

# My Wife Cheated. Do I Have To Pay Alimony?

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Dear Ask the Attorney:

I just found out my wife has been cheating on me for a very long time and I am furious. I am planning on getting a divorce. We have three young kids and I am willing to support them, but I do not want to have to pay her alimony. Is this possible?

Angry Husband

Dear Angry Husband:

No one who is divorcing another ever wants to pay alimony to a spouse –especially to a spouse who has committed adultery.

There are several factors that New Jersey Courts shall consider in determining alimony including but not limited to:

- the duration of the marriage;
- the age and physical health of the litigants;
- the standard of living during the marriage;
- the earning capacities and educational levels of the litigants; and
- the parental responsibilities for the children of the marriage.

**Marital fault, however, is not one of the factors.** Generally, a spouse's bad actions (i.e., adultery) do not affect the financial resolution of a divorce.

However, if your (soon to be ex) spouse lives with his/her paramour before and/or after a judgment of divorce is entered, this may reduce that spouse's need for support and therefore may affect whether alimony should be paid and if so, how much. Furthermore, marital misconduct, such as adultery, to the degree that it causes one party to spend some of the marital assets and/or cause negative economic consequences to the marital estate (i.e., a spouse squandering excessive money on his or her lover) may be a factor for consideration in how much alimony is awarded.

*“Ask the Attorney” is a new blog in which answers to your legal questions submitted to [asktheattorney@einhornlawyers.com](mailto:asktheattorney@einhornlawyers.com) may be answered. The answers to the questions are for informational purposes only and are not to be construed as legal advice or the creation of an attorney-client relationship. The facts of each case are different, therefore you should seek competent legal representation.*