

# ASSEMBLY, No. 3909

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MARCH 7, 2013

**Sponsored by:**

**Assemblyman CHARLES MAINOR**

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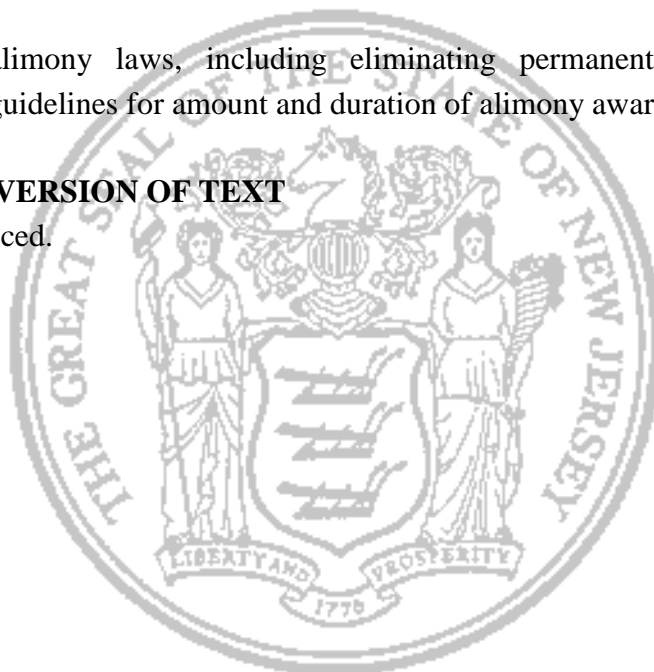
**Assemblywoman Tucker, Assemblymen Amodeo, Wolfe, Prieto, Gusciora,  
Wilson, Eustace, O'Scanlon, Ramos, Space and Assemblywoman McHose**

**SYNOPSIS**

Revises alimony laws, including eliminating permanent alimony and establishing guidelines for amount and duration of alimony awards.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/20/2013)**

A3909 MAINOR, S.KEAN

2

1 AN ACT concerning alimony, amending N.J.S.2A:34-23 and  
2 N.J.S.2A:34-25, and supplementing Title 2A of the New Jersey  
3 Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. N.J.A.2A:34-23 is amended to read as follows:

9 2A:34-23. Alimony, maintenance.

10 Pending any matrimonial action or action for dissolution of a  
11 civil union brought in this State or elsewhere, or after judgment of  
12 divorce or dissolution or maintenance, whether obtained in this  
13 State or elsewhere, the court may make such order as to the alimony  
14 or maintenance of the parties, and also as to the care, custody,  
15 education and maintenance of the children, or any of them, as the  
16 circumstances of the parties and the nature of the case shall render  
17 fit, reasonable and just, and require reasonable security for the due  
18 observance of such orders, including, but not limited to, the creation  
19 of trusts or other security devices, to assure payment of reasonably  
20 foreseeable medical and educational expenses. Upon neglect or  
21 refusal to give such reasonable security, as shall be required, or  
22 upon default in complying with any such order, the court may  
23 award and issue process for the immediate sequestration of the  
24 personal estate, and the rents and profits of the real estate of the  
25 party so charged, and appoint a receiver thereof, and cause such  
26 personal estate and the rents and profits of such real estate, or so  
27 much thereof as shall be necessary, to be applied toward such  
28 alimony and maintenance as to the said court shall from time to  
29 time seem reasonable and just; or the performance of the said orders  
30 may be enforced by other ways according to the practice of the  
31 court. Orders so made may be revised and altered by the court from  
32 time to time as circumstances may require.

