

Alimony and Child Support

Alimony and Child Support are governed by N.J.S.A. § 2A:34-23 which provides in pertinent part...“Pending any matrimonial action or action for dissolution of a civil union brought in this State or elsewhere, or after judgment of divorce or dissolution or maintenance, whether obtained in this State or elsewhere, the court may make such order as to the alimony or maintenance of the parties, and also as to the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall render fit, reasonable and just....Orders so made may be revised and altered by the court from time to time as circumstances may require”.

What are the Possible Types of Alimony that may be awarded?

Pendente Lite Alimony, also known as “temporary alimony”, may be awarded early in the divorce process in an effort to maintain each spouse in the same financial position that existed prior to the divorce to keep each in equal footing during the litigation. Pendente Lite Alimony terminates automatically once a divorce is final and may be replaced by one of the other types of alimony.

Open Durational Alimony replaced “permanent alimony” in July of 2014. Open Durational Alimony may be ordered when a marriage exceeds 20 years. While Open Durational Alimony has no fixed ending date, the presumption is that it will end when the paying spouse reaches full retirement age unless the presumption is rebutted with good cause as set forth by the receiving spouse.

Limited Duration Alimony, also called “term alimony”, provides support for a specified period of time and typically applies with a short-term marriage which is defined as less than 20 years. Absent exceptional circumstances, Limited Duration Alimony will not exceed the length of the marriage.

Rehabilitative Alimony is support for the limited purpose of rehabilitating the receiving spouse so as to re enter the workforce. Rehabilitative alimony may be ordered for a specific period of time to help pay the costs necessary to obtain tools to become self-supporting and may include education, training and living expenses during the rehabilitative period.

Reimbursement Alimony reimburses one spouse for financial contributions to the education or career advancement of the other and requires the person who benefited from that investment to repay it. A specific monetary amount is defined and payments end once the entire sum is repaid.

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