

September 24, 2013 /**24-7PressRelease**/ -- New Jersey alimony laws a hotbed of debate

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Getting a divorce usually involves a myriad of issues. Among the forefront is the financial situation of each party after the divorce is final. Alimony payments may be awarded to the lower-earning spouse in order that each party remains in as similar a financial situation after the marriage as they had during its lifetime. Historically, alimony laws were created to protect wives of the household from enduring extreme financial difficulty and left without the job skills or training needed in order to provide for themselves.

Such family dynamics have changed. Nearly half of the U.S. is made up of women, and about one-third make more money than their spouses, data from the U.S. Bureau of Labor Statistics show. Still, New Jersey has kept its law allowing permanent alimony for marriages lasting longer than 10 years even as other states have limited lifetime alimony awards.

From opinion writers to advocacy groups, New Jersey alimony laws have been the subject of much recent scrutiny. Proponents for alimony reform argue that limiting alimony is a common-sense modernizing of an outdated law. Others, however, argue that men and women can negotiate in good faith regarding alimony and an ex-spouse may still have to rely on alimony moving forward after a divorce. In addition, alimony awards are less about gender than in previous years and men are now finding themselves more on the receiving end of alimony.

New Jersey alimony basics

New Jersey law allows a couple to agree or for a judge to award a number of different alimony awards:-Permanent alimony, in which one ex-spouse must pay alimony until deceased or until the other remarries-Temporary alimony, in which is alimony of a limited duration based on the length of the marriage and other factors-Rehabilitative alimony, in which one divorcing spouse provides short-term alimony to the other ex until he or she is self-supporting, usually involving payment for education or job-training-Reimbursement alimony, in which one spouse agrees to short-term payments or a one-time payment due to one spouse working or caring for children while the other pursues a career

Will alimony laws in the state change?

Currently, the New Jersey Assembly is debating a measure introduced to end indefinite (permanent) alimony. Similar to laws enacted by nearby states, the proposal would establish guidelines limiting alimony based on the length of the marriage. For marriages lasting less than five years, the maximum alimony duration would be one-half the length of the marriage. Possible alimony length would go up on a grading scale, and marriages that lasted for more than 20 years could still receive lifetime alimony.

The law would also cap alimony awards to the needs of the payee and could not exceed more than 35 percent of the difference between the two party's incomes. A judge could deviate from the cap rule but would have to give a written explanation for the reason.

Under the current law, permanent alimony cannot be awarded in a marriage that lasted less than 10 years.

Alimony can be financially life-altering

Obtaining a fair alimony award is paramount to both parties. "Horror" stories of extreme circumstances for both the payor and recipient of alimony abound. Nobody wants to be financially bankrupt while an ex-spouse thrives at the other's expense. Whether or not the Assembly passes the current proposed measure, New Jersey residents considering divorce or in the divorce process should consult an experienced family law attorney to help determine their legal options moving forward.