33 The court may order one party to pay a retainer on behalf of the  
34 other for expert and legal services when the respective financial  
35 circumstances of the parties make the award reasonable and just. In  
36 considering an application, the court shall review the financial  
37 capacity of each party to conduct the litigation and the criteria for  
38 award of counsel fees that are then pertinent as set forth by court  
39 rule. Whenever any other application is made to a court which  
40 includes an application for pendente lite or final award of counsel  
41 fees, the court shall determine the appropriate award for counsel  
42 fees, if any, at the same time that a decision is rendered on the other  
43 issue then before the court and shall consider the factors set forth in  
44 the court rule on counsel fees, the financial circumstances of the  
45 parties, and the good or bad faith of either party. The court may not

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 order a retainer or counsel fee of a party convicted of an attempt or  
2 conspiracy to murder the other party to be paid by the party who  
3 was the intended victim of the attempt or conspiracy.

4 a. In determining the amount to be paid by a parent for support  
5 of the child and the period during which the duty of support is  
6 owed, the court in those cases not governed by court rule shall  
7 consider, but not be limited to, the following factors:

8 (1) Needs of the child;

9 (2) Standard of living and economic circumstances of each  
10 parent;

11 (3) All sources of income and assets of each parent;

12 (4) Earning ability of each parent, including educational  
13 background, training, employment skills, work experience,  
14 custodial responsibility for children including the cost of providing  
15 child care and the length of time and cost of each parent to obtain  
16 training or experience for appropriate employment;

17 (5) Need and capacity of the child for education, including  
18 higher education;

19 (6) Age and health of the child and each parent;

20 (7) Income, assets and earning ability of the child;

21 (8) Responsibility of the parents for the court-ordered support of  
22 others;

23 (9) Reasonable debts and liabilities of each child and parent; and

24 (10) Any other factors the court may deem relevant.

25 The obligation to pay support for a child who has not been  
26 emancipated by the court shall not terminate solely on the basis of  
27 the child's age if the child suffers from a severe mental or physical  
28 incapacity that causes the child to be financially dependent on a  
29 parent. The obligation to pay support for that child shall continue  
30 until the court finds that the child is relieved of the incapacity or is  
31 no longer financially dependent on the parent. However, in  
32 assessing the financial obligation of the parent, the court shall  
33 consider, in addition to the factors enumerated in this section, the  
34 child's eligibility for public benefits and services for people with  
35 disabilities and may make such orders, including an order involving  
36 the creation of a trust, as are necessary to promote the well-being of  
37 the child.

38 As used in this section "severe mental or physical incapacity"  
39 shall not include a child's abuse of, or addiction to, alcohol or  
40 controlled substances.

41 b. In all actions brought for divorce, dissolution of a civil  
42 union, divorce from bed and board, legal separation from a partner  
43 in a civil union couple or nullity the court may award one or more  
44 of the following types of alimony: **[permanent alimony;]**  
45 **rehabilitative alimony; limited duration alimony or reimbursement**  
46 **alimony to either party.** In so doing the court shall consider, but not  
47 be limited to, the following factors:

48 (1) The actual need and ability of the parties to pay;

1 (2) The duration of the marriage or civil union;

2 (3) The age, physical and emotional health of the parties;

3 (4) The standard of living established in the marriage or civil  
4 union and the likelihood that each party can maintain a reasonably  
5 comparable standard of living;

6 (5) The earning capacities, educational levels, vocational skills,  
7 and employability of the parties;

8 (6) The length of absence from the job market of the party  
9 seeking maintenance;

10 (7) The parental responsibilities for the children;

11 (8) The time and expense necessary to acquire sufficient  
12 education or training to enable the party seeking maintenance to  
13 find appropriate employment, the availability of the training and  
14 employment, and the opportunity for future acquisitions of capital  
15 assets and income;

16 (9) The history of the financial or non-financial contributions to  
17 the marriage or civil union by each party including contributions to  
18 the care and education of the children and interruption of personal  
19 careers or educational opportunities;

20 (10) The equitable distribution of property ordered and any  
21 payouts on equitable distribution, directly or indirectly, out of  
22 current income, to the extent this consideration is reasonable, just  
23 and fair;

24 (11) The income available to either party through investment of  
25 any assets held by that party;

26 (12) The tax treatment and consequences to both parties of any  
27 alimony award, including the designation of all or a portion of the  
28 payment as a non-taxable payment; and

29 (13) Any other factors which the court may deem relevant.

