

1 **14-983. "Spouse"; defined.**

2 "Spouse" means [~~a husband or wife~~] "husband" or "wife," unless [~~they~~] two married
3 persons are living apart or unless one has filed a legal action for divorce or separate maintenance
4 against the other.

5 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
6 or filed on or after December 31, 2025.]

7 **Committee commentary.** — Sexual conduct between spouses is not within the scope of
8 Chapter 9. However, the definition of "spouse," for purposes of this chapter, is much more limited
9 than the usual meaning of the term. By the terms of the definition in [~~Section 30-9-10E NMSA~~
10 ~~1978~~] NMSA 1978, Section 30-9-10(I), two people, legally married but living apart, are not
11 spouses. Apparently the separation need not be on account of marital difficulty; the separation by
12 itself is sufficient to take the couple out of the spousal relationship.

13 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]