The divorced people of New Jersey have paid for this book with their lives: lives that have been shattered, crushed and ruined — and will remain so until the unjust alimony laws are changed.
Alimony troubles: Two sides escalate battle in NJ

Feb 22, 2013 | 77 Comments

For some ex-couples, the economy has made child support, alimony and other financial terms of divorce even harder to bear. And these fresh battles are adding urgency to an acrimonious debate over alimony reform in New Jersey.

Take Lynn Sebold, a 49-year-old mother of two teenage girls who earned six figures and owned a four-bedroom home in the Basking Ridge section of Bernards with her husband.

In 2009 the couple divorced and, from that point, Sebold says her financials took a nosedive.

They sold the house and Sebold spent about $65,000 on expert and legal fees, she said. She temporarily moved in with her parents while the divorce dragged out. Exhausted, almost bankrupt and wanting “the nightmare to end,” Sebold said she agreed to pay her ex-husband $15,000 a year in alimony — about $6,000 when offset by his child-support deductions.

Sebold lost her well-paying sales job in 2011, and for the next 10 months she searched “diligently” for a job, she said. Last March she found one, but for almost half of what she had previously earned.

Although her income and expenses have been reduced, her alimony has not because “there is no bright-line rule” to measure

Are the People of New Jersey Interested in Alimony Reform?

Asbury Press Newspaper article on Alimony Reform
draws 1,089 Recommendations...
These are the actual stories of New Jersey Residents.

People just like me and you, except their lives have been shattered by horrific divorce decrees, crushed by unfair judgements, horrendous lawyer’s fees, their children torn from them, and overbearing monthly alimony award payments. With virtually no hope of relief, many suffer for the rest of their lives.

Many of these people have had their families and children ripped apart by the New Jersey so called “Family” court system - a self-serving system of judges and good-old-boy lawyers. The rest of their lives bearing the forever open scars and ever-fresh wounds from the harsh, unrealistic, antiquated alimony laws in the state of New Jersey, and the overpowered omnipotent judges who decide the lifetime of people’s fate in a few seconds.

While you would like to think there is some semblance of justice in “Family” court, I can assure you I haven’t seen it. Old world cronyism, lawyers arguing every side of every issue to run up huge fees, and judges that have long forgotten the lives and families they have ruined; and unrealistic judgements that have nothing to do with fairness or justice.

I cried when I read many of these stories while assembling this book.

Before reading this, I thought only of my brother who has spent over $350,000 - his life savings - on matrimonial attorney’s fees. With this result: He now pays over $5,000 each month in alimony, plus $2,500 in child support until his children are 23 years of age (a surprising age for a “child”) and maintains a mandatory $2,000,000 life insurance policy so his ex-wife gets indeed filthy rich if he dies. He works three jobs to pay this amount each and every month, and will do so for the rest of his life. He was married for 12 years. His ex-wife is able-bodied and holds college degrees in both computer sciences and education, and doesn’t work. Winning the NJ lottery doesn’t even pay this much.

Now I see that his horror story is one of many - people whose lives have been ruined by a judge who answers to no one, wielding a heavy stick of ineptness, passing court orders in the name of “justice” — while carelessly giving lifetime sentences of monthly alimony payments to people who have simply failed in marriage. Self-serving judges who’s professional arrogance over the years has placed them well above the law, justice, and certainly any intelligent rules of fairness. The system is broken beyond repair and we the people suffer.

Three days before serving my brother with divorce papers his abusive ex-wife purchased a new fully-loaded Toyota Seneca van with every possible option. Two days after being served with papers, I watched my brother weep when he was taken from his home in handcuffs - in front of his 3 young children - on malicious and completely fabricated assault charges. His ex-wife remained living in the marital home during the next 2-1/2 years until the divorce was “settled.”

He moved into my house that night with only the shirt on his back, while over the next few months his ex-wife went through every item he owned, every computer and computer file from his office - looking for money and to manipulate the children.
Due to the restraining order she falsely filed, he wasn't allowed to speak with his children. She removed every phone in the marital house except for one with a speaker, and allowed me to call his children while she was there listening with her finger on the disconnect button - should I say something she didn't like, or just for no reason at all other than to show her completely manipulative power over him. He lived on my couch for over two months, and I watched him walk around the house spontaneously bursting into tears because he couldn't speak with his own children... What kind of court orders that?

Three ugly years later in settlement, she bought a $400,000 condo (with his money) and moved in, having been awarded ALL the contents of their prior marital house, and all the money for its sale. He moved into a small apartment. He borrowed money from family members to pay her what the “Family” court decreed on a judges whim. He went into credit card debt for over $90,000 to avoid jail for non-payment of alimony. And you say there is no debtors prison here in the U.S.?

Although he’s over 60, he works three jobs to pay alimony to his abusive ex-wife - who received well over 100% of all his assets in the divorce. She doesn't work despite having two college degrees.

I could write a book on all the horrific abuses he suffered over the past 8 years. Through surgeries and injections on his back, couldn't walk for months, with no relief from the court on payments - not even for a few months. But now I see he is just one of the many. People who have and continue to suffer - some even worse. Some have been jailed for missing alimony payments. Many have lost money, children and any decency in their lives - as much as my brother.

Many lives have been ruined - shattered by the horrid Alimony Laws and gruesome “Family Court” decisions in New Jersey. Both men AND women - good people, honest and hard working, have been crushed by the good-old-boy network of “Family” court omnipotent judges, and lawyers who take cases after they fully see the complete bank accounts of both spouses. Armed with that knowledge the spouses become the lawyer's victims as an easy source of income. My brother spent his life savings on his lawyers who churned his account sometimes at a rate of over $30,000 a month. He was too far tearful to see it, too beaten to fight.

Is it time for an overhaul? The reform to the Alimony Laws of New Jersey is long, long overdue.

The Family court system in New Jersey is a mockery of justice, or fairness. It is appalling.

It may be too late for my brother to recover from the suffering he has endured. But he can be spared the rest of a lifetime of servitude, of unjust payments. There are thousands and thousands of other people who are continuing to live this horror story every day. Thousands more who will experience it in the many tomorrows to come.

God Bless Tom Leustek and the Alimony Reform team. They, as myself, have worked tirelessly and without a nickle of payment to make a positive change in people’s lives. People who they don't know and may never know. People whose only crime was a failed marriage - and a divorce in New Jersey.

Change in Alimony law in New Jersey is inevitable. Eventually, people will have a chance of returning to a normal life after divorce. Parents who won't hate each other - as the “Family” court often dictates, as it entertains frivolous motions and invites endless litigation, and finally reprimands all the money into its vicious system of greedy lawyers and self-serving judges. It turns divorcing parties against each other, and forces children to chose one side or the other. The most expensive cost of all — alienating their children, pushing them to choose one parent or the other.
The Family Court, the Alimony Laws in New Jersey have little to do with justice, more to do with a self-serving system that pretends to do things in the name of right, and justice. How far they have strayed from the truth. *At best it is gross self-interest masquerading as public statesmanship...*

This book represents what the people of New Jersey know all to well: is time for Alimony Reform. It is time for settlement and closure for people who no longer wish to be married. In September of last year we asked some of our members for their horror story. These stories poured out. I'm so sorry I haven't put this book together sooner. I worked on it many nights and weekends.

We know it won't be easy. Lawyers see us cutting off their easy income. Judges are insulted they will be asked to give up one iota of their omnipotent power.

But the people of New Jersey will never give up fighting for what they believe to be right. What is in the best interest of all the people. New Jersey has the harshest, most punishing alimony laws and court system of all states. We will never give up trying to change it. I will never give up. I will never give up.

*The people of the Alimony Reform movement are not against alimony. We believe alimony should be transitional, until both spouses are back on their feet - and can move on with their lives. We don't believe it is a gender based “man” or “woman” right to pay or receive alimony. We believe in a fair transition of both parties back to a normal lifestyle.*

The stories in this book are just the tip of the iceberg. Most people don't know about our grass roots group. We don't have big money like the fancy matrimonial lawyers who push through high powered legislation. We have a group that is growing in dissatisfaction of what is happening - crushing the lives of peers and colleagues. Every day new people join. We now have a voice that is constant and vigilant.

As unjust alimony cases are brought forward in the press, you can see stories about alimony reform in New Jersey drawing 200, 500, 800 comments in the newspapers and online. Over 95% of the comments are people who want reform. As more and more people learn of the atrocities of what judges are doing to honest citizens - their friends and neighbors - who have done nothing other than get a divorce, more people - voters - everyday citizens are drawing new lines.

From my brother who has spent all his money on needless attorneys arguing meaningless points of every law - they saw his “cash on hand” in the divorce filings papers and went directly after it… to John Waldorf, who spent real time in jail when his family court judge ordered him to pay more annual alimony than he has ever made in salary in his entire life. These are just a few of the hardships.

I did not get paid for writing and publishing this book. Not one red cent. My only wish is that my brother - and people like him - no longer suffer under the harsh and oppressive alimony laws of New Jersey for the rest of their lives.

Please support Alimony Reform in New Jersey. Tell others about the reform movement. Join our group for free. Donate if you can. Call or write your legislator. We will never give up fighting, but we can use some help. Your help — please join us, there is strength in numbers. Thank you.

Jeffrey Dobkin

www.NJAlimonyReform.com
A newspaper poll showing over 91% of the 3,483 people asked are in favor of eliminating permanent alimony in New Jersey
Mr. Tom Leustek  
New Jersey Alimony Reform Association 1092 St. Georges Avenue, # 141  
Rahway, NJ 07065  
Re: Horror Story  

Dear Tom:

Fortunately, my story is not as horrible as some I’ve read. I am eight years into lifetime alimony from a fifteen year marriage dissolved in Monmouth County. Each year I pay $55,000 in alimony plus $18,000 in child support. The alimony amount alone represents a good annual salary for most people. Based on an obligation to pay this forever, I will never be able to retire. My ex-wife, on the other hand, has the luxury of relaxing and retiring whenever she feels it’s appropriate based on the annuity windfall she has received. I, on the other hand, cannot even fantasize about retirement or even taking a step back to relax a bit with this kind of obligation hanging over my head. The stress this creates in my life and to my health is unbearable and will never go away. It is insane that the law can give one person such lifetime control over another with little or no hope for relief.

The alimony law began as an honorable concept but became corrupted and turned into a lottery winning for one person at the servitude of the other. As if this is not enough, I am self-employed in an industry where my income varies from year to year. If I want to appeal my obligations at any point, I am subject to a costly forensic audit. There needs to be a cap on the number of years a person can be subjected to this. The animosity I feel toward my ex-spouse affects our children.

There is never an opportunity for healing or civility to return to our relationship. This situation is absolutely brutal and inappropriate merely for being one of two parties in a failed marriage. Please share with our legislators that, while rehabilitative alimony is completely appropriate, permanent alimony is simply cruel and unusual punishment.

Sincerely,

Thomas A. Mitchell  
/tam
October 5th, 2012
Re: My Horror Story

Length of Marriage: 14 years - Mercer County, NJ

I was married for 14 years and had four children of the marriage since 1991. The divorce was finalized in August of 2008. I think you will find my saga to be far worse than most by far. I was fortunate enough to be in the mortgage lending industry at the peak years. My business was established long before I entered into marriage at the age of 35 in 1991. I had a prenuptial agreement prior to the marriage, that was overturned in the divorce trial in 2007. Overturned on a technicality (partial non-disclosure of information by my attorney), not for being unconscionable. After continued business success until the year 2005, when the mortgage market began it’s monumental crash, my x filed for divorce, rather than return to work to help support the family. My net worth at the time of the separation in 2005 was nearly $5,000,000.

Rather than vacate the marital residence on the filing of a complaint by her, as per the terms of the then thought to be enforceable prenup, she embarked on a fake domestic violence complaint and was awarded a final restraining order. There was not a shred of existing proof of injury nor a single witness. Yet it was awarded anyway, and it served its purpose: to get me out of my house, so she could have a leg up in the divorce.

I was forced out of my house and away from my children, by a judge who had literally no evidence of any violence over the fourteen years of marriage.

It took three and a half hears from the date of the restraining order to get the final divorce decree. The court awarded lifetime alimony and child support based on the income of the “best years” of the business.

The subsequent colossal crash of the mortgage industry was no secret to anyone who watched the news. Yet my motions for modification to the court were all denied. I was told to “re-tool” my business! I was unable to make the huge payments that were imposed on me. I was already partially disabled with spinal cord and bone problems, and other significant ailments, which also prohibited me from working as in previous years. I demonstrated to the court with medical proof, that I had medical problems as well as an unprecedented drop in the mortgage lending business that the country has not seen since its inception. I was jailed for five days for missing ONE PAYMENT, ONE DAY LATE.

