

What Is The Status Of “Permanent Alimony” In The State Of New Jersey?

April 25, 2013 | by Stephen Haller

Dear Ask the Attorney:

I've been paying “permanent alimony” and I'm not happy about it. I've read that “permanent alimony” has been outlawed in some states (recently Florida) and I know that there are bills in NJ which propose to eliminate this. What is the current status in New Jersey? I would be extremely happy to stop paying my ex.

K.L.

Our guest blogger is [Stephen P. Haller, Esq.](#) at Partner at the firm and a member of the Matrimonial and Family Law Departments. Stephen has practiced matrimonial/family law since his admission the New Jersey Bar in 1977.

Dear K.L:

“Permanent” alimony (generally speaking, permanent alimony is paid until the earliest of the death or remarriage of the payee or the death of the payer or a substantial change in circumstance) has been a hot topic in the news recently. The current law in New Jersey allows judges a wide range of discretion in determining the amount and duration of spousal support. This has led to vastly different results with similar facts from county to county and even with different judges in the same county. On one side of the issue is a vocal group: Recipients of support. They make compelling arguments about financial inequality and opportunity, among other things. The other side, the beleaguered payers of support, demands that the recipients essentially “get a job” and stop expecting support for life just because they were married for 10 years or more. Both sides have points to make, but the inconsistent application of the law to similar facts has led to bills being introduced to bring order, at long last, to

spousal support litigation.

In New Jersey, Assembly bill A-3909 was introduced on March 7, 2013. It proposes to modify New Jersey law in several significant respects: First, it provides that the court “may” attribute income to a voluntarily un/underemployed person. Second, it eliminates “permanent” alimony. The court is called upon to make specific findings as to how long alimony should last and states it should “generally” not exceed 30-35% of the difference between the parties’ gross incomes. Deviation from the formula is allowed with specific findings. It would set explicit limits on the length of limited duration alimony as well. Third, and very significantly, it sets a cohabitation threshold of 3 months following which support can be modified, suspended or terminated and gives specific objective definitional standards for the court to consider in cohabitation cases. Lastly, it terminates alimony at retirement of the payer (except for ‘good cause”).

Some attorneys oppose legislation like this. They think that removing wide discretion from courts is a bad thing. Others think that giving the courts concrete and objective standards for spousal support awards will enable more people to resolve their cases faster, at lower emotional and financial cost, to the benefit of their families.

The bill is currently pending.