If I Lose My Job Or I Am Temporarily Furloughed Due To The Coronavirus, Do I Have To Pay Alimony?

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These are scary times for everyone not knowing where the virus is and when it can rear its ugly head to harm us. People are anxious about so many things - Where can I get food for my family? How can I educate my children every day and work from home too? How will I pay my mortgage or rent if I lose my job? Do I still have to pay alimony if I am furloughed or if I lose my job?

If there is a court order directing one to pay alimony, the obligation does not disappear if one loses a job or is temporarily furloughed. The revised alimony statute, which was enacted in 2014 came about, in part, as a result of the economic downturn in 2008-2009. It specifically answered the question of how long one must be out of work such that a court would determine one was not temporarily unemployed and thus, permit a court to order a reduction in support.

The alimony statute provides that if one is involuntarily unemployed for 90 days or more, a motion to reduce alimony thereafter is made in good faith. At the time the motion is heard, the court must consider all the job efforts one has made to find substitute employment in deciding whether to reduce or suspend alimony.

The times we live in, however, very well may not permit the person who lost the job to neatly fit into that legal parameter. Now, the unemployed payor cannot leave the house to find work or attend an interview because of a stay at home directive. Businesses are closing either temporarily in hope to reopen at some time in the future, but the area of employment where one has experience may not be hiring because there is no business.

The pandemic has presented the legal system with so many new facts which will pose new questions for a court which must decide whether to grant financial relief to the unemployed payor spouse.

How would a court view that payor when deciding to reduce or suspend support?

Considering that there have been so many accommodations in all areas of life as a result of the devastating effects of the virus on all sectors of the economy and our lives, from the IRS lengthening time to file tax returns, to the New Jersey government potentially changing the fiscal year, to cancelling the Olympics and other sports events, one would hope a court would waive the requirement that one must look for a job during an involuntary furlough or firing due to the virus.

Our court system is based on fairness and equity to all parties who come before it. On one hand, the payee spouse needs the support for themselves and for their children. On the other hand, the payor may not be able to look for or find work while self-distancing if in fact jobs are available.

There is no pat answer to so many questions we face, but, it hopefully shown, as difficult as it may be, one must save for the “rainy day” which, in 2020 came on like a tsunami in the form of a pandemic.