The court continued to impose this outrageous monthly payment on me or continue to jail. I had to borrow funds from family to literally keep out of jail. I ended up filing bankruptcy and lost my entire $5,000,000 net worth. I lost my business, my credit, and all retirement savings, and my home, the most of which was PRE MARITAL assets that the court refused to acknowledge despite being listed in the signed and agreed to prenup.

The time I had to spend in jail caused me to develop post traumatic stress disorder, partial loss of vision in one eye, and other inoperable spinal conditions from being forced to sleep on concrete floors with no cushions, and deprived of all my needed medications for five days. My x remained in the $1.5 million dollar house I built (my pre marital home) for nearly 7 years free,
right from after the separation, without even making the obligated payments
to the mortgage and taxes she was required to pay from the spousal support.
She lived there with all the income from alimony and child support and then
let the house go to bankruptcy. (Yeah, what happened to all that money?)

Finally in 2009, I was awarded permanent disability by the Social Security
Administration. My x who believed my disability was phony, embarked on a mis-
sion to the Federal Government to challenge the award, and she requested a
plenary hearing by the State Superior Court and was granted one. The findings
of permanent disability were upheld by the Federal Court and the State Supe-
rior court. But only after it costing me another $12,000 to defend what was
already awarded by a Federal judge.

  My disability was made retroactive to June of 2007. My alimony payments
are now currently “suspended”. Too little too late if you ask me. At this
time I have a motion pending to be heard on February 3rd, 2012 to seek retro-
active reimbursement of the overpaid alimony that I had to borrow to stay out
of jail, during the period of time of two years waiting for the Social Secu-
rity Administration to act. Who wants to be that the court will not award it?
The court was wrong in its conclusions that I was not disabled. The court was
wrong in awarding lifetime alimony, The court was wrong to impute exorbitant
income in an industry that has caused the biggest collapse in the country
since the great depression.

There is a serious problem when simply a dissolved marriage in New Jersey
can cause the collapse of a person’s entire lifetime work, send him to jail,
and leave him disabled.

I have four children who will have suffered the worst consequences of this.
They will have no college funds, no automobiles, no health insurance, no in-
heritance, no nothing. They can thank the court system and the NJ laws for
that.

  And where can I turn for this outrageous outcome? What ever happened to a
court of competent jurisdiction? How does destroying the husband & father
make the x-wife and children any better off? How should the judge be held
accountable for the lost future of my children, not to mention myself?

  Things must change, the laws must change. There should be accountability
for gross negligence by Superior Court judges. And finally, I have to repre-
sent myself in court because I can’t afford a lawyer. What will it take for
our legislators and judges to listen and make laws to protect families and
not destroy them.

As of this writing, the hearing was held, and I am awaiting orders from the
Judge. It took over five years to get to this point of awaiting a final ruling:
If there were laws instead of judicial discretion, this could have all been
resolved timely and without such devastation.

George DiDonato
2801 Nottingham Way
Trenton, NJ 08619
(609) 240-9123
I am telling this story on behalf of my brother who is unable to do so at this time. My brother endured 27 years of physical and verbal abuse (unknowingly to any of his family members) and did not retaliate due to being a Police Officer in the state of NJ and how it could affect his job. He left the marriage to save his own life as it became too much for him to endure any longer. His alimony was based on years of marriage for the duration of his pension. She was also awarded the house and household contents and 43% of his pension. My brother after 25 years of service to the Police Department was forced to medically retire at age 55 due to health issues. As a result she gets $5,000 a month and he gets $1,000!!!!!!! Where is the justice in that? He doesn’t get enough to survive on each month. She takes the summers off and sits on the beach in fine style. My brother has suffered greatly from this and as we speak has been admitted into a Psych Crisis center a few days ago for suicide precautions and depression. My brother is a wonderful person and all he did in his life was work hard to provide a good life for his family. He has paid a huge price for trying to do the right thing. PLEASE HELP MY BROTHER AND ALL WHO ARE JUST LIKE HIM GOING THROUGH THIS HORRIBLE NIGHTMARE !!!!!!!!.

Respectfully Submitted,

Debrah & Joop
Dear NJ Alimony Reform,

Mine was a marriage of constant upheaval both emotionally and financially. My ex husband is an alcoholic who could not keep a job because, by his own admission, stole from every employer he ever had (27 jobs in 31 years). Toward the end of our marriage, again by his own admission, he felt no urgency about obtaining employment as, according to him, he could just live off of me even though the state of our finances were, as always, in disarray because of his employment record. He continues to be unemployed, a luxury he can afford because I pay him alimony every week.

When I decided I could no longer live with his chaos and abuse, that life was too short, I sought a divorce. I no longer could enable his addiction. The state of New Jersey has a completely different outlook on enabling addiction. However, it is not the state who is enabling. Rather, it is me as I am required to pay lifetime alimony to a drunk who refuses to work. Anyone who is an addiction specialist, or member of a 12 step program, states emphatically that addicts should not be enabled, and that they should be left to reach their bottom as it is probably the only way they will work on getting and staying sober, facts that clearly the State of New Jersey, up until this point, does not agree.

Besides alimony, he cashed out half of a retirement account I scrimped to save over the years. Additionally, he gets part of my pension when I retire, which is ironic because after 37 years of dedicating my life to teaching the children of Voorhees Township, because of him retirement is not an option for me any time in the foreseeable future. Besides the fact that I am a woman who is required to pay alimony and has lost half of everything I’ve saved, I am also a teacher. This is not a complaint about my job or my salary, however, reality is that with a masters degree and 37 years of experience I do not make a six figure salary. Besides what I am required to pay him, I have been left to clean up years of his credit card abuse and other financial situations that have arisen as a result of his constant unemployment. And this is just my story. What he has done to his children, both emotionally and financially is horrific.

I wake up every day and decide to live a decent life and do the next right thing. My two beautiful daughters lives reflect the fact that I raised them to live decent lives themselves. Every school day for thirty seven years I have gone to work and by both word and deed I have tried to instill in my students the concept of doing the right thing. And yet it is me (and my family) who suffers because of this divorce while a man who does not have a decent or sober bone in his body is rewarded weekly when I send him his alimony check ....and with no end in sight, thanks to the lifetime alimony laws in the state of New Jersey.

I appreciate all that NJ Alimony Reform is doing to end this atrocity for me and others like me.

Dottie Holmes
Alimony Reform Members (red shirts) at the 101.5 Town Hall Meeting
Man sits in jail while unable to pay alimony that exceeds his income

FLEMINGTON — For nearly seven weeks, John Waldorf has been in the county jail on a “non-support” charge for allegedly failing to pay alimony.

He claims he is a victim of New Jersey’s "antiquated" alimony system and many people agree with him. In late October a small protest was held outside the courthouse.

Bruce Eden, Civil Rights Director, of DADS (Dads Against Discrimination) is hoping to garner support for Waldorf on Friday, Dec. 7 when a judge will again hold a hearing to determine how much Waldorf must pay to be released.

Waldorf, who divorced his wife of 11 years in 2011, was ordered to pay $2,000 a week in alimony to his ex. That amounts to $104,000 a year. In addition he was ordered to pay $3,300 in child support. The problem is that Waldorf has only been taking home about $90,000 a year on average, according to Eden. Eden said he has Waldorf’s tax returns dating back to 2000. The highest income reported by Waldorf during the

Over 800 comments on John Waldorf’s divorce alimony payment order.
John Waldorf was arrested and incarcerated for the crime of not paying alimony to his ex-wife. The Family Court judge ordered John to pay more in alimony than his income - an obligation he couldn’t meet. This ruling was later overturned by a higher court, but John had already spent time in jail. He also faces additional jail time in the near future for not being able to meet his lifetime alimony monthly payments.

John Waldorf
25 Hoffmans Crossing Rd Califon NJ, 07830

NJAR-Horror Stories

My Story

Waldorf v Waldorf Divorce The Long/Horror of it.

History

I married my Ex-Wife in August of 1995. She had been married two times previously and had two children from her previous marriages. She was getting child support but no Alimony from her second husband. We had one child born of the marriage in June of 1996.

My Ex-Wife is an Attorney and I am an Engineer. My Ex-Wife worked full time when we were married. She was a Senior Editor for a Legal Publication which reviewed and offered commentary on lawsuits and why certain monetary awards were made or not made. She knew the ends and outs of the legal system and the Courts all to well, as I came to find out, to my ultimate detriment.

After a few years into the marriage my Ex-Wife started abusing prescription narcotics and started doctor shopping for her drugs. I tried to get her to go to a rehab facility and she always refused or played the “I’ll commit suicide” card and unfortunately the children heard this. Her brother had committed suicide back in 1995 so this was a real concern to me.

My Ex-wife was very litigious. She filed lawsuits against her dentist, her stock broker, her second Ex-Husband and her Father’s 2nd wife. These lawsuits cost a lot of martial money and she never was on the positive outcome of the suits.

Over time she became very emotionally abusive to me and the children and became physically abusive to her older children to the extent that the older son moved in with his father to escape her wrath. In 2006 she started having an affair with an old high school sweetheart. At this time I started sleeping in the basement as I was no longer comfortable sleeping in the martial bed. On a routine basis she would come screaming down three floors to the basement, in the middle of the night, ranting about something, clearly under the influence of drugs. This upset me tremendously physically and emotionally.

With my Ex-Wife it was her way or no way. There was never any gray area. At least weekly I would hear “I should have married Howard”. She would always belittle me and put me down and blame me for anything which went wrong in her life. If the sun came up in the west it was my fault. I can remember her saying that no one would believe it if I told them that she was abusive to me. She would say how could a small women like me be abusive to a large man like you. At some point she started purposefully falling down in front of me. She started taking pictures of her bruising. At this point I saw an Attorney who recommended that I move out of the house immediately as she was clearly trying to set me up for a domestic abuse case. I never abused my Ex-Wife and the police had never been called to the house for anything.
Divorce Filing & Subsequent Trial Scheduling

She filed for divorce in April/May of 2007 which was when I moved out. The only remaining assets of the marriage was the martial home with $300,000 in equity, her IRA, my 401 K account and my son’s 529 college account. The presiding Judge awarded her $6100/ month for living expenses while I was trying to live on $1,400/ month. I was forced to borrow funds from lines of credit to make up the monies that I needed to live on. We went through two Economic Mediations, as ordered by the Court, both of which I agreed to their terms and would have settled, but my Ex-wife would not settle. The longer she could delay the process the more money she got from me monthly. In the summer of 2008 she cashed in one of our IRA's in violation of a Court Order and used the funds to pay her Attorney fees.

She wanted her day in court no matter what cost financially or emotionally to me and our son. The Court scheduled the trial to begin in March of 2009. The Court postponed the trial because she had fired her Attorney. The trial was postponed until September of 2009. In September of 2009 she had hired another Attorney and the Court put on the trial again so that the new Attorney could get up to speed.

In September of 2009, through a business re-alignment, I became unemployed. The next six months were an emotional whirl wind for me. I petitioned the Court numerous times to lower my payments and the Court would not lower the payments and indicated that they would only consider it upon final Divorce. I also saw that housing values were collapsing and filed a motion to sell the martial home before it dropped in further in value. The court denied the motion, subsequently over the last three years the house has lost $300,000 in equity and is now in foreclosure.

Fleeing the Country

At this point I was at my wits end and did not know what to do. I was emotionally spent and financially busted. I became extremely depressed. I cashed in my 401 K account to continue paying her the $6100/ month as ordered by the Court. I became so desperate that In January of 2010 I fled the country with the intention of never being heard from again. I drove thousands of miles through the United States, Mexico and Central America with my ultimate destination, Panama. It was only because of the compassion of my partner, who I am forever thankful, and my brother that I am here today. They talked me back home to the United States after being away for three weeks.

After I had decided to come back I was allowed to teleconference into a scheduled hearing before the Court which I did from Guatemala City. Unless one is going through the divorce process they cannot know the true cost emotionally and physically. You feel like a puppet with some else pulling your strings all the time. There is a constant foreboding of what is going to happen next. There is the constant worry of incarceration for reasons that are out of your control.

Family Court Experience

After firing her second Attorney in the spring of 2010 the Trial was once again scheduled to start in September of 2010. The trial ended in July of 2011 with a Judgment of Divorce issued on 12/21/2011 taking four and one-half years .

Family Court in New Jersey is not a court of Law or Equity it is a Court of Egos with Judges miss-using their power leaning on antiquated laws. New Jersey is supposed to be a state of "equitable distribution" upon dissolution of a marriage.

“The most troubling issue in the Family Court System in New Jersey is that it has a huge negative effect on the final outcome of the relationship between a child and the non-custodial parent. There is a presumption, in New Jersey Court, that the non-custodial parent is not a good parent and consequently their parenting time, as set by the court, is very little and usually set at every other weekend at best with a Wednesday thrown in. This perpetuates the "child support miss conception". The Court, by presuming that the non-custodial parent only gets 10% time is setting up a wage garnishment order to pay child support. I completely agree that children should be supported by both parents.
What the public needs to know is that there is a Federal law that says for every dollar garnished by the states for Alimony & Child support the state gets paid $0.60. This $0.60/dollar goes into the state coffers to finance Judges and other Court Administrator's retirements. If the presumptive parenting time was assumed to be 50/50 the child would benefit greatly in time spent with each parent and the child support would become a non-issue.

