FLASTER GREENBERG
Attorneys at Law | A Professional Corporation

Governor Chris Christie Signs Alimony Reform Bill

September 23, 2014
Rachel E. Licausi, Esq.

On September 10, 2014, Governor Chris Christie signed an alimony reform bill into law which takes effect immediately. The law does not modify existing agreements between divorced couples. Taken as a whole, the new changes are significant and include the following:

- For any marriage of less than 20 years, the length of alimony shall not exceed the length of the marriage, except for exceptional circumstances such as chronic illness, age at the time of marriage and at the time of the alimony award, the degree and length of dependency of the supported spouse, and whether a spouse has given up a career during the marriage or otherwise supported the career of the other spouse or partner.

- The bill eliminates the term permanent alimony and replaces it with open durational alimony. In making an alimony award, the court must now consider the nature, amount and length of support paid while the divorce action was pending.

- The law states that neither party has a greater entitlement to the marital standard of living than the other and requires the court to consider the practical impact of the need for two separate residences and the resulting cost and increase in living expenses to maintain two households.

- The new law establishes a rebuttable presumption that alimony terminates upon the payor reaching full retirement age, the age at which the payor is eligible to receive full retirement benefits from Social Security. The new law specifically sets forth factors to be considered by the court in evaluating the opposition to the retirement application.

- Critical in this current economy, the law addresses the factors a court must consider when an application is made to modify alimony based upon a loss of income, including unemployment.

- The new law sets forth additional factors that a self-employed person must prove in connection with an application to modify support based upon loss of, or reduction in, income.

- The new law sets forth specific standards for a court to consider if an application is made to suspend or terminate alimony based upon alleged cohabitation of a payee spouse.

- The new law is not retroactive; it does not apply to existing agreements or previously issued court orders.

To learn more about the bill on alimony reform or to address other family law issues, we invite you to contact Steven Sacharow or Rachel Licausi in Flaster Greenbergs Family Law Practice Group.

Continued

ATTORNEYS MENTIONED

Steven Sacharow