30 The court may attribute income to a party upon finding that the  
31 party is voluntarily unemployed or underemployed based on that  
32 party's age, physical and emotional health, earning capacity,  
33 educational level, vocational skills, and employability.

34 When a share of a retirement benefit is treated as an asset for  
35 purposes of equitable distribution, the court shall not consider  
36 income generated thereafter by that share for purposes of  
37 determining alimony.

38 c. **【**In any case in which there is a request for an award of  
39 permanent alimony, the court shall consider and make specific  
40 findings on the evidence about the above factors. If the court  
41 determines that an award of permanent alimony is not warranted,  
42 the court shall make specific findings on the evidence setting out  
43 the reasons therefor.**】** The court shall **【**then**】** consider whether  
44 alimony is appropriate for any or all of the following: (1) limited  
45 duration; (2) rehabilitative; (3) reimbursement. In so doing, the  
46 court shall consider and make specific findings on the evidence  
47 about factors set forth above. **【**The court shall not award limited

1 duration alimony as a substitute for permanent alimony in those  
2 cases where permanent alimony would otherwise be awarded.】

3 The court shall determine the length of the term of limited  
4 duration alimony as provided in subsection j. The amount of  
5 limited duration alimony should generally not exceed the recipient's  
6 need or 30 to 35 percent of the difference between the parties' gross  
7 incomes established at the time of the initial award. The court may  
8 deviate from the amount limit upon written findings that deviation  
9 is necessary. Grounds for deviation may include: advanced age,  
10 chronic illness, or unusual health circumstances of either party; tax  
11 considerations for either party; whether the payer is providing or  
12 has been ordered to provide health insurance or the cost of health  
13 insurance to the payee; sources and amounts of unearned income  
14 not allocated in equitable distribution; the payee's inability to  
15 become self-supporting because of physical or mental abuse by the  
16 payer; either party's inability to provide for that party's own  
17 support because of a deficiency of property, maintenance, or  
18 employment opportunity; and any other factors the court deems  
19 relevant and material.

20 An award of alimony for a limited duration may be modified  
21 based either upon changed circumstances, or upon the  
22 nonoccurrence of circumstances that the court found would occur at  
23 the time of the award. The court may modify the amount of such an  
24 award, but shall not modify the length of the term except in unusual  
25 circumstances.

26 Additionally, the court may modify, suspend, or terminate an  
27 award of limited duration alimony when the payer spouse or partner  
28 shows the payee has maintained a cohabitation relationship with  
29 another person for a continuous period of at least three months.  
30 The award may be reinstated upon termination of the cohabitation  
31 relationship; however, if reinstated the duration of the award shall  
32 not extend beyond the termination date of the original order.  
33 Limited duration alimony may not be modified, suspended, or  
34 terminated unless the court finds the cohabitation relationship is  
35 characterized by stability, permanency, and mutual  
36 interdependence, and if the economic benefit inuring to the payee is  
37 sufficiently material to constitute a change of circumstances. In  
38 determining whether to modify, suspend, or terminate limited  
39 duration alimony, the court shall consider whether the parties have  
40 intertwined finances including, but not limited to, a joint bank  
41 account; whether they share living expenses and household chores;  
42 and any other relevant and material factors.

43 【In determining the length of the term, the court shall consider  
44 the length of time it would reasonably take for the recipient to  
45 improve his or her earning capacity to a level where limited  
46 duration alimony is no longer appropriate.】

47 d. Rehabilitative alimony shall be awarded based upon a plan  
48 in which the payee shows the scope of rehabilitation, the steps to be

1 taken, and the time frame, including a period of employment during  
2 which rehabilitation will occur. An award of rehabilitative alimony  
3 may be modified based either upon changed circumstances, or upon  
4 the nonoccurrence of circumstances that the court found would  
5 occur at the time of the rehabilitative award. Rehabilitative  
6 alimony shall not exceed a term of five years, except that the court  
7 in its discretion may extend rehabilitative alimony upon a finding  
8 that: (1) unforeseen events prevent the payee from being self-  
9 supporting at the end of the term; (2) the payee endeavored to  
10 become self-supporting; and (3) extending rehabilitative alimony  
11 would not constitute an undue burden on the payer.