There is a blatant conflict of interest built into the system with the presumption that non-custodial parents should not get equal time with their child — and the Court system benefits financially in this arrangement by getting their pensions subsidized by wage garnishment orders.

Attorney Fees

Another troubling issue is the cost of the divorce in terms of legal fees. My divorce was started in May of 2007. By May of 2008 I had spent $60,000 in attorney fees for myself. At this point I had to start representing myself because I could not afford an Attorney. Conversely my Ex-wife went through three separate Attorneys costing roughly $300,000. With each Attorney there was a new learning curve and additional costs. Over the 4 years of the Divorce proceedings I paid over $40,000 to her three attorneys. It is pertinent to say that my Ex-Wife attended Case Western Reserve University Law School and is a practicing attorney.

Bias Courts & Judges

The Family Court, in Hunterdon County, New Jersey, is bias and favors the custodial parent who in most cases is female. Judge Hany Mawla, Judge Superior Court, Hunterdon County, NJ played a significant role in helping to alienate my son from me through his actions against me. In all motions he favored my Ex-Wife and made an incorrect assumption that I was not being forthwith with the Court. Unfortunately my son suffers the most in this.

Family Court Judges need to be made accountable for their actions which, more often than not, violates the intention of the law. Am I angry? You bet, however these types of abuses by our Court Systems of men’s and children’s rights will not end until the Federal Government stops subsidizing these actions through payments to the states and or the states reform their alimony laws. Subsidies fund the Family Court system and pay for Judges Retirement pensions, for clerks in the courts, and the court sheriffs and bailiffs as well as court administrators.

When a male emotes during Court proceedings it is considered anger . When a female emotes in a court proceeding she is just being a mother and the Court pities her and always rules in her favor. How is a father supposed to act when the Court is taking his child from him and denying him equal time with his children? When I emoted to the Court that my Ex-wife was lying and perpetuating a fraud on the Court in regard to my parenting time the Court deemed me as having "Anger Management Issues" and ordered me to take Anger Management Classes. If you don’t get angry when someone or some system threatens to take your child from you when do you get angry?

Specifically, Judge Hany Mawla is very bias against men. I am a "dead beat dad" who, over the last 4 1/2 years, have paid over $329,000 in "pendente lite" support to my son’s mother and yet have been incarcerated twice for being behind in my pendente lite payments. The arrearage happened because I could not make the full payments when I was unemployed which was through no fault of my own. Judge Hany Mawla was appointed by Governor Chris Christi. Governor Christi held the appointment of the first Muslim Judge to Superior Court bench as an example of New Jersey’s religious diversity. Unfortunately Judge Mawla, as his record shows, is very bias against men and is a strong advocate for women’s rights. A Judge should not be an advocate for women’s or men’s rights he should be an advocate for equal rights under the law without gender bias.

What is equally disturbing and counter to the normal thought process is that when I was incarcerated my New Jersey drivers and professional licenses were suspended which would preclude me from working. This is punishment and vengeance by the Court - which is completely counterproductive. How am I supposed to work without my driver’s license and professional license? A new law should be enacted that does away provisions to revoke licenses by Family Court Judges.
Judge Mawla incarcerated me for 10 days, without legal representation, in November of 2010 under a contempt of court charge because I was not able to pay my arrears of $25,000. I was employed at the time and lost 10 days of income and was lucky to get my job back. I ultimately borrowed the money from my mother to pay the arrears and got out of jail. Judge Mawla knew the extent of my financial burden and still ordered me incarcerated. Judge Mawla did not identify where the financial resources were to come from to pay the arrearage. There were no financial resources to draw from because I was destitute. Judge Mawla, in my case, would on a routine basis issue Court Orders which were impossible to comply with.

Judge Mawla kept me incarcerated for two months (April & May, 2011) on a contempt order until I paid $53,000 to my Ex-Wife. $38,000 of this was mortgage payments which were in arrears because my wife stopped making the payments even though I was paying her support which she was to use to pay the mortgage. She used the money instead to fund her legal battle. Ultimately I was released after payment of $3,000 for health insurance premium.

Where is the logic in that??? I could not work while incarcerated any yet my “pendent lite “arrearage kept accruing to the tune of $6100/ month. The system is broken. New laws should be passed which stop accrual of payments if the Court incarcerates an individual.

Judgment of Divorce

On Christmas eve of 2011 I got, what I hoped would be the best gift of all, a Judgment of Divorce in the mail from New Jersey Superior Court. However, it was a nightmare which I was not prepared for. As I read the Judgment I learned that I was sentenced to an economic life sentence. My partner and I cried ourselves to sleep this Christmas eve, with family in adjacent bedrooms there to celebrate Christmas, but unaware of my (our) plight.

Permanent alimony and child support at $2,069/ week. I do not make this much money. The Judgment indicated that if I missed two weeks payments, in full that I would be subject to a bench warrant for contempt which is incarceration. The Judgment also indicated that I am to pay my Ex-Wife $100,000 in Attorney fees. I will be 60 years old on my next birthday.

This is not a fair and equitable judgment of divorce. Judge Mawla is, once again, issuing orders which are impossible to comply with. As I write this I know that it is just a matter of time until a bench warrant is issued. I will be taken in front of Judge Mawla who will order me to pay alimony arrears which I do not have and he will remand me to Hunterdon County jail. Debtor’s prisons are still alive and well in the United States. There is a New Jersey Law which makes it illegal for the Court to threaten or incarcerate someone who is destitute without legal representation, but this happens in Family Court every day.

I can take the incarceration, but the after effects shutter me to my bones. The emotional damage done to your friends and family are enormous. It completely destroys any relationship with your children. The Family Court System in the State of New Jersey is destroying families, lives and costing untold millions of dollars. How much longer can I take this??????????????????? There must be change. That is what keeps me going and the love and support of my friends and family. The Court unfortunately, when there are no other resources, forces your friends and family to pay.

John Waldorf

John Waldorf is a Poster Child for Alimony Reform in New Jersey. Humble and forgiving, he has been jailed several times for not being able to pay his monthly alimony payments - his alimony was ordered by the family court judge in an amount greater than his yearly income. Many stories have been written about him and his plight in the New Jersey News Papers. While his alimony is no longer greater than his income, it’s close - and leaves little for him to live, pay rent and live any kind of civilized life, let alone plan to retire at any age. Just one of the crushed and shattered lives, ruined by the good-old-boy Family Court system and current unjust and unfair alimony laws in New Jersey.
Financial Comptroller Scott McClymont can’t escape thoughts of a bleak future due to his monthly lifelong alimony payments.

“I just want to stop thinking about it.” Says Scott.

Scott McClymont constantly thinks about the foreboding alimony payments. And the perpetuity of the accompanying lifetime sentence. Of a subsistence lifestyle that was levied on him. Just because he left his very controlling wife.

After a twelve year marriage, Scott stated what is on the minds of many permanent alimony payors in New Jersey, “Thoughts of having no financial future haunt me all day long. Even when I’m having fun or trying to concentrate on my job, my positive thoughts are interrupted by the hopelessness of my situation: the oppressive alimony payments will never end.”

Scott reiterated, “It consumes my mind, because it is permanent. In the Family Court system in New Jersey, I have no rights.”

Scott now has to work three jobs to make alimony and child support payments — which equate to 60% of his income. When you add in mandatory college tuition and expenses for his oldest son, his payments exceed 70% of his earnings.

Scott works to barely survive, and considers himself one among the “working poor” in New Jersey. The working poor — despite his college education, managerial status and solid middle-class upbringing. Scott questions why the person who works the hardest winds up with the least after a divorce.

Considering the economic predicament and mental anguish that Mr. McClymont faces, I asked him in a telephone interview how he can prevail in his situation. Scott replied that his spiritually and his love for his children sustain him and give him strength.

Scott had the misfortune of divorcing a woman who is a paralegal and knows how to work the legal system. Scott’s ex-wife is a youthful 47 year old woman, college educated, who certainly has the capacity to work in her profession. Scott estimates that she makes more than $50K a year.

Mr. McClymont theorizes that his ex-wife doesn’t actually require the level of alimony that he is paying her, because very often she will accumulate three weeks of her alimony checks before she cashes them. Yet Scott’s ex-wife refused to negotiate in good faith during the divorce knowing full well that she was dealing from a position of untouchable strength, because New Jersey law guaranteed her a lucrative alimony payment and half the marital assets in addition to whatever else she could wrestle away from him.

Scott’s ex-wife is highly skilled, was employed during the marriage and is fully capable of being financially independent. If rehabilitative alimony was the legal standard in New Jersey, the negotiation process in Scott’s divorce would have been fair and balanced as each party would be dealing from the same position of strength.

As my interview with Mr. McClymont continued, I thought about other alimony payors that I have interviewed and the many cases that I have reviewed. I made these observations:
First, permanent alimony seems to have the hardest economic impact on middle class individuals such as Scott. This is because lower socioeconomic groups often have lower earning potential and a more sporadic work history which makes it easier to avoid paying a large permanent alimony figure.

Second: For the extremely wealthy, permanent alimony is an inconvenience and not a life-altering situation. In the middle class, one’s very financial survival is threatened, for the rich - not so much.

Third, the middle class is being squeezed the hardest. In our economy as it is, placing a heavy lifetime alimony payment on this group exacerbates the situation tremendously… There is no social safety net for middle class alimony payors.

Last, lifetime alimony only appears to be levied against responsible individuals who conscientiously play by moral values, and respect the rule of law. These people have limited means to sustain prolonged contention and the associated legal fees. This is especially true of men and women who love their children and avoid confrontation that could harm their relationship with them. People who are self-serving, vindictive, mean, manipulative or can afford expensive lawyers seem to be able to be devious and use the system to avoid the lifetime punishment of permanent alimony.

The real shame: Mr. McClymont’s ex-wife has been engaged for several years now, but there is never any discussion about marriage as that would end her lucrative entitlement.

After five years of paying alimony and barely surviving, Scott had approached his ex-wife about renegotiating the alimony amounts and she vehemently refuses to discuss it. He would like to file a motion to have his case reviewed, but is terrified to go to court. In New Jersey Family Court is widely known for giving alimony payors no rights, and contesting the “Official Judges’s initial ruling” often backfires into a higher payment.

The truth is that no matter how much Mr. McClymont pays his ex-wife in alimony, it will never be enough to satisfy her as she is now addicted to her entitlement… and wants more.

Her highly controlling personality still dominates the relationship as she abuses him verbally in front of his children. But this isn’t enough for her. Although she receives “Free Money” every month she feels entitled to, she believes that she is not receiving enough alimony from him.

Scott summed it up this way: “The alimony perpetuates all the bad feelings and abuse that he left the marriage for in the first place.” There is no sense of finality and never will be as the monthly payments go on for the rest of his life. The bad memories of the past haunt him every day, while the alimony ensures that he has no future. Permanent, lifetime alimony in New Jersey gives a feeling of hopelessness to residents as it wrecks their lives.

As I exited the interview, I reflected upon what a decent man McClymont is, and that all he was asking for was a opportunity to pursue happiness and have some chance at peace in his life.

The pursuit of happiness is one of our inalienable rights and the State of New Jersey should not deny it to anyone.

Those interested in changing the Alimony Law in New Jersey should write to their representatives in the House and Senate and voice their feelings. Reform is now on the table and each person's voice and vote counts. They should also join (for FREE) New Jersey Alimony Reform at www.NJAlimonyReform.org
I am a 59-year-old medical doctor, well respected in my profession, specialized in Emergency Medicine. I've been practicing Emergency Medicine since 1977.

When I married in 1990, my ex-wife saw her income jump by 600%. She had been a computer programmer and held degrees in both Elementary Education and Computer Programming. My ex-wife had no part in “supporting me” nor helping me through medical school.

Most of our marriage she hired and fired maids and nanny’s; while I longed to spend more time with the children, I worked hard and supported the family.

I never had any more serious interaction with the police than a speeding ticket until December 21, 2004. Without provocation, and without any basis whatsoever, my ex-wife fabricated a “domestic violence” story to get me out of the marital home (paid for with the sweat of my brow). Bases on a blatant lie, I was arrested in front of our three young children and lead out of my own home in handcuffs.

Charges were later dropped and my record “expunged” on the basis of her admission that I neither intimidated her nor laid a finger on her.

Her plan succeeded, though: I was banned from seeing my children due to a restraining order (for which there was no basis) and ordered to pay her every expense (including cable TV with premium stations) multiple cell phones, charge cards, vehicles payments (she bought a new upscale, loaded Toyota minivan 3 days before serving me with papers.) while she remained living in the house. This went on until 2006, at which time the divorce was finalized.

