



LIFETIME SPOUSAL MAINTENANCE MAY END

A husband who was ordered to pay lifetime alimony back in 2008 has founded New Jersey Alimony Reform, an advocacy group in New Jersey lobbying for legislation to change alimony laws. Tom Leustek, founder of New Jersey Alimony Reform, maintains that many of New Jersey's alimony laws are swayed because they were established 60 or 70 years ago when women were mostly stay-at-home mothers and men were the primary bread winners. Leustek has convinced New Jersey State Senator Sean Kean to sponsor legislation overhauling New Jersey's alimony laws, particularly lifetime payments. Under New Jersey law, a judge may award lifetime alimony in a divorce decree for marriages lasting as few as ten years. Unless the spouse obligated to make payments successfully motions the Court, there is no legal avenue for adjustments in the event of loss of employment, decrease of earnings, or a financially burdensome medical condition.

In Arizona, a judge's consideration of an award of spousal maintenance is based upon A.R.S. §25-319. Arizona statutes mandate that the Court make a factual finding, considering upwards of 13 different factors. These factors include such things as if a spouse seeking spousal maintenance lacks sufficient property to provide for that spouse's reasonable means, is unable to be self-sufficient through appropriate employment, and contributed to the educational opportunities of the other spouse.

Previously, Arizona courts had guidelines to consider when making a determination of spousal maintenance. The Arizona Court of Appeals struck down the previously used guidelines and Arizona judges must now look to the statute to making a factual determination whether a party qualifies and an opposing party is obligated to pay spousal maintenance.

Recently, a hand-full of states also consider modifying spousal maintenance guidelines. In Massachusetts, the law was changed to abolish lifetime spousal support in most cases. Now spousal support typically ends when the obligor hits retirement, or the person receiving spousal support begins living with a romantic partner, as opposed to actually marrying the partner which always is a provision terminating spousal maintenance. Also, Massachusetts adopted a new formula for determining spousal maintenance based on the length of the marriage.

Florida recently introduced legislation that would limit spousal maintenance amounts and duration, ease the burden of obligors permanently supporting ex-spouses, and provide the ability to renegotiate spousal maintenance.

Arizona, like California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin, is a community property state, meaning everything acquired by the spouses during the marriage is deemed community property and is split 50/50. In those states where fault is an issue, the Court may award one spouse a larger share because of the fault of the break-up of the marriage, or a disparity in the two spouses' income potential. Absent this, the Court generally splits the property and debts down the middle.