12 **【This section is not intended to preclude a court from modifying**  
13 **permanent alimony awards based upon the law.】**

14 e. Reimbursement alimony may be awarded under  
15 circumstances in which one party supported the other through an  
16 advanced education, anticipating participation in the fruits of the  
17 earning capacity generated by that education. Reimbursement  
18 alimony may not be modified.

19 f. Except as provided in subsection i., nothing in this section  
20 shall be construed to limit the court's authority to award **【permanent**  
21 **alimony,】** limited duration alimony, rehabilitative alimony or  
22 reimbursement alimony, separately or in any combination, as  
23 warranted by the circumstances of the parties and the nature of the  
24 case.

25 g. In all actions for divorce or dissolution other than those  
26 where judgment is granted solely on the ground of separation the  
27 court may consider also the proofs made in establishing such  
28 ground in determining an amount of alimony or maintenance that is  
29 fit, reasonable and just. In all actions for divorce, dissolution of  
30 civil union, divorce from bed and board, or legal separation from a  
31 partner in a civil union couple where judgment is granted on the  
32 ground of institutionalization for mental illness the court may  
33 consider the possible burden upon the taxpayers of the State as well  
34 as the ability of the party to pay in determining an amount of  
35 maintenance to be awarded.

36 h. Except as provided in this subsection, in all actions where a  
37 judgment of divorce, dissolution of civil union, divorce from bed  
38 and board or legal separation from a partner in a civil union couple  
39 is entered the court may make such award or awards to the parties,  
40 in addition to alimony and maintenance, to effectuate an equitable  
41 distribution of the property, both real and personal, which was  
42 legally and beneficially acquired by them or either of them during  
43 the marriage or civil union. However, all such property, real,  
44 personal or otherwise, legally or beneficially acquired during the  
45 marriage or civil union by either party by way of gift, devise, or  
46 intestate succession shall not be subject to equitable distribution,  
47 except that interspousal gifts or gifts between partners in a civil  
48 union couple shall be subject to equitable distribution. The court

1 may not make an award concerning the equitable distribution of  
2 property on behalf of a party convicted of an attempt or conspiracy  
3 to murder the other party.

4 i. No person convicted of Murder, N.J.S.2C:11-3;  
5 Manslaughter, N.J.S.2C:11-4; Criminal Homicide, N.J.S.2C:11-2;  
6 Aggravated Assault, under subsection b. of N.J.S.2C:12-1; or a  
7 substantially similar offense under the laws of another jurisdiction,  
8 may receive alimony if: (1) the crime results in death or serious  
9 bodily injury, as defined in subsection b. of N.J.S.2C:11-1, to a  
10 family member of a divorcing party; and (2) the crime was  
11 committed after the marriage or civil union. A person convicted of  
12 an attempt or conspiracy to commit murder may not receive  
13 alimony from the person who was the intended victim of the  
14 attempt or conspiracy. Nothing in this subsection shall be  
15 construed to limit the authority of the court to deny alimony for  
16 other bad acts.

17 As used in this subsection:

18 "Family member" means a spouse, child, parent, sibling, aunt,  
19 uncle, niece, nephew, first cousin, grandparent, grandchild, father-  
20 in-law, mother-in-law, son-in-law, daughter-in-law, stepparent,  
21 stepchild, stepbrother, stepsister, half brother, or half sister, whether  
22 the individual is related by blood, marriage, or adoption.