I moved into a lousy apartment after purchasing used furniture from Cart Rentals that was in too bad of a condition for them to ever rent.

The judge saw fit to give my ex-wife well over 100% of our joint net worth. Sound incredible? Imagine how I felt! My lawyer explained the judge has “broad discretion” in family court.

I received a life sentence; $5,000/month for life in alimony, in addition to a huge child support payment. When my sons became teenagers, I still had to buy them razors and shaving cream because their mother refused to do so.

Even bank robbers get out after 10 years.
My ex-wife moved into a $400,000 townhouse after our divorce; I continued in what I could afford, a crappy apartment with furniture ready to be discarded.

The last day my ex-wife worked was months before our first son was born in 1992. She continues to live in the $400,000 townhouse living very comfortably on the lifetime alimony and “child” support she diverts from the children.

I am now working three different jobs to pay bills; nonetheless, I have been forced to “borrow” over $60,000 from family and owe credit card companies a similar amount.

Despite significant health problems- including blood pressure, heart disease, herniated discs, depression, and kidney disease - I have no prayer of retirement. I have no money.

The Court has already refused to even consider my medical ailments as a “change in circumstances” to permit a reduction in these overwhelming expenses. My ex-wife doesn’t care; the Court requires me to insure my life for $2,000,000 - so she can be even richer if I die. The premiums on this policy is expensive, and not tax deductible.

A change in the Alimony Laws are my only hope of escaping a continuation of my horrid “responsibilities” and even though it is likely too late for me to ever be able to retire, at least I could keep some of the money for which I work very hard, and perhaps cut down to two jobs.

Dean Dobkin, MD, FACEP
Sentenced to Life!

After a 17 year marriage I found out my wife had an affair and when confronted about it she asked for a divorce. It’s part of life and unfortunately happens to 50% of married couples. Both parties should be able to move on equitably and start a new life. However in NJ archaic draconian divorce laws exist to strip one party or the other of their dignity, self respect, finances and in many cases their very freedom.

In my case the very laws that have been passed to protect women as well as men from domestic violence was used as a weapon by my former wife in an attempt to force me from my home and my children via restraining order. The first charge was verbal abuse which until only recently was so broad a charge that simple discussions about alimony, custody and child support with a spouse could be considered verbal abuse! After a heated argument about her affair and not coming within 10 feet of my X and not making any kind of threats I went to sleep. My X then showered, dressed, called her brother who lives 100 miles away and told him about the argument and that she felt I might hit her and proceeded to the police station in an attempt to file false domestic violence charges. While she is on her way to the police station her brother calls the police department telling them that I hit her. All this is happening while I sleep. My door bell rings and when I answer the door I find two police officers at my door asking if I hit my wife! The police were satisfied that no threat existed and I did not touch my X in any way. My X returned from the police station 3 hours later with a copy of the charges she had made but decided not to file because she couldn’t prove her lie.

A few days later my X asked me if I was going to seek custody of our two teenage boys and I said I would not accept anything less than a 50/50 physical custody arrangement. Trying to strip my rights as a father she said: Oh really, I am calling the police and this time I am going to trump up the charges! I then immediately called the police to report the threat and the police came to the house to resolve the issue.

Second charge was that I had firearms in my home and she felt threatened. The night my X made that charge she didn’t know I sold all the firearms to a licensed Armory at the advice of a police officer a week earlier when police were called to my home by me! He told me to expect false gun charges next and recommended that I get rid of the firearms. She and her family arrived at our home at 7 PM. They walked in and told our two boys to pack their clothes you are coming with us. The boys refused to go and I told my X they don’t want to go so they are staying here!

Now my two sister in-laws go on a verbal, filth ridden assault on me in front of the children! So once again to protect myself I called the police and when I told them I did they said well they were going to call anyway. As soon as the police arrived and determined that the boys would be staying home then came the statement: He has guns in the house and she feels threatened. I produce the receipt for the weapons I sold a week ago. Then one sister in-law says I have hand gun and wife goes along with her! The police now know the game being played, interview my sons about what guns I had and if ever had a hand gun in the house. They then ask my X if I ever threatened her with a firearm and she says no that I have never threatened her in any way! After confirming that I had told them truth they asked my X and my 2 sister in laws to leave the house. It’s a shame that people can make false allegations against you and when proven to be lies not be charged with filing a false report!

Third charge was at the Monmouth County voluntary custody mediation meeting. This mediation was to be about trying to come to a custody agreement so we not the Court make the decision for us. The mediator allows my X to go into abuse charges and name calling. When I try to speak to defend myself the mediator tells me to be quiet! When I am finally allowed to talk about my custody options the mediator dismisses my points in a nasty condemnation of my rights as a father. It was obvious a good old girls network in this court house and you rights as a father meant nothing. So I ended it immediately and said I will have the Court hear my plea. After I leave the mediator sends my X to an abused woman’s group in the Courthouse. They dismiss my wife out of hand because there was no abuse. Fourth and fifth charges were made in cross motions by my x. The 4th was that I was verbally abusing her and the 5th I was threatening her physically.
Domestic Violence laws while needed to help protect battered women have become the most abused laws in the land. Charges are now filed in 65% of divorce cases with many women’s attorneys telling their clients to file charges that are false! In all my life I have never raised a hand to any woman nor have I ever threatened a woman and I sure as hell wouldn’t start with the mother of my children. Yet if a woman so much as says she feels threatened out you go! Guilty automatically! Far too many good men and good fathers are being charged with false crimes without being able to defend themselves.

Finally it’s time for the divorce mediation. The agreement was based on a 50/50 custody arraignment giving my X 4 months to return to our immediate area, get an apartment and share in the custody of our children. A high alimony award was agreed to based on the 50/50 with no child support either way but I pay all medical insurance which was a $6,000 a year co-pay on top of the alimony. My alimony payment is $1,400 per month FOR LIFE! This was agreed to based on the 50/50, Well 4 months passed and my X never returned to the area and for 4 months didn’t support her children in any way shape or form.

Motion filed to resolve custody was heard in November 2011. I was granted primary physical custody with the agreement that my X would still be returning to the area to maintain no less than a 28% custody schedule. In light of that child support was waived to allow her more money and time to get back to the area. Within 30 days of the agreement my X informed the children (and told them to tell me) that she had leased a one bedroom apartment 95 miles away and was relocating her life there! She now has a combined income of $40,000 between her job and the alimony she receives. She pays ZERO child support and her visitation is under 3% a year. Her average visitation is 7 overnights per year with two 3-1/2 hour visits per month. My take home after taxes, alimony and health care co-pay is $3,200 a month for myself and two teenage boys!

Now the system forces me to file a pro-se motion based on a change of circumstances. I cannot afford any more legal fees ($14,000 to date) so I have to take my chances and file and represent myself. I will be at the complete mercy of the Judge who resides over the hearing who can do as he or she feels because of the lack of any state guidelines for alimony. The divorce laws in the State of NJ in regard to alimony and child support need to be overhauled to put the best interest of children first and to eliminate Life Time Alimony awards. I have been condemned to paying the equivalent of a mortgage payment for the rest of my life while my X lives a care free life with ZERO responsibilities for her children. I can’t ever retire short of leaving the country. Canada is looking good at 65!

Frederick Preziosi

Frederick Preziosi   Signed 10/3/2012
September 30, 2012

NJ Alimony Association
1092 St. George Avenue, #141
Rahway, NJ 07065

What did I do to deserve this? It’s the question I’ve racking my brain over for the past 6 years since I’ve started paying permanent alimony.

I was married at 22 years old. Today I am 54 years of age. I had a 25 year marriage that ended in divorce in 2006. We had 3 children.

During those 25 years I was self-employed as a carpenter. Not a union carpenter, just me- a one man show. My ex-wife was a Registered Nurse who worked regularly until the children came. She wanted to stay home with the children and I agreed it was probably best. It was going to be a struggle, extra stress, since now not only would I have to solely support my family but I would have to find a way to pay for medical benefits as well. But, I thought it was the right thing for a man to do for his family- right?

I worked 12-14 hr days for over 20 years to financially support my family- and sometimes it still wasn’t enough. We raised 3 children. I paid for their catholic education, I coached all their team sports, I attended every school function, I paid for their cell phones, car insurance, gas, parking tickets- and every other ridiculous expense teenagers rack up- because I’m a good father, that’s what we’re supposed to do. I never had a dime to save for myself- a retirement savings was out of the question. There was always another expense- normally not my own- but I had to pay for it (or find a way to pay for it). But it’s the right thing for a man to do for his family- right?

For this, at divorce time, the NJ Family court concluded I should be imputed an income of 95,000 based on my ex-wife’s indulgent Case Information Statement and my “business” revenue. This was baffling since I have never made over $55,000- EVER- in my entire life. Never. And I had every piece of documentation for 20 years to prove so. Didn’t matter. Self-employment= YOU ARE BRANDED A LIAR AND ANY DOCUMENT YOU SUBMIT WILL BE CONSIDERED FALSIFIED in the NJ Family Court system.
Further, my ex-wife -the registered nurse, who at the age of 45 was considered “to be out of the profession to long” and “at her age-again 45 years old- not reasonable to return. She was imputed an earning capacity of $20,000. The result was $700 a week alimony. I knew I was doomed. I already couldn’t afford this amount.

To add insult to injury, the economy tanked as did my construction business. I fell quickly behind in alimony & child support. I tried to modify and was quickly denied. I was arrested on a warrant in 2007 and incarcerated.

It speaks a real truth when a man- with no criminal record- is handcuffed, strip searched, handed a bright orange jumpsuit and thrown in county jail for loss of employment and not having the ability to pay his support. And for those who say it doesn’t happen- talk to me, and I’ll tell you about the 10 other guys they brought in that night in the same boat. The system is severely, severely broken.

I work at Home Depot now for $25,000 a year. After my wage garnishment, I have 118.76 bi-weekly to live. The Judge now says I’m “under-employed” with over 30 years of valuable experience as a carpenter. No kidding. However I have yet to find an employer who will pay a 54 year old guy- with a high school education- $95,000 for slinging a hammer.

I hope my story helps to reform alimony in the State of NJ. When I thought my story was unique, I found your organization & come to find several hundred people in the same boat as me. Such a travesty of justice NJ has let this go on so long & ruined so many families and good individuals.

Respectfully,
Frank DiPasquale
6 SchoolHouse Drive
Sommers Point, NJ 08244
Petitioning The Governor of NJ

Abolish Life Time Alimony in New Jersey

Petition by
John Waldorf

Petitioned Governor Chris Christie

NJ Legislators / NJ Senators / Gov. Christie: OPPOSE Alimony Reform in the State of New Jersey #A685, #AJR32, #AJR36, #S1388 and #SJR34

Petition by
D M
Medford, NJ

This proposed legislation will change existing divorce agreements and should be opposed because:
1) The state of New Jersey cannot afford to fund an already over-burdened court system that will be inundated with divorce cases that will be ripped open and re-litigated. Where will the state money come from to pay for additional judges and court staff needed.
Dear New Jersey Alimony Reform Association,

I was divorced in 2003 in Burlington County, New Jersey and was ordered to pay my ex-wife $52,000 per year in permanent alimony. My ex-wife was able to “retire” at 43 years old on an income of over $50,000 per year in the form of my payments in lifetime alimony to her. Prior to my divorce my ex-wife’s drug abuse and alcoholism was unbearable to my four children and me. I did not fight for custody, they all came willingly and I did get full custody of all four.

While I have worked two jobs (one my daytime job the other Mr. Mom to my four kids.) she has done nothing other than drink and use drugs. When I eventually remarried her nasty mean ways continued. After being remarried (I had no affair or anything of such while I was married.) the harassment from my ex-wife, the recipient of permanent alimony, did not cease. My wife whom I love very much is tall and thin. She is also African-American. We received multiple calls from my ex-wife, the lifetime alimony recipient, calling my wife “flat” “ugly”, etc. The “n” word was used by her over and over in calls to us. She also often said that if I was married to “BLACK OLIVE” I also must like...too hard to even repeat.

My wife and I work hard and have to get up early every day. We have worked through the years with much stress and responsibilities at work and at home having raised four children while the biological mother and recipient of lifetime alimony has not worked a single day though she is capable of doing so. This hardly seems fair.

I think what is most difficult about having to pay permanent (lifetime) alimony is that I will likely never be able to retire. Additionally, I constantly worry about losing my job in this very difficult economy. If that happens then I am afraid of being forced into bankruptcy and possibly even sent to jail.

I live a simple life and if my ex-wife worked and supported herself the only change in my life would be that I would be able to retire one day and in the meantime I would be able to give my children more help with college and such, start a nice little trust fund for my grandson and donate more to the charities I already can donate to. My life would not change in the short term until retirement. But my children and my charities would be much better off. How much better off? By the amount it takes to support a full grown adult.

