

17 Ways the New Alimony Statute Impacts You

On September 10, 2014, after two-and-a-half years of debate and amendments, Governor Chris Christie signed an alimony reform bill into law. Below are the ways the new bill may impact you if you are in the process of a divorce or if you are already divorced:

1. It takes effect immediately;
2. It cannot modify provisions contained in a Final Judgment of Divorce, post-judgment Order, or the parties' Agreement, but it is curative if your Agreement is silent on an issue;
3. Open Durational Alimony replaces Permanent Alimony;
4. Confirms that neither party has a greater entitlement to the standard of living than the other;
5. Confirms that of the fourteen factors relevant in assessing alimony, no factor is elevated in importance over the others;
6. For marriages or civil unions less than 20 years in duration, alimony shall not exceed the length of the marriage, except in exceptional circumstances;
7. Exceptional circumstances is defined broadly, spanning over eight factors;
8. Alimony may be modified or terminated upon the prospective or actual retirement of the paying spouse;
9. There is a rebuttable presumption that alimony shall terminate upon the paying spouse retiring upon reaching full retirement age;
10. Full retirement age is the age at which a person is eligible to receive full retirement benefits under the Federal Social Security Act;
11. The Court may set a different alimony termination date for good cause shown;
12. The rebuttable presumption may be overcome for good cause after the Court considers eleven different factors;
13. In actual and prospective retirement situations, the paying spouse must demonstrate by a preponderance of the evidence that the prospective or actual retirement is reasonable and made in good faith. The Court considers eight factors in this analysis;
14. When a W-2 wage earner who is paying alimony seeks modification, the Court considers ten factors in their modification analysis. The application, however, cannot be filed for a period of ninety days from the modification. However, the Court has discretion to make any relief retroactive to the date of the modification, loss of employment, or reduction of income;
15. Business owners are also addressed by the statute for purposes of modification;
16. Temporary remedies, such as suspension of support or reduction of support, may be ordered, so long as they are fair and equitable to both parties pending further proceedings;
17. Alimony may be suspended or terminated if the receiving spouse cohabitates in a mutually supportive, intimate, personal relationship, and the Court must analyze seven factors to assess the nature of the relationship. A Court may not find an absence of cohabitation solely on the grounds that the couple does not live together on a full time basis.

This article was written by **Jeralyn L. Lawrence**, a partner in the Norris, McLaughlin & Marcus, P.A. Matrimonial and Family Law group, and current Chair of the Family Law Section of the New Jersey State Bar Association. If you have any questions regarding the information in this article or any other matrimonial matters, please feel free to contact her by email at jlLawrence@nmmlaw.com.

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