23 j. The term of limited duration alimony shall be established as  
24 follows:

25 (1) If the duration of the marriage or civil union is five years or  
26 less, the term of alimony shall not be greater than one-half the  
27 number of months of the marriage or civil union;

28 (2) If the duration of the marriage or civil union is 10 years or  
29 less but greater than five years, the term of alimony shall not be  
30 greater than 60 percent of the number of months of the marriage or  
31 civil union;

32 (3) If the duration of the marriage or civil union is 15 years or  
33 less but greater than 10 years, the term of alimony shall not be  
34 greater than 70 percent of the number of months of the marriage or  
35 civil union;

36 (4) If the duration of the marriage or civil union is 20 years or  
37 less but greater than 15 years, the term of alimony shall not be  
38 greater than 80 percent of the number of months of the marriage or  
39 civil union;

40 (5) If the duration of the marriage or civil union is greater than  
41 20 years, the court shall have discretion to award alimony for an  
42 indefinite length of time.

43 The court may deviate from the durational limits set forth in this  
44 subsection in the interests of justice. In deviating from these limits,  
45 the court shall make specific findings on the evidence setting out  
46 the reasons therefor.

47 (cf: P.L.2009, c.43, s.1)

1       2. N.J.S.2A:34-25 is amended to read as follows:

2       2A:34-25. a. If after the judgment of divorce or dissolution a  
3 former spouse shall remarry or a former partner shall enter into a  
4 new civil union, **permanent and** limited duration alimony shall  
5 terminate as of the date of remarriage or new civil union except that  
6 any arrearages that have accrued prior to the date of remarriage or  
7 new civil union shall not be vacated or annulled. A former spouse  
8 or former partner in a civil union couple who remarries or enters  
9 into a new civil union shall promptly so inform the spouse or  
10 partner paying **permanent or** limited duration alimony as well as  
11 the collecting agency, if any. The court may order such alimony  
12 recipient who fails to comply with the notification provision of this  
13 act to pay any reasonable attorney fees and court costs incurred by  
14 the recipient's former spouse or partner as a result of such non-  
15 compliance.

16       The remarriage or establishment of a new civil union of a former  
17 spouse or partner receiving rehabilitative or reimbursement alimony  
18 shall not be cause for termination of such alimony by the court  
19 unless the court finds that the circumstances upon which the award  
20 was based have not occurred or unless the payer spouse or partner  
21 demonstrates an agreement or good cause to the contrary.

22       b. Alimony shall terminate upon the death of the payer spouse  
23 or partner, except that any arrearages that have accrued prior to the  
24 date of the payer spouse's or partner's death shall not be vacated or  
25 annulled.

26       c. Alimony shall terminate upon the payer spouse or partner  
27 attaining full retirement age when the payer is eligible for the old-  
28 age retirement benefit under the federal Social Security act, except  
29 that any arrearages that have accrued prior to the termination date  
30 shall not be vacated or annulled. The payer's ability to work or  
31 decision to continue working beyond such date shall not constitute  
32 grounds to extend alimony, except that:

33       (1) When making an initial alimony award the court may set a  
34 different alimony termination date for good cause shown. In  
35 establishing a different termination date, the court shall make  
36 specific findings on the evidence setting out the reasons therefor.

37       (2) The court may extend an existing alimony award for good  
38 cause shown based on specific findings of a material change in  
39 circumstances supported by clear and convincing evidence.

40       d. Nothing in this act shall be construed to prohibit a court  
41 from ordering either spouse or partner to maintain life insurance for  
42 the protection of the former spouse, partner, or the children of the  
43 marriage or civil union in the event of the payer spouse's or  
44 partner's death.

45 (cf: P.L.2006, c.103, s.82)

46

47       3. (New section) a. Every action to modify an existing  
48 alimony award pursuant to this section shall be commenced within



1 two years of the effective date of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill). Nothing in this section shall be  
3 deemed to affect the right to modification of any alimony award  
4 based on a change of circumstances.