I truly hope, with all that I am, that the alimony laws in New Jersey will be reformed so that they are balanced and fair rather than punitive to the payer.

Best regards,

Charles Ciraulo
To whom it may concern:

I was married March 23, 2002 to Wendy Haddow now Wendy Sullivan. We had a great wedding and honeymoon. A year later Wendy delivered a baby girl Erin Taylor Sullivan. A year after that Wendy became pregnant with my second daughter Amy Sullivan. During the pregnancy Wendy started spotting and had nose bleeds. She started having migraines. I asked to keep calling her OB-GYN doctor Dr. Alam in Summit NJ. Wendy also was falling downstairs and fell with my daughter Erin in her arms. With that and many complaints to her doctor he ordered an MRI of Wendy’s brain. The next day Wendy was diagnosed with an unknown type of tumor in skull base. The next day they delivered our baby Amy. She had the birth date of June 10, 2005. I stood by her the whole time. A neurosurgeon was present at the time of delivery.

During the two months that followed Wendy, her mother and I visited many neurosurgeons in NYC and NJ. She wanted Dr. Hoddash from Summit and felt he had the best diagnosis because they all conflicted. A surgery was performed on Wendy in August 2005. Wendy survived the surgery but only a partial resection was accomplished because of where the tumor had grown. It was a benign meningioma tumor. I picked her up from the hospital and cared for her for about a year with a new baby and a two year old. I did the best I could. I filed for her disability.

After a year in 2006 Wendy started hanging out more with her friend Anna. Her mother and me disagreed on courses of treatment and her mother really intruded on my life and was making it difficult to live and work because of the constant late nights with her. Wendy did start feeling better but was addicted to Oxycontin and dilaudid. She also wore a duragesic pain patch for the headache pain. She had seizures and blackouts. I needed a nanny. Wendy’s mother offered to take care of her in her house and would pay for a nanny. They never offered to bring me. Wendy and I went to marriage counseling which I wanted to try and work it out. Wendy then left on a vacation which was supposed to be for 2 weeks in North Carolina which turned into 5 weeks. When she came back she had me fire the marriage counselor but I continued to see her on my own for six years following.

During memorial day weekend 2006 Wendy took me out to dinner and told me she couldn’t take the ups and downs of the marriage and was leaving with the kids. Her mother then came to the house that weekend and said to me she would sell my house with or without me. Our marriage only last 4 short years.

November 2006 Wendy filed for divorce with the complaint of extreme cruelty because there was no irreconcilable differences. It couldn’t have been farther from the truth. She hired a very cruel lawyer from Cranford. Kathleen Estabrooks. My Lawyer John Patti didn’t even want to go up against her. He said most lawyers wouldn’t take the case with her on the other end. She’s that bad. It turns out he was right. She really came after me. They made lots of hurtful claims. None of which were true. Wendy and I and Wendy’s mother would agree on something and Kathleen would say I misunderstood them. It was awful. Kathleen tried to block me getting a place to live after my house was sold. She claimed they wanted all the money from the sale of the home. I had to go to court on an immediate motion the day before my closing to get my current condo in Iselin NJ priced at $227,000. Luckily I made $250,000 in real estate over the years flipping houses. I only received $80,000. Wendy and her mother got the rest. Wendy and her mother moved into a $680,000 house in Clark, NJ on Largo lane. They moved in with Wendy’s father who quit work, brother and my two kids.

On top of a tough lawyer I had a horrible judge. Judge Issenman in Elizabeth, NJ sided with Wendy’s case I felt because she was disabled. He never factored in Wendy’s disability money. He awarded her $2,700 a month in support. Way more than I could afford. I was left scrambling I had to leave a job I liked in NJ to get another one that paid more. It meant much more hours.

Then the mediator side started siding with Wendy’s lawyer. I tried like hell to mediate the case with them but they wouldn’t go lower on the payment. No calculators were used. He told me to make the alimony high so I would have to pay taxes on it. And leave the child support low.

We had an early settlement panel in Elizabeth. They’d take on the case was since Wendy was disabled even though
we were married for only 4 years she was entitled to lifetime alimony. I was shocked. I wanted the case to go to trial and let the judge decided but my lawyer told me not to. He felt the judge was worse and I should try to work it out on my own with them.

Wendy and her lawyer Kathleen wouldn’t budge at all. My lawyer had to subpoena Wendy and her mother 3 times to find out their financial situation. He finally found out they were bringing in more than they had told the courts.

On May 13, 2008 I caved in to a divorce which I was dead set against. My lawyer kept telling me and I also thought Wendy wasn’t going to live long after the divorce so just agree to it and deal with her death when it happens. So I agreed to it. It never made it to trial. We settled in the cafeteria. Above all it had lifetime alimony in there which they wouldn’t budge on. During our divorce the courts did away with extreme cruelty so it was left as having irreconcilable differences.

Wendy had radiation and went on Suboxone for her addiction in the year that followed. She really pulled out of it. In a way it was a miracle.

I was then notified that Wendy and her mother couldn’t afford the house they were living in, in Clark NJ, and they were moving to Scotch Plains NJ in July 2010. They were going to rent in one of the wealthiest areas of Scotch Plains. On top of that Wendy’s brother was moving out and Wendy’s friend Anna was moving in. Anna is 48 years old. Wendy is 33. Anna also has an 18 year old daughter. Anna was married but left her husband and moved in with Wendy. She never filed for divorce.

I then did a motion about cohabitation. Stating Anna was contributing to the house, which they all agreed to, and so was Wendy’s mother and father. I claimed Anna and Wendy were in a relationship together. They also went on vacation together. Anna did everything with Wendy. Our Judge James Hely didn’t allow the motion. He said I needed to get a picture of them kissing in order to prove they were in a relationship.

Over the years and with the recession I had struggled financially and still am. I refinanced twice and was declined a third time on my condo due to debt to income ratio by my bank. I acquired debt. I had to borrow $12,000 from my parents to pay down my debt. I can barley have a social life or date. I was doing advertising work for my lawyer to pay off his bills.

Wendy then filed for her real estate license. She told me she was all better. She said the radiation took care of everything. I then filed for a motion on change of circumstance that she had in fact gotten better than she was in 2008. My motion was again canceled by Judge Hely. The only thing I was able to do was hire a doctor to evaluate her. So I did. He claimed she was still disabled based on what she told him. So that’s where I’m left now.

We need to change the alimony laws, divorce laws and have more qualified judges in NJ who know family law. Right now not qualifying for a change in circumstance means nothing gets done. In some cases it was bad from the beginning. Meanwhile we are suffering financially from bad court judge’s decisions.

Please help us!

Sean Sullivan
Sean Sullivan
RE: Alimony Horror Story

My personal experience is similar to tens of thousands of other New Jersey Citizens. I married my high school sweetheart at 22 years old (my ex-wife was the same age) and divorced 17 years later at 39. My ex-wife refused to work for the duration of the marriage, quitting her job as a bank teller less than 3 months into the marriage and never working again. She simply stayed at home and shopped, racking up tens of thousands of dollars in credit card debt that, by the time of our divorce was also primarily put on my shoulders for responsibility to pay off.

During our marriage, I was responsible for earning all the money, doing all the “man’s” work such as home maintenance, yard work, landscaping, etc. I also did the majority of the cooking and cleaning as my ex-wife just did not have the motivation for such work. We moved several times during the course of our marriage as I worked hard to try and get ahead and provide for my family. I packed our home/possessions each time. Once in a new home, many of our possessions were never unpacked from one move to another. Our homes were never “set-up” and made a home. My ex-wife would stack the boxes somewhere and they would sit until the next move. Some of these moves were 3 or more years apart. As an example, one move from Arizona to Chicago had me open several boxes of “dirty laundry” from my sons that was literally from when they were small children and never opened in the course of moves.

My ex-wife would not learn her surroundings in new areas and it would be my responsibility to get the kids registered for new schools, find new doctors and dentists and identify things as simple as where grocery stores and shopping areas were located. My ex-wife had one primary objective, to be taken care of and to do as little as possible in the process. We had two sons who were 12 and 15 when we divorced. Both are now college graduates. My oldest son is estranged from me because of the parental alienation of my ex-wife. My younger son moved in with me and my current wife and son as soon as he finished high school and lived with us until he was done college and on his own. My ex-wife did not pay a nickel toward the college education of either of our children. My oldest paid for his own college education thru loans and work and I helped pay for my younger son’s college education.

After 17 years of this “marriage” and many years of “grinding” for the sake of my children, I requested a divorce. My ex-wife, true to form did not agree to, nor negotiate, anything as part of the divorce. She litigated everything. The divorce went all the way up to and thru a trial costing in excess of $100,000. Much of this cost burden was placed on me and I had to borrow money from my retired, widowed mother to fend off the multiple threats of being jailed. My ex-wife received 50% of the equity we had in our home, 50% of two pensions I had and 50% of my 401(k). She also walked away with -go% of our possessions as I just wanted out of the marriage by this time.

The judge (Monmouth County) ordered that I pay my ex-wife $36,400 a year in alimony and even though my ex-wife was only 39 years old, had some college education, work history and certainly an ability to find a career and work, she was not required to and has essentially lived her own “semi-retired” life-style for the last eleven years. At one point, less than a year after the divorce, I lost my job and a new job resulting in a salary decrease of over 35% resulted in an alimony modification (de-
crease) of 14%. I have paid my-ex over $330,000 in the last ten years while constantly worrying about job security, finances, earnings capacity and my own mental and physical health and the consequences of this incredible burden. My ex-wife has taken me back to court multiple times trying to get more money. As recently as 2 years ago, she tried to get an increase in child support for my youngest son who was beginning his senior year in college. She had Zero basis for this and told him at one point she just needed “more money.”

I have lost my job twice in the last 24 months, frantically looking for a new job during these desperate economic times to avoid financial ruin and incarceration for an inability to pay my alimony and the implications that would have on my current wife and son. This is also a huge burden on my current spouse (re-married for 9 years) and 6-year old son who are also forced to endure and even support the consequences of this “lifetime” sentence. I am now 50 years old and I continue to pay my ex-wife $31,200 a year. My ex-wife continues to work a leisurely job on a non full-time basis. I have been threatened with imprisonment for late payments and lived thru continual legal system and wage garnishment errors where the precedent is “guilty until proven innocent”.

Under current alimony laws, If I am lucky enough to think about retirement at age 65, I will have been paying alimony for over 26 years and will have paid my ex-wife over $813,000 with the likelihood that I’ll be forced to continue paying right on into retirement until the day I die.

This being on top of the fact that my ex-wife already received 50% of everything we owned upon our divorce. At what point is it fair and reasonable for my current wife and son, let alone me, not to be burdened by the failure of a marriage that ended 11 years ago between two people who married at 22 and divorced at 39? At what point can I focus and worry about saving for college for my current 6-year old or worry about saving for and planning my current wife’s and my retirement without this insane burden of a lifetime payment to my ex-wife for the simple crime of having once been married to this woman? There exists no justification or equity in today’s world where an ex-spouse should be burdened with providing a lifetime annuity simply because of a failed marriage. This is simply wrong in so many ways.

Respectfully Submitted,

Jonathan P. Worman
310 Wood Street
Burlington, NJ 08016
Dear NJAR,

Here is my husband's story: My husband, a long time Hazle, NJ resident, became disabled during his NJ divorce. A Monmouth County, NJ Judge, Hon. Joseph Quinn, ordered him to pay $700 a week in support while he was on NJ State disability.

This happened in June of 2009. My husband has been declared disabled by the Social Security Administration. He was notified of this in November of 2010. The Social Security Administration says that he has been disabled since Feb. 11, 2009. My husband's support obligation is currently $777.00 A WEEK!

His SSD checks are garnished leaving him with less than $1300 a month and tens of thousands in arrears. With what was left of his lump sum (after garnishment) from Social Security he hired a lawyer to file a motion to reduce support, facilitate visitation, and other things. The motion was denied by Judge Thornton, in spite of evidence of fraud on the part of the opposing party, and he was ordered to partake in mediation, but no mediator was appointed by the court. His lawyer would not represent him any more because we could not afford to pay him any longer.

We filed a prose motion and again it was denied, by Judge O'Brien, in spite of evidence of perjury and fraud by the opposing party and her lawyer. My husband submitted proof of abandonment of the oldest daughter by her mother, proof of financial and medical neglect, and proof of squalor in the children's home. My husband was ordered to partake in mediation and was given a name of a mediator by the Judge. Nothing was ever done about the welfare of the children. In his final ruling the Judge did not appoint a mediator and the mediator we were told to contact sent us a letter saying he could not mediate without an appointment from the court. My husband has no funds to pay a mediator either.

My husband has filed two motions to reduce support because he has been deemed disabled by the Social Security Administration and has had a drastic change in income... In spite of a prima facie showing of a change in circumstances, (which is what a disability determination from SSA is) he was denied relief both times and the Judges tackled the legal fees incurred by his former spouse. Now his support is more than double his monthly income and he has tens of thousands in legal fees from opposing counsel to pay too.

