

Does Cohabitation Affect Alimony?

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When a married couple divorces, the court may determine that one spouse pay [alimony](#) to the other former spouse. ***The purpose of alimony, or financial support, may be for the benefit of children the couple have together, or for maintaining a former spouse's lifestyle after the couple separates.*** Alimony offers the supported spouse compensation when he or she would otherwise no longer have the monetary support as when married and sharing an income. However, ***alimony provisions may not be required when a supported spouse becomes romantically involved; specifically, when cohabitating with that individual, alimony may be terminated.*** This is according to [Utah Code Section 30-3-5\(10\)](#), which states if proven, alimony ceases for the cohabitating supported spouse. If you are in a similar situation and would like legal counsel, [Wall Legal Solutions](#) can help advise you in helping determine your next steps.

What is Cohabitation?

Cohabitation is defined as two individuals that live together and are not married. According to the [Utah Supreme Court case of Myers v. Myers](#), ***this is when two people are engaged in a romantic relationship and spend most or all of their time living together.*** According to the law in Utah, it was reinforced with the case of [Haddow v. Haddow](#), that ***two people are cohabitating if they meet the following circumstances:***

- Sharing a residence
- Engaging in a sexual relationship
- Retaining a relationship similar to a marriage.

In cases of [divorce in Utah](#), the financial support that may be deemed necessary for one spouse to provide another is known as "alimony". ***Alimony is determined by a Utah judge, who looks at a number of circumstances regarding each spouse, including:***

- Financial requirements of the supported spouse
- Capability of the supported spouse to earn income
- Capability of the paying spouse to provide alimony
- Marriage length
- Child responsibilities of the supported spouse
- If the supported spouse's income during marriage was from paying spouse's own business
- If the paying spouse's capacity for income was aided by supported spouse (for example, the supported spouse funded continuing education for the paying spouse while they were married)
- If one spouse caused divorce (such as with adultery, domestic abuse)

Alimony is court ordered and put in place to financially aide one spousal party who requires the monetary support, this being the supported spouse. ***This provisional amount may be determined and made either as a lump-sum, by transferring property, or through payments given over a certain period of time.***

There are many reasons cohabitation may affect alimony, such as in the following:

- Financial requirements are lessened when living with another individual.
- The cohabitating individuals are most likely sharing their finances like they would be in a marriage.

- The supported spouse is receiving financial support from both the individual he/she is cohabitating with and his/her former spouse.
- The paying spouse is essentially aiding both the supported spouse and the person he/she is cohabitating with.

What Wall Legal Solutions Can Do for You

When a romantically involved couple lives together over a lengthy period of time, it is implied that that couple's finances, or income, is being shared or used for mutual benefit. ***This is a major factor in determining that alimony be terminated when the supported spouse is engaging in cohabitation.*** If you are in need of legal representation for alimony, or want specialized lawyers with experience in Family Law in regards to divorce, separation, [child support](#), [custody](#), [paternity](#), [domestic violence](#), or [visitation issues](#), Wall Legal Solutions looks out for you and your best interests. [Contact us via email](#) or call for a free consultation at 801-441-2388.