

## HOUSE BILL NO. HB0097

Termination of alimony.

Sponsored by: Representative(s) Lone, Clem, Edwards and  
Jennings and Senator(s) Ellis

A BILL

for

1 AN ACT relating to domestic relations; providing grounds  
2 and procedures for terminating alimony or other allowance;  
3 adding conditions for modification; providing provisions  
4 related to notices of remarriage and the death of a party  
5 to an alimony decree; allowing petitions for continued  
6 alimony after remarriage; specifying applicability; and  
7 providing for an effective date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 20-2-114 by creating a new subsection  
12 (c) and 20-2-116 are amended to read:

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14 **20-2-114. Disposition of property to be equitable;**  
15 **factors; alimony generally.**

1

2 (c) In any decree of alimony under this section, the  
3 court shall require in the decree that a party who  
4 remarries within the period during which alimony is  
5 prescribed shall file a notice of remarriage with the court  
6 within thirty (30) days after remarriage and shall serve a  
7 copy of the notice on the other party. The court may hold  
8 a party who remarries in contempt for willfully failing to  
9 provide the ordered notice.

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11 **20-2-116. Revision and termination of alimony and**  
12 **other allowances.**

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14 (a) After a decree for alimony or other allowance for  
15 a party or children and after a decree for the appointment  
16 of trustees to receive and hold any property for the use of  
17 a party or children pursuant to W.S. 20-2-314, the court  
18 may, ~~from time to time,~~ on the petition of either of the  
19 parties, revise and alter the decree respecting the amount  
20 of the alimony or allowance or the payment thereof and  
21 respecting the appropriation and payment of the principal  
22 and income of the property so held in trust and may make

1 any decree respecting any of the matters ~~which~~that the  
2 court might have made in the original action, provided:

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4 (i) The existing decree has not been adjusted  
5 within the previous six (6) months; and

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7 (ii) A material and substantial change in  
8 circumstances has occurred warranting an equitable  
9 modification of the alimony decree.

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11 (b) An award of alimony shall terminate upon the  
12 remarriage of the party receiving alimony. The recipient of  
13 alimony who remarries may petition the court to continue or  
14 adjust the alimony specified in the decree. The court shall  
15 grant the petition if the court finds extenuating  
16 circumstances that justify continued alimony.

17  
18 (c) In any proceeding relating to the payment of  
19 alimony to a remarried party, the court may consider any  
20 failure of the remarried party to file a notice of  
21 remarriage pursuant to W.S. 20-2-114(c) when awarding  
22 attorney's fees and costs.

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1            (d) After the death of either party to a final decree  
2 for alimony or other allowance, all rights to receive and  
3 all duties to pay alimony or other allowance shall  
4 automatically terminate for all payments due after the date  
5 of death, unless the final decree or a written agreement  
6 between the parties approved by the court provides for the  
7 payments to continue after the death of a party. Arrearages  
8 that have accrued before the death of a party shall not be  
9 vacated or annulled. The deceased party's estate shall file  
10 a notice of the death with the court that entered the  
11 alimony decree.

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13            **Section 2.** This act shall apply to a final decree or  
14 order for alimony modified or entered on or after January  
15 1, 2019.

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17            **Section 3.** This act is effective January 1, 2019.

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(END)