Two of the reasons that Judge O'Brien threw out my husband's prose motion were that we did not send a copy of the motion to NJ Probation and the exhibits contained in the motion were not tabbed. Both of these statements are COMPLETELY FALSE!! If you were to obtain the copies of the prose motion that were sent to the Monmouth County Courthouse you would clearly see that there is proof of mailing to probation included in the motion (it was required) (I also have proof of the return receipt to probation) and that the exhibits are clearly tabbed! (I myself tabbed the exhibits). The following is the contact information for the court and the docket number.

Superior Court of New Jersey Chancery Division-Family Part 71 Monument Park, Freehold, NJ 07728
Re: Mills v. Mills — Docket No.: FM-13-374-09C

Because of the monstrous amount of arrears we were forced to leave NJ and move to NC so that my husband would not be arrested. My husband has not seen his daughters since July of 2010. His ex wife moved to an undisclosed location in June of 2011 and no one would help him. She moved while their oldest daughter was away with friends and did not tell their oldest daughter for almost two weeks where the new residence was. She left the daughter and her belongings behind at the maternal grandmother's home which was their previous residence. My husband's mother had to provide the oldest daughter with gas money and money for food and other things. This happened a week before she graduated high school A graduation my husband could not attend because there is a warrant out for his arrest for non-payment of support. My husband called DYFS and they would not get involved because she was only two months away from her 18th birthday.

My husband had also called Family Services before the abandonment. We gave the caseworker proof of truancy, underage drinking, tobacco use, and medical neglect. They treated him like an embittered husband and when the kids covered for their mother because they are teenagers and like the permissive environment, the caseworker over looked the smell of cat urine and squalor in the home and took the easy way out. We also have evidence of medical and financial neglect of the two girls. We also have proof that their mother allows an extremely permissive environment. As I said before we have proof of underage drinking and tobacco use.

They also live in absolute squalor. I know you probably get allegations like this that are exaggerated but I swear to you I am giving you the unvarnished truth. We tried to initiate visitation, get the kids address, get a guardian ad litem etc. Judge O'Brien didn't even look at these issues. My husband's ex wife has successfully poisoned the youngest daughter's mind against her father and the rest of the family on both sides! She is 16. She is made to feel that she is responsible for her mother. My husband is supposed to get a disability pension from his union, but that is being held up by a court order. He has been waiting for his pension for over a year!

Opposing counsel sent us a proposal last winter that would have helped financially. My husband signed it but nothing has happened with it. My husband has also been ordered to pay over $30,000.00 of his ex wife's legal fees. My husband needs help and so do his kids. We asked the court to emancipate the oldest child in the prose motion and were denied. I am told emancipation would help her receive more financial aid for college.

Yours sincerely,

www.NJAlimonyReform.org
She almost had to leave college because her Mother was not going to make the tuition payment. I have heard that the child had to threaten to report her Mother to Social Security about the money. It was paid at the very last minute. My husband's social security is being garnished for support and the oldest daughter had to ask her grandparents to take her to the eye doctor for new glasses last week. His ex wife received a lump sum for each child from social security, of about $10,000.00 per child and $11,000.00 that was garnished from my husband's lump sum. She is not supporting the kids properly. She is trying to keep the money for the kids for herself. My husband and I are glad to provide for his kids we just want the amount based on reality and for the kids to actually be taken care of. Judge Thornton gave her sole custody because my husband did not show up for the divorce hearing because he was unaware of the hearing. The notice was sent to his old address in Hazlet, even though they knew he lived in NC.

In June of 2012 my husband was coerced into an agreement to hand over the lump sum of his pension that was unlawfully being held hostage by opposing counsel. What this lawyer did violates federal law, under ERISA, but the Department of Labor has said my husband would need a lawyer to pursue his rights under ERISA. REALLY, you need a lawyer to have the laws against coercion, extortion, and obstruction enforced?! My husband cannot afford a lawyer because his retroactive pension, almost $60,000.00, was coerced and extorted from him and Judge O'Brien allowed it! $22,000.00 went to his ex-wife, and in return alimony was terminated and child support reduced.

NJ and Federal law states that Social Security Disability benefits for children are supposed to offset child support. My husband’s ex-wife and her lawyer knowingly and willfully under reported the amount of SSD benefits for the children on the child support worksheet and refused to correct the amount when my husband pointed the error out to them. My husband was threatened with more expensive litigation if he did not go along with the consent order, more coercion and extortion. That is also perjury and fraud and again no one will do anything about it! We have reported this to Monmouth County probation, but they say we would have to go back to court to fix this. My husband’s ex-wife was court ordered to provide and updated CIS, but this order was not enforced. She has lied about her financial information, which would have an impact on support, but again there is nothing my husband can do.

His ex-wife continues to be financially rewarded for perjury and fraud. If my husband goes back to court it is likely that the court will make him pay his ex-wife’s attorney fees. Why can’t this be fixed administratively? In the consent order the attorney, Amy Sara Cores, received $30,000.00 for her legal fees from my husband’s pension. It is against Federal law, under ERISA, to alienate a pension. My husband was forced by Judge O'Brien to travel to NJ and sign over his entire retroactive pension check to his ex-wife’s attorney at her office in Howell, NJ. None of this is legal, but without a lawyer we cannot fight. I have included some documents with this story in case you would like to use them.

My husband has made attempts to see his youngest daughter, but her mother will not even acknowledge his requests in spite of being awarded liberal visitation. We have made several attempts to enforce his visitation rights to no avail. His oldest daughter is over 18 now and he does see her occasionally.

The family court in NJ is broken and corrupt. The children’s best interests are not even considered. The lawyers are making obscene amounts of money tearing families apart and it needs to stop! Why must one parent live in poverty and have no rights while another breaks the law and wins the lottery? I would also like to add that my husband’s ex-wife made FALSE allegations of abuse. They were married for about 18 years and the police were never ever called to their home for a domestic dispute. His ex wife has accepted subsidized housing from a women’s shelter. Housing that should go to a woman who really needs it. I hear this sort of thing happens a lot and it is a shame because domestic abuse is no joke and women who need this housing are doing without. It has also come to our attention that the subsidized housing was recently inspected and his ex-wife was ordered to clean the house up. My husband’s kids are still living in squalor.

I have attached some documents that you may find useful, feel free to publish those as well. I have also attached two consent documents, my husband signed one and I signed the other. Thank you for all that you do.

Sincerely,
Brian S. Mills and Kelly Rentschler-Mills
6 Loblolly Court
Pinehurst, NC 28374
88.5% of poll respondents would like to see permanent alimony ended.
To all the people affected by the wrongs and outdated laws governing alimony:

My name is John and I have been sentenced to a life time of paying alimony. My ex wife and I met in 1980. After she flunked out of college she needed a place to stay. I had been working as a truck driver for 10 years and had bought my own home. While living together she became pregnant. We married before our son was born. Two years later we had our second son. This was in 1984.

In 1991 my wife had had many drug and alcohol related issues. Many of my friends and family along with hers told me to get out, but I tried for many more years to help fix her. I was caretaker for my sons and worked two jobs to manage our lives. By 2002 she had been in approximately 30 rehabs. The year I put my youngest son in college I was finished. So in September 2003 I was granted a divorce but not without a severe consequence. I would lose my house, and my pension that I had worked very hard for since the age of 18.

I would also get to pay my ex wife alimony until she would die or remarry. I would also be told by a judge to pay for a $250,000 dollar life policy on me and she would be beneficiary. I am still at the same job making hard dollars but continue to pay with no end in sight.

I am very close to my grown sons and they talk to there mother once in while. She is located on a beach in Florida with no responsibilities.

I wish I had hit the lottery.

We really need alimony reform, I would like to retire some day with the same ease as she has.

Thank You for all who are trying to make a change.

John Pollack
5 Norman’s Ford Dr
Sicklerville, NJ 08081
Divorce was in Burlington County
Dear Tom,

I wanted to take a moment to describe my horror story as it relates to my having to pay my ex-husband alimony for the rest of my life.

In 2008, after being married in SOMERSET COUNTY for almost 14 years, I finally had the courage to file for divorce and end my marriage after years of verbal, emotional and physical abusive at the hands of my ex-husband as well as his continued infidelity which he justified because I was “fat”. My ex is a very successful contractor who is in a cash business who grossly under reports his income. I have been a sales professional for many years and “on paper” it appeared that I was the breadwinner.

Our divorce was a contentious one and I was shocked when my husband was demanding a ridiculous amount of alimony from me. He had been a successful self-employed, self-supporting contractor for over 20 years before I even met him. After a long and bitter divorce which involved a jointly paid forensic analysis on his business which cost us over $60K proving that my ex took tons of cash... we also had to sell our home in a down market... I had no choice but to settle... I had nothing left and could not afford to go to trial. I should mention that we have 2 beautiful little girls who I have custody of. I settled to pay my ex alimony even though I knew he did not need my money to support himself. My lawyer convinced me that I would have to pay my ex lifetime alimony. Things have been very tight financially as I agreed to have the child support deducted from my alimony “obligation” so I pay my ex a “net amount” of alimony. Essentially, because of his lies about his income he in reality does not have to support his children whatsoever.

Fast forward to last April 2011 when I learned that I was being laid off from my job which I held for 12 years. I diligently looked for a job in this terrible economy for 10 months and thankfully found one in my same field of expertise but paying less than half of what I was making. Although finances were tight while I was on unemployment for 4 months, I continued to pay my ex his alimony. I filed a motion in June to have the alimony eliminated or at a bare minimum, reduced. I am in a devastating situation where after I pay my rent and pay my ex his alimony, my children and I are left with a mere $700 a month to pay for EVERYTHING else ...food, gas, electric etc.

Unbelievably, the judge DENIED my request deeming my situation “temporary” and that I would surely make a lot of commission and possibly get promoted. My ex’s lawyer accused me of not working hard enough although it is apparently acceptable for my ex to say he only earns 30K annually. (fyi-his rent alone is $19K annually so this is clearly a lie). In the meantime, I am baffled by what the court thinks my children and I are supposed to live on. Meanwhile, my ex’s own CIS showed he spends $500 per month on entertainment and restaurants and $200 a month on his hair care. His CIS also did contradict his supposed income.
According to his CIS, he would have to make almost 3 times what he claims he made to support his lifestyle. The judge would not even consider this saying that the court refused to “re-litigate” our divorce and that I settled to pay him alimony. I was told by my divorce lawyer that the alimony could be amended due to change of circumstances but I am seeing now that this is all but impossible now.

I cannot believe this is happening to my children and me. This is truly a horror story. So while this abusive, cheating and lying thief continues to rip off the government and his own children, I am just scraping by to pay the rent, basic living expenses and buy food. How can this be? My new lawyer says we can refile a motion in about a year since my original motion was denied “without prejudice”. I don’t know what I will do to get by till that time. What is even scarier is that when my children are emancipated and if future motions are denied, my ex will get more than half of my paycheck leaving me with nothing to live on. In the divorce settlement, my ex got half of my 401K and half of my small pension. He also just inherited 80K from the sale of properties his family owned.

There is absolutely no reason why after years of being in an abusive marriage that I am being punished for the rest of my life for ending it. I ended it mostly for my children because I did not want them to grow up thinking this was how a man should treat a woman. My ex continues to believe he is entitled to my money and discusses around town how he “ripped me off because I could not prove how much he really makes”. It is truly sickening. Where is the justice in this situation?

My ex is a successful contractor who has been self-supporting for all of his adult life. Now he gets to “cash in” on a failed marriage for which he was at fault?

Please help change this injustice once and for all!

Sincerely,

Lynn Sebold
24 Hillside Terrace
Basking Ridge, NJ 07920

p.s. Upon arriving home from a long day of work today I received in the mail an order from the court that unless I pay the arrears I owe my ex by TOMORROW, there will be a warrant for my arrest. I simply do not have the money and what little I have is for rent and food for the next two weeks until I am paid again.
Retiree remains stuck in alimony morass

I just read Tom Leustek’s commentary of Feb. 27, "Lobby blocks alimony reform."

I agree with him that the laws are unfair. I paid child support back in the ’80s, and it turned into alimony somehow in ’86, according to the mail I get from the probation department. That is where the money goes. At least that is what they tell me whenever I call.

Every time I try to get a lawyer, they tell me it is unfair, but there is nothing they can do. Or they want to charge me to fight it, with no guarantee.

I don't understand the law; they can charge you for going to court for you and losing. I would gladly pay a lawyer for winning the case, but I can't afford to pay to have him lose and pay my ex-wife too.

I am retired, and she gets half of what I get from Social Security, over and above what I get. That doesn't bother me. But they say I still have to pay the alimony I had to pay her when I was working.

She is doing better than me. I haven't seen her in over 30 years. They have to change the law.

