjugal
30 supportive relationship ends, the obligee may petition
31 the court to reinstate the award of alimony.