

Alimony, Spousal Support, and Separate Maintenance

Contacts

Jessica N. Mazur, 732-545-4717 x3859, jmazur@hoaglandlongo.com

When deciding whether or not to enter an award of alimony, spousal support, or separate maintenance, the New Jersey Courts consider numerous factors. In all actions brought for divorce, dissolution of a civil union, divorce from bed and board, legal separation from a partner in a civil union, or an action for nullity, the Court may award one or more of the following types of alimony to either party: permanent alimony, rehabilitative alimony, limited duration alimony, or reimbursement alimony. The Court weighs and considers the following factors:

- the actual need and ability of the parties to pay;
- the duration of the marriage or civil union;
- the age, physical and emotional health of the parties;
- the standard of living established in the marriage or civil union and the likelihood that each party can maintain a reasonably comparable standard of living;
- the earning capacities, educational levels, vocational skills, and employability of the parties;
- the length of absence from the job market of the party seeking maintenance;
- the parental responsibilities for the children;
- the time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, the availability of the training and employment, and the opportunity for future acquisitions of capital assets and income;
- the history of the financial or non-financial contributions to the marriage or civil union by each party, including contributions to the care and education of the children and interruption of personal careers or educational opportunities;
- the equitable distribution of property ordered and any payouts on equitable distribution, directly or indirectly, out of current income, to the extent this consideration is reasonable, just, and fair;
- the income available to either party through investment of any assets held by that party;
- the tax treatment and consequences to both parties of an alimony award, including the designation of all or a portion of the payment as a non-taxable payment; and
- any other factors which the Court may deem relevant.

The specific type, or types, and the amount of alimony, spousal support, or separate maintenance actually ordered is determined after the Court undertakes an analysis of all the foregoing factors and considers the equities of the situation. Unlike the establishment of a child support award, there are no presumptive guidelines which establish or predicate an alimony award.

It is absolutely essential that a litigant retain the services of an attorney who is well-versed in the area of family law in order to effectively and successfully argue a case involving the establishment, modification, or enforcement of an alimony, spousal support, or separate maintenance award. The Family Law attorneys at Hoagland Longo have years of experience in mediating, arbitrating, and litigating these types of cases and are able to steer through the courts and laws effectively for their clients.