5 b. Upon motion by either party to the award, a permanent  
6 alimony award existing on the effective date of P.L. ,  
7 c. (C. ) (pending before the Legislature as this bill) shall be  
8 converted to limited duration alimony and may be modified to  
9 conform to the provisions of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill), including but not limited to the  
11 durational limits set forth in subsection j. of N.J.S.2A:34-23, unless  
12 the court finds deviation from such provisions is warranted. The  
13 moving party need not prove a change of circumstances for the  
14 purposes of such modification.

15 c. Upon motion by either party to the award a limited duration  
16 alimony award existing on the effective date of P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill) that  
18 exceeds the durational limits set forth in subsection j. of  
19 N.J.S.2A:34-23 may be modified to conform to the provisions of  
20 that subsection unless the court finds that deviation from such  
21 durational limits is warranted. The moving party need not prove a  
22 change of circumstances for the purposes of such modification.

23 d. Upon motion by either party to the award a rehabilitative  
24 alimony award existing on the effective date of P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill) may be  
26 modified to conform to the provisions of subsection d. of  
27 N.J.S.2A:34-23.

28 e. The enactment of P.L. , c. (C. ) (pending before  
29 the Legislature as this bill) shall not constitute a material change of  
30 circumstances for the purposes of modifying the amount of an  
31 existing alimony award.

32 f. Nothing in P.L. , c. (C. ) (pending before the  
33 Legislature as this bill) shall provide a right to seek or receive  
34 modification of an alimony award in which the parties have agreed  
35 that alimony is not modifiable.

36

37 4. This act shall take effect October 1, 2013, and sections 1 and  
38 2 of this act shall apply to judgments for alimony entered on or after  
39 the effective date.

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STATEMENT

43

44 This bill would revise the laws concerning alimony by  
45 eliminating permanent alimony and establishing guidelines  
46 concerning the amount and duration of other types of alimony.

47 Under current law, a court may award four types of alimony:  
48 permanent, limited duration, rehabilitative, and reimbursement.

1 The four types of alimony are designed to address different types of  
2 considerations that arise during the dissolution of a marriage or  
3 civil union. For example, rehabilitative alimony is intended to  
4 permit a former spouse or civil union partner to obtain the training  
5 and education necessary to return to the workforce and enhance and  
6 improve their earning capacity. Reimbursement alimony is awarded  
7 to reimburse one spouse or civil union partner for financial  
8 contributions made to the other spouse or civil union partner's  
9 education or professional training. Permanent alimony is awarded  
10 following a lengthy marriage or civil union marked by prolonged  
11 economic dependence and sustained contribution to the marriage or  
12 civil union. Limited duration alimony is awarded for a set period of  
13 time and may not be awarded as a substitute for permanent alimony.  
14 There are no guidelines in the current law concerning the duration  
15 or amount of an alimony award.

16 This bill would eliminate permanent alimony awards and  
17 establish guidelines for the term of limited duration alimony based  
18 on the length of the marriage:

- 19 (1) If the duration of the marriage or civil union is five years or  
20 less, the term of alimony would be a maximum of one-half  
21 the number of months of the marriage or civil union;
- 22 (2) If the duration of the marriage or civil union is 10 years or  
23 less but greater than five years, the term of alimony would  
24 be a maximum of 60 percent of the number of months of the  
25 marriage or civil union;
- 26 (3) If the duration of the marriage or civil union is 15 years or  
27 less but greater than 10 years, the term of alimony would be  
28 a maximum of 70 percent of the number of months of the  
29 marriage or civil union;
- 30 (4) If the duration of the marriage or civil union is 20 years or  
31 less but greater than 15 years, the term of alimony would be  
32 a maximum of 80 percent of the number of months of the  
33 marriage or civil union;
- 34 (5) If the duration of the marriage or civil union is greater than  
35 20 years, the court would have discretion to award alimony  
36 for an indefinite length of time.

37 The court would be permitted to deviate from these durational  
38 limits in the interests of justice and would be required to make  
39 specific findings on the evidence setting out the reasons for  
40 deviation.

