

# Can A Woman Who Hasn't Worked Be Supported By Ex While Divorce Is Proceeding?

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Dear Ask the Attorney:

I'm finally doing it. I am leaving me husband after many years of being emotionally abused (he never hit me or the children) and am ready to file for divorce. I was a stay at home mother and didn't leave because of the kids. But now that they are grown and out of the house, I am ready. I am scared. I haven't worked in many years and have no income. Can he be made to support me while we are getting divorced?

C.S.

***Our guest blogger today is Bonnie C. Frost, Esq., partner in our Matrimonial & Family Law practice. She has been involved in matrimonial and family law for 28 years and has recently been honored by the New Jersey State Bar Association with the Saul A. Tischler Award for her contributions to both the legal profession and specifically to the practice of family law in New Jersey.***

Dear C.S.

This is a distressing time for everyone and if you do not have support you are feeling even worse about what is happening.

The short answer is that the court can order your husband to pay you money while the divorce is pending. Once a complaint for divorce has been filed, your attorney can make an application (a motion) to a judge for support while your divorce is going on. This could include the court directing your husband to pay the mortgage, taxes, utilities, car payment, fuel in lieu of cash to you or it could order that he make a lump sum cash payment to you and then you would have to pay for all of those

expenses as well as pay for food, clothing and your other personal expenses.

The amount of support the judge would award depends on the facts of your case but the court will want to assure that you are supported until all the financial issues are sorted out.

Having said that, the court will also balance the amount it orders your husband to pay because your husband also needs money to live on especially if he is not living at home with you.

You might have heard from neighbors or friends that you should be “supported according to the standard of living you enjoyed during the marriage.” Yes, that is the legal standard however because the court does not have all the financial facts at the onset of the case it is unlikely to be ordered while the divorce is pending. It may also be an impractical standard to expect because two households usually cannot be supported on the same income which supported one.

The difficult problem in the small amount of facts you pose is whether or not a court would expect you to find a job to partially or totally defray your needs. The answer to the question is never easy because it depends on your education, your age and your health. If you are 50 years old, healthy with a college degree, a judge may expect you to obtain some kind of employment. If you are 60, the answer to that question may not be so clear.

As frustrating as the answer “it depends”, it’s the only appropriate answer without knowing all of the facts. It is for that reason you should consult a knowledgeable attorney who can advise you based on all the facts in your situation