

HB 1278 - AS INTRODUCED

2022 SESSION

22-2798

07/05

HOUSE BILL **1278**

AN ACT relative to the modification or termination of term alimony.

SPONSORS: Rep. Roy, Rock. 32

COMMITTEE: Children and Family Law

ANALYSIS

This bill revises the process for modification and termination of alimony in cases involving cohabitation.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the modification or termination of term alimony.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Annulment, Divorce, and Separation; Alimony Modification or Termination; Circumstances for
2 Modification or Termination. Amend RSA 458:99-aa, VII to read as follows:

3 VII. At the request of either party by petition or motion, the court may make orders for the
4 modification or termination of term alimony upon a finding [~~of the payee's cohabitation as described~~
5 ~~in paragraph VIII~~] ***that the payee has remarried or is involved in a new romantic***
6 ***relationship and is receiving financial or other support by virtue of their involvement in***
7 ***this relationship in such an amount or manner that further alimony is not necessary to***
8 ***enable the payee to maintain the lifestyle contemplated by the court in the original alimony***
9 ***order. This may include cohabitation in a residence owned by or substantially paid for by***
10 ***the other party in the new relationship, assistance in paying household utilities beyond the***
11 ***amount necessary to cover the cost of additional persons if cohabitating, providing a***
12 ***vehicle owned by or substantially paid for by the other party, or any other circumstance the***
13 ***court finds contributes to increasing the standard of living for the payee to such a level as***
14 ***was meant to be achieved through alimony. The fact that the payee has remarried, is***
15 ***involved in a romantic relationship, or is cohabitating are not in and of themselves***
16 ***grounds to adjust or terminate alimony without a finding that the factors mentioned above***
17 ***are occurring.*** The requirements of paragraph I shall not apply.

18 2 Repeal. RSA 458:19-aa, VIII, relative to the court's finding of cohabitation, is repealed.

19 3 Annulment, Divorce and Separation; Alimony Modification or Termination; Reinstatement of
20 Alimony. Amend RSA 458:19-aa, IX to read as follows:

21 IX. If an alimony order is terminated because of [~~cohabitation or marriage~~] ***a finding made***
22 ***by the court pursuant to paragraph VII***, the court may reinstate the original alimony award
23 upon finding that the payee's cohabitation has ceased or that the marriage has ended in divorce,
24 provided that the request is made within 5 years of the effective date of the termination order. If the
25 alimony order being reinstated had a specific termination date, reinstatement shall not extend the
26 termination date, however, if the order specified a number of payments, the reinstatement may be
27 for up to the number of payments remaining in the order. If the order has both a specific
28 termination date and a number of payments, the termination date shall control. The requirements
29 of paragraph I shall not apply.

30 4 Effective Date. This act shall take effect January 1, 2023.