41 The bill would also provide that the amount of a limited duration  
42 alimony award should generally not exceed the recipient's need or  
43 30 to 35 percent of the difference between the parties' gross  
44 incomes. A court would be permitted to deviate from this guideline  
45 upon a written finding that deviation is necessary. Additionally, the  
46 court would be permitted to attribute income to either party when it  
47 finds that party is voluntarily underemployed or unemployed.

1 Under current law, limited duration alimony may be modified  
2 based on changed circumstances or upon the nonoccurrence of  
3 circumstances that the court found would occur at the time of the  
4 award. The court may modify the amount of the award but not the  
5 length of the term except in unusual circumstances.

6 The bill would additionally permit suspension, modification, or  
7 termination of a limited duration alimony award in the event the  
8 recipient establishes a cohabitation relationship with another person  
9 for a continuous period of at least three months. The original  
10 alimony award could be reinstated upon termination of the  
11 cohabitation relationship but would not extend beyond the  
12 termination date of the original order. The bill would provide that  
13 limited duration alimony may be modified, suspended, or  
14 terminated only if the court finds the cohabitation relationship is  
15 characterized by stability, permanency, and mutual  
16 interdependence, and if the economic benefit inuring to the payee is  
17 sufficiently material to constitute a change of circumstances. In  
18 determining whether to modify, suspend, or terminate limited  
19 duration alimony, the court would consider whether the parties have  
20 intertwined finances including, but not limited to, a joint bank  
21 account; whether they share living expenses and household chores;  
22 and any other relevant and material factors.

23 Under current law, alimony terminates upon the death of either  
24 party and both permanent and limited duration alimony terminate  
25 upon the recipient remarrying or establishing a new civil union; any  
26 arrearages that have accrued as of the date of death, remarriage, or  
27 establishing a new civil union may not be vacated or annulled.

28 The bill would provide that alimony would also terminate upon  
29 the payer spouse or partner attaining full retirement age when the  
30 payer is eligible for the old-age retirement benefit under the federal  
31 Social Security act; however, any arrearages that accrued prior to  
32 the termination date would not be vacated or annulled. The payer's  
33 ability to work beyond such date would not constitute grounds to  
34 extend alimony, but the court would have discretion to extend an  
35 alimony award beyond the termination date for good cause shown  
36 either when making the initial alimony award or upon a finding of a  
37 material change in circumstances supported by clear and convincing  
38 evidence.

39 Additionally, the bill would provide that rehabilitative alimony  
40 would not exceed a term of five years. The court would have  
41 discretion to extend the term of rehabilitative alimony upon finding  
42 that: (1) unforeseen events prevent the payee from being self-  
43 supporting at the end of the term; (2) the payee endeavored to  
44 become self-supporting; and (3) extending rehabilitative alimony  
45 would not constitute an undue burden on the payer.

46 The bill would also provide that reimbursement alimony could  
47 not be modified.

1 Finally, the bill would permit modification of alimony awards  
2 existing on the effective date to conform to the provisions of the  
3 bill. Limited duration and rehabilitative alimony awards could be  
4 modified to conform to the durational guidelines provided in the  
5 bill, and permanent alimony awards could be converted to limited  
6 duration alimony awards and modified to conform to the durational  
7 guidelines for limited duration alimony. A motion for modification  
8 could be brought by either party to the award and the moving party  
9 would not need to show a change of circumstances to receive a  
10 modification. The bill additionally provides that its enactment  
11 would not constitute a change of circumstances for the purposes of  
12 modifying the amount of an existing alimony award and it would  
13 not permit modification of an award that the parties previously  
14 agreed could not be modified. The bill would require that all  
15 petitions for modifications in connection with its enactment be  
16 brought within two years of the effective date. However, nothing in  
17 the bill would be deemed to affect the right to modification of any  
18 alimony award based on a change of circumstances.

19 The bill would take effect on October 1, 2013 and sections 1 and  
20 2 of the bill would apply to judgments for alimony entered on or  
21 after that date.

22 This bill is modeled on the Massachusetts “Alimony Reform  
23 Law of 2011.”