Tony Cianci

Wall

Hasn’t seen his ex-wife in over 30 years. Still pays her alimony.
Subject: Horror Story-Permanent Alimony & Equitable Distribution of Pension

Prior to the divorce, we had sold our house in Brick, NJ, and moved our family into my elderly and sickly, mother-in-law's home in Lincroft, NJ. We did this to take care of her and the property.

After several years my mother In-law passed away from her illness. It was discussed between my then wife and I that after her death the house would be put in both of our names, we where married for 23 years. She also paid the bills and did the bookkeeping.

My wife, inherited the house and a very substantial amount of money and stocks which also generated additional income, plus she was and still is, employed full time. At the time of the divorce trial I learned that she never did put the home in ‘our’ names. During the divorce trial I was asked to produce a written contract if one existed, to prove that the home was to be put in both names.

After a trial, a Final Judgment of Divorce was completed in Monmouth County Court House on May 19, 2004. At this time I was ordered to pay child support for my daughter at $100.00 a week, who was attending college. Furthermore, the judge ordered me to pay Permanent Alimony in the amount of $727.00 a month. In addition to the alimony award, she was awarded 35% of my pension (of 16 years of service) totaling an additional payment of $1047.00 a month upon my retirement due to equitable distribution. I was denied any portion of her retirement funds upon her retirement.

Also, I have to maintain a life insurance policy in the amount of $150,000.00 naming my ex wife as beneficiary. I later appealed the life insurance award and lost, (you can Google; Ol-ski vs. Olski and the appellant’s decision will come up on Law.Justia.com to confirm my story). I was left with no house or any money, due to inheritance laws. She told the court that we had exhausted most of our money paying bills. The only property I was awarded was a chess set, which I had to prove was gifted to me and an older big screen TV. Also, my personnel tools, clothing, and fishing tackle. I was also able to keep my vehicle. However, because my vehicle was newer than hers, I had to pay her half the difference in the increased value of my vehicle from hers.

After completing 25 years in Law Enforcement, I retired on February 1, 2012. Shortly thereafter, I hired an attorney and filed a motion in Monmouth County Superior Court requesting a modification or elimination to the permanent alimony award and Life Insurance policy, due to change in circumstance. I have already paid nine years of Permanent Alimony, totaling $78,516.00, I thought at least the life insurance policy would be dismissed or modified to a lower amount. The motion was heard in Monmouth County Court and I was denied a hearing to show the change in circumstances.

In short, after the trial I was left without a house, not even a chair, and she was awarded $727.00 a month Permanent Alimony, which totals $8724.00 a year. And now that I retired, she receives an additional $1,047.00 a month from my pension which totals $12,564.00 a year, which means I now pay her $21,288.00 a year. Plus I still have to maintain a life insurance policy in the amount of $150.00.00. She has no mortgage and is employed full time. I have a very large mortgage and now make a third less then when I was working. You may contact me if needed.

George T Olski
16 Crest Rd. Jackson, NJ 08527
To New Jersey Alimony Reform Association,

On August 31, 1998 I intercepted a letter that was carelessly left on our family computer. Long story made short, it declared the feelings that my wife had for a co-worker and feeling she did not have for me. I immediately confronted her on the issue; she did not deny any of it., “I don’t love you anymore, and I haven’t for a long time”.

I was adamant and determined to do anything to save this marriage. Me being a God fearing man, a man of his word (when I said “till death do us part” in a church with hundreds of witnesses, I MEANT IT!). This unfortunately included me swallowing my pride to the point where I began to look foolish. She really wanted this other man.

After months of humility, I conceded, “OK, it’s over ...go after the man you really want, It’s no use carrying on with this charade”. We decided that we would put the townhouse up for sale, divide our assets evenly and go our separate ways, in what was to be the most amicable divorce of all-time .She would now be free to pursue the man of her dreams, she was happy about the thought of that. She did in fact contact more than several times, to my knowledge while we in “live-in divorce mode”. We had enough square footage that allowed us to not be in each other’s presence unless absolutely required, whether it be a parenting issue the boys who were 15 and 12 at the time, or a perspective home buyer, or any official matter.

This continued for almost an entire year. We accepted an offer on our home, and the “closing” (in more ways than one) would be July 31, 1999. I take a major step backward and move back home with mom, while she naturally gets the boys and an apartment **important note: she worked full time, just as she had been for years, but I sent her $1200 per month without any judge telling me to do so.

While our plans to divorce continued, she had made some implications about reconciliation. That was not for me. As a forgiving soul as I am, that’s one thing I could personally never accept... sorry...just not the way I’m wired. No take backs.....how could I ever trust her again??

She had originally suggested we retain ONE lawyer to help us settle things fairly and evenly because, “I would never do anything to hurt you”. We later learned would be unethical (?), for reasons that would not be beneficial to the law business, of course. So I become friends with and decided to retain the services of the brother of her cousin’s soon-to-be husband......why not? She wasn’t going to “hurt me”, it’s just a matter of paper work, right? WRONG. STUPID ....STUPID ...STUPID!!

When divorce date finally arrived, February 5, 2001, I was to learn that I had come to a gun fight equipped with a water pistol. My council, the pudgy, nerdy neophyte :Christian Beene (of Bergan County) vs the far more venerable Anthony Fiorello with many years of practice in the Passaic County court system.
I was poorly represented, unprepared and under-counseled to say the least. Mr. Beene cowered under the far more masterful Fiorello (or did he yield in favor of his future cousin-in-law??). Mr. Fiorello demanded (on top of the obvious child support), alimony “LIFE-TIME” ALIMONY” ....not my soon-to-be ex-wife’s idea, but Mr. Fiorello. After all, he had an image to maintain.

My ex later confessed that she would have settled for far less, and really just wanted the matter to be done with.

My council, while all but admitting defeat (demolition maybe more accurate) advises me to accept the penalty because, “$500 per month is a mere token; you’ll be able to get a better part of it back at tax time,” and “she’ll re-marry soon”................. both major untruths! The members of the early settlement panel also advised me that it would be a waste of time and money to dispute the “LIFE-TIME ALIMONY.”

More than 10 years have passed and it pains me every time I have to pick up that pen and write that check. It’s a life-long sentence for a crime I never committed. Frustrating?

I work for the U.S. Postal Service, that means that I make less now than I did 10-15 years ago. There is no overtime to speak of as there was 10 -15 years ago. While her salary is now equal to mine if not more. To drive another spike through the heart, my youngest son, soon to be 25 years old has moved back in with her, under the condition that he pays all of her utilities. Two adults sharing the expenses while my account shows a minus $500 every month.

I would gladly go back to court with her, however, I am not willing to sacrifice anymore of my pride. I must be armed with the most confident advocate. I would rather continue to pay, than loose in court as pitifully as I did the first time.

Sincerely

Anthony Ficca
Hello, I'm Stephen Pagnoni, age 60 yrs.

I was divorced in Atlantic County NJ June 2008. I was married for 22 yrs. And have been paying Alimony for past 4 yrs and for the rest of my life.

At the time of my Divorce I was pressured to accept a total unfair settlement by my inexperienced attorney. Because I owned my own business my income was inflated by there accountant and I was strappd with an Alimony payment that I could never meet.

I was also required to pay all the taxes on the income I was paying my ex as well as her health insurance and cell phone bill and a $350,000 life ins policy with her as beneficiary in case of my death. She got the home with over $300,000 equity that I concentrated on building for over 30 yrs. She also got half of all my 401 k and other small funds.

I got to keep the business in order to keep paying the alimony. The business which proved to be worthless, is now closed in part because it was paying all this extra alimony payments out every month. I cut my expenses in half, my rent from $1600 per month to $880. I now live in a small one bedroom apt. My car payment is down to $275 per month from $800 at the time of the divorce. I will soon be forced to move in with my sister in PA. Because I cant even afford the $880 per month anymore.

I've been looking for work but can’t find anything as of yet. I will keep on looking.

Alimony is defined in the dictionary as an allowance for spouse maintenance upon separation or divorce. What I have is a life time sentence of poverty that ill never be able to shed. All, because I always did the right thing by supporting my wife and family ... Now, I'm being punished. For those qualities that I was taught to abide by and follow.

I don’t begrudge or have any animosity toward my ex. But, now I'm looking at loosing my only asset I have left my 401k. Because that is the only asset I have left for payments to her. Where does it stop a after that’s gone? I guess it stops in a jail sentence. Like I said I got a life time sentence without ever committing a crime.

Please pass the Alimony Reform bill.

Stephen Pagnoni
09/23/2012
My name is Nancy and I’ve been married to Ronald for seven years. Ronald has been divorced from his second wife for 18 years and has been paying alimony ever since. According to their divorce decree at his retirement he had an option of buying her out. Well he retired in Dec. 2011 at the age of 68 years. Shortly after he found out that in 2005 (3 months after our marriage) his ex-wife filed a Qualified Domestic Relations Order (QDRO) without his knowledge and ignoring the divorce decree. Her lawyer also lied and said my husband went Pro-se. We have been fighting this QDRO ever since.

This QDRO would allow her to get half his pension up to now and eliminating me as his current wife as beneficiary and getting spousal benefits. My husband also filed a motion to eliminate or reduce his alimony, but was denied. The judge used my salary and my ability to work to contribute to this alimony. Due to this QDRO my husband has only received limited funds of his pension making it very difficult to make ends meet. All for a woman that decided to stay home and do nothing for herself. She’s also collecting Social Security Benefits from my husband, due to the marriage of ten years.

Sincerely,

Nancy Parguz
September 25, 2012

Attention: NJ Alimony Reform Association

My name is Linda Zampino; I was married for 19 years and was divorced in Sussex County by Judge McGovern. I have recently met with Senator Oroho who is very receptive and listened to my story. This is my story.

I was married for 19 years; my ex-husband worked 15 years out of the marriage. The last 10 years as a UPS mechanic. He got fired in 2003 and refused to go back to work. I had a daughter Dina, who was six years old at the time. No income coming in a house to support and husband who refused to work, and a daughter in after care, because he claimed he was mentally unstable to work or take care of our daughter.

What do I do, feel bad go to work and work hard to support everyone. I have a college education a career in IT and worked for a pharmaceutical company for 26 years. I did what I had to do to keep the unhappy marriage afloat. In 2004 Dean asked to live downstairs as friends, I went to see a lawyer. This is the first time I heard of NJ alimony laws. I came from a family whose parents are married 54 years and are still married. Nobody told me marriage was between my husband and the state of NJ.

Well, what happened next was, I can’t even pick the words to explain the situation. The lawyer said to get out now, I still did not get it. Well, it seems my husband who has a high school education and an earning capacity of 60K is entitled, yes entitled to alimony FOR LIFE. I could not believe it, my friends and family could not believe it. Yes, it’s true, because I worked hard and made money he gets automatically my salary which was 185 minus his projected salary 50k divided by 3. So he gets 36k a year for life, even though he can work. Well miraculously after paying 5K to get a psychiatrist evaluation to determine custody, I got custody of my daughter. Why did he want my daughter who he left in day care everyday was for the MONEY.

It gets better, he gets half of my 401K, I have to buy him out of the house, my daughter who was going through hell and back wanted to stay in the house, I had to get an insurance policy for 600K, in case I die and leave it to him. He took everything the state would give him and they were generous with MY HARD EARNED MONEY.
I fought for 2 years; not believing I would be broke, all my hard work, down the drain, just because he did not want to be married. It cost me 120K, which made me broker. I was told by the lawyers if I win this will save me in the long run. They knew I did not have a chance but because WE DO NOT HAVE GUIDELINES, and the judge can do ANYTHING he wanted to I should give it a shot.

So, I fought, long and hard the final outcome. In 2006 during the court battle, I found out he wasn’t depressed he had a girlfriend for four years. I had photos etc. the judge, who is holding my life and future in his hand, doesn’t care, it was a nuisance to him.

Final outcome, 36K a year for LIFE, even though he now works at M&M Mars as a mechanic, making 60K a year, which is his earning capacity, but he now makes 96K a year because he lied and cheated on me. He doesn’t care about his daughter, I struggled to keep the house and he gets the benefit of my hard work. If he didn’t marry me he would be making 60K a year so WHY does he get 36k when he worked most of the marriage. THAT IS NJ LAW, and it HAS TO CHANGE.

Who cares about my daughter and her lifestyle, my house was in foreclosure, I sold everything for her and pay for my ex husbands mortgage, WHY WHY WHY…

Please do the right thing and stop it now, it should be transitional, everyone can work, he can go to college get a degree get a better paying job, why should he. He played the system and won.

I am broke because of legal fees, no 401K because I bought the house for my daughter, end of story, lawyers rich, husband making 36k more, me and my daughter, broke and still struggling to get out of debt, great law protect the people who can play the system, they GET rewarded big time, way to go NJ.

Oh and another note YOU cannot get it reduced I now make 155K and no reduction in site just pay more lawyers to have the judge refuse to reduce it. There is no way one person should have a sole decision on my life.

Linda Zampino
Linda Zampino
Sr. Analyst
Merck
Dear fellow members,

I am writing this letter in the hopes that it will help to illustrate the need for reform to the current laws governing alimony, which are both archaic and Machiavellian.

My story is not about losing employment and subsequent imprisonment for failure to pay alimony. On the contrary, I shall in all probability never be unemployed. I have been informed that in all likelihood, I will not be permitted to retire.

I am an emergency physician practicing for the past 26 years. As a full time ER physician I am obligated to work various shifts, which include days, evenings, nights, weekends and holidays. This type of scheduling is finally taking its toll. In order for me to change these circumstances I would be required to become a part time physician. Obviously this would result in a reduction in salary.

I consulted three attorneys who all informed me that this does not constitute a change in circumstances. It would be looked upon as an attempt to avoid my obligations despite the fact that there are multiple publications citing the negative long-term effects of rotating shifts.

One of the attorneys suggested we hire a psychiatrist to attest to the negative effects, bring in an actuarial to give testimony as to the reduction in life span due to night shifts and a work expert to testify to the fact that physicians cannot simply change their specialty. This same attorney then informed me that this would be a crap shoot. It would be less than a 50-50 chance of winning the motion while costing me about $75,000. Their conclusions were to save my money.

Since my divorce I have remarried. My current wife, though born in America, is Brazilian. Her parents were born there. Therefore, by marriage I am a Brazilian citizen. My oldest daughter from my previous marriage believes permanent alimony is an abomination. About six years ago she suggested I leave this country to escape further payments. At the time I had dismissed the suggestion. However as I get older and the stressful demands of emergency medicine are taking their tolls, the idea has recently resurfaced in my mind.

I was immediately overwhelmed with feelings of anguished and shame. To contemplate leaving my country, which my grandfather and father fought for was mortifying. The country and constitution I love. The very country that defines freedom in order to find freedom from the very unjust and immoral sentence placed upon me by the state of New Jersey.
I should now be involved in missionary work like so many other colleagues of mine. Instead of helping the unfortunate individuals in this world who cannot help themselves, I’m working to support someone who refuses to work but is capable of doing so. It is my time to give back to society. I am a citizen of the world and owe this to my fellow citizens. This is my calling and I should be permitted the freedom to pursue it.

There exist many other reasons for ending permanent alimony. It immediately places both parties in an adversarial position. It invites endless litigation and entertains frivolous motions. There is never closure. Often times it places the children in the middle causing undue stress and fractures relationships to all concerned. It does not foster growth in the payee, which I believe is a disservice to them. Instead it generates a feeling of entitlement, which is unhealthy and demeaning.

I am a fair and compassionate person. I believe rehabilitative alimony is often necessary. A person should receive a hand up to get on with their lives but not a hand out. The laws were constructed during a time when it was difficult for a woman to compete in a male dominated society. Times have changed. I know this because I have raised three girls. It is time for the laws to be changed. These laws were written with the best of intentions, however the road to hell is paved with good intentions.

I implore the legislators of New Jersey to bring about the much-needed change to these laws so that all concerned can pick up the pieces and get on with their lives.

I am,
Respectfully yours,

Vince Eletto
All Edward L. Linde II wanted to be was a good husband and father. He took his responsibilities seriously and coached all his kids’ sports, taught religious education, helped with homework and served as a Eucharistic Minister, Cubmaster and Scoutmaster. Ed thought that it was important to be very involved in his children’s development and to serve a strong role model. Instead of having the happy family life that he aspired to, he was subjected to extreme emotional and psychological abuse from his wife, which eventually escalated to horrific physical violence including being run over by car, being impaled, having his property destroyed, being threatened with knives and getting frequently punched, spit on, choked and bitten.

Ed endured this punishment to avoid breaking apart his family and to ensure that he was always a part of his children’s lives as his wife constantly threatened, “I will do everything possible to turn the children against you and ruin you financially.”

“Unfortunately, the legal system in New Jersey is incapable of comprehending what all the scientific research shows and what commonsense reveals: Domestic Violence is Child Abuse”, says Ed Linde II.

As evil and manipulative as his ex-wife was, Ed found that dealing with the legal system in New Jersey was equally absent of ethics, compassion or morality. As his $500/hour attorney frequently told him, “Don’t confuse morality with the law. If you are looking for fairness and justice in the NJ Family Court System, you are looking in the wrong place. While your evidence overwhelmingly proves that your ex-wife was extremely abusive and had premeditated taking your money and alienating your children, if you want the violence to stop, you are going to have to give them whatever they want financially and pay permanent alimony. It may not be fair but under NJ law, unless they actually tried to kill you, you are going to have to pay up to stop the abuse.”

As incredulous as it may seem, laws, facts and ethical behavior do not seem to matter or apply to lawyers working divorce cases. Specifically, Ed Linde II’s ex-wife’s brother, John L. Sweeney, a Morristown, NJ attorney committed a felony by hacking into Ed’s computer to steal legal correspondence to his attorney, which he then provided to his sister’s lawyer, Jennifer Fortunato, who then demanded the Ramsey, NJ police department to release domestic violence reports that were protecting him and exposed Ed to further abuse, threats and harassment from his ex-wife. Ed had irrefutable e-mail evidence and telephone records of this crime and researched that the attorneys had violated NJ Legal Ethics RPC 8.4 – Misconduct, RPC 8.3 – Reporting Misconduct and RPC 4.4 – Respect for Rights of Third Persons. He was told by his lawyer to “drop the matter as lawyers stick together to protect themselves”. After his divorce, Ed was confronted by his ex-brother-in-law at his son’s football game and was threatened, “If you file that ethics grievance, you will disappear and no one will ever find you again.”

Ed Linde II found that discussing alimony arrangements during the divorce process was analogous to negotiating with the Mafia where threats, coercion, lying and intimidation were used by both lawyers and the mediator to extract exactly what the ex-wife wanted.

Can you imagine forcing a survivor of a violent crime to pay a lucrative, lifetime pension to his evil, demonic and deranged attacker? Well, that is exactly what happens in New Jersey when survivors of domestic violence are forced to pay permanent alimony to their abusers. The corrupt New Jersey Family Court System, self-serving lawyers and insensitive judges have complicity in this injustice and are in fact knowingly rewarding criminal behavior.
Despite his ex-wife having a college degree, and extensive work experience as a registered nurse and a pharmaceutical sales representative, the lawyers refused to impute an income that was anywhere close to what the NJ Labor department research showed as an average income and allowed her to be underemployed. Ed was told he had to make up the difference with alimony if she chose to work beneath her earning capacity and if he didn’t accept the offer that they would force the case to go to trial where judges are known to hand out harsh and crippling alimony awards as punishment to those who don’t comply and settle out of court.

Since his divorce, Mr. Linde struggles financially and works long hours to ensure that he maintains his livelihood in an environment of corporate downsizing and lowered economic opportunity. He not only does this to provide for his children but to serve out his “cruel and unusual punishment” lifetime sentence of permanent alimony to a person who intentionally abused him in front of his children and premeditated her criminal activity of alienating his children and plundering his finances. Like all alimony payers in New Jersey, he lives in fear of losing his job and being incarcerated with felons and miscreants of society, if he fails to pay his alimony through no fault of his own. In the back of his mind, he knows that his psychologically disturbed ex-wife and her family would take extreme delight if this were to happen and that bothers him even more.

To this day, his ex-wife schemes of every opportunity to financially hurt Mr. Linde and has gone as far as committing identity theft with his credit card, misrepresenting financial information and withholding child visitation to obtain increases in child support. Ed believes that the NJ Family Court System is an accessory to these activities as they are complacent and never hold anyone accountable for their bad, criminal and immoral behavior. Domestic abuse is about control and the courts enable the abuser to have this control long after the marriage through alimony, custody and other financial means.

Mr. Linde always wanted a wonderful family life like he had growing up and throughout his whole life as a Boy Scout, corporate manager, father, husband, community citizen and friend acted in an honest, hard working and responsible fashion. He just doesn’t understand why the NJ Family Court System punishes those who are responsible and rewards those who are not. Whatever happens in life, Mr. Linde will always do the right and honorable thing. Will New Jersey?

Edward L. Linde II
I’m writing this letter to make the people of New Jersey aware of the horrors that exist in the New Jersey family Court system. I was married for 18 years in New Jersey, raised three children and had what I considered a good life and marriage. My wife after being married for all these year decided to begin dating other men she met on the computer. The first time she disappeared was to Texas, she actually got on a plane and flew to Texas to have sex with a stranger, she did not even really know.

When she arrived In Texas she had no transportation and stayed In a hotel room that this stranger would come to and have sex with her. She was also having sex with a man locally who is now basically her live in boyfriend, who keeps his own residence, so she can continue to get lifetime alimony. I’m a victim of not only a mentally sick ex wife, but also every thing she gets is enforced by an outdated and perverse court system that needs change quickly.

After repeated sexual escapades, and then meeting this local sex partner, my wife filed for divorce against me. That’s right she filed against me!! I went to hire an attorney who advised me he would represent me but It was going to be really bad for me. I had paid every penny on a house that we as a married couple owned, I had a twenty year pension that I had earned. I was the main wage earner in the family as the wife worked as a dog groomer and spent everything she earned on herself, and contributed no financial support to the household. I was advised by my attorney I would be required to pay her alimony, and due to her age, and lack of earning potential it would be about 90 percent certain It would be lifetime alimony.

The wife Is an adulteress yet she is rewarded with lifetime alimony, she bought me out of a house I owned with a no document mortgage, because of the equity In the house, she got child support for two of the three children and basically put a lien on my pension for half of what I had earned. I now cannot retire because even know I have worked over 27 years at the same job, and I’m eligible for retirement, my age is such that I would still be required to pay her both alimony and her cut of the pension. This adds up to I worked almost 28 years at a job and she would be rewarded with a better payout than me.
The reward comes to her, for committing adultery, and wage garnishment is enforced by the New Jersey family court system, and antiquated laws. My friends tell you this is like someone robbing a bank and when they are caught they are rewarded with a lifetime of payments, given a house, and a pension.

I know this doesn’t sound right but it is the law. My attorney even said to me this is the law I cannot change the law, we have to work within the laws that are there. I can tell you I was a good father to my children and they have been deeply affected by this whole process. My two boys I would say are going to think long and hard, before they will ever marry. There is a good chance they will never get married. They can see it would be better to just pay child support, than it would be to get strapped down with lifetime alimony and lose a pension.

I do not believe anyone should have to pay alimony for a lifetime, let alone not be able to retire. There are so many people affected by this injustice, it just boggles my mind how a Superior Court Judge can sit there on the bench and enforce these outdated laws. They sit in the court room with lady justice blind folded holding a scale, but I tell you something is wrong. I did nothing wrong and have been levied with lifetime alimony payments, lost a house I owned free and clear and lost half a pension. This is not right, the courts argument is that there are so many cases they do not have time to listen to all the facts.

Fact is people in the state of New Jersey if they cannot leave the state will definitely not marry. The family unit will suffer, and the state will see an increase of exactly what they originally set out to stop. In the 1950’s when a husband ran off with his secretary, the state wanted to make sure he took care of his family, now as people become educated they will not marry, and the state will be filled with out of wed lock children. Times have changed and each gender has equal opportunity to earn a good living, but when either male or female is rewarded with lifetime payment there is no reason for them to want to better themselves.

Sincerely,

Brian Keister
The Alimony Reform Team at the Assembly Judiciary Hearing
To New Jersey’s Legislative body,

Please take a moment to try and understand the struggles of a family that divorce and have one person’s fate decided by a Judge who only has a few minutes to review what may have taken the two parties and children 20 years. My two boys 19 and 22 live with me and my second wife. Their mother who filed for divorce after a 24 year marriage lost custody in February of 2008 resulting from a DUI with the older son in the car, a minor at the time.

Poorly represented by my first attorney I was left with lifetime alimony instead of some form of rehabilitative. My sons have since been emancipated and still require financial help. The law states she has no more responsibility but yet I owe her until one of us dies. The amount per week has been before a Judge for modification with the required documentation but denied. My 89 year old Dad (God Bless Him) has come to my aid multiple times. By the way ... he still works everyday.

If I miss 2 payments, a bench warrant is issued and I go to Hunterdon County Jail in Flemington. This has happened twice. The second time I was making payments but the court doesn’t care what type or degree of hardship is being suffered by the payor. You just have to pay or else. Many things need serious consideration though I will only mention a few that impact me the most. My older son is now suffering from severe depression and accruing an enormous amount of medical bills.

Nothing left to help my younger son to obtain a car to travel to his two jobs. Their Mom after six years divorced still doesn’t work full time. I’m not even sure if it’s part time. Her income from me enables her to do nothing. She lives more poorly but that’s her choice. Why would anyone go back to work if you’re awarded a life time income? I need a break.

I’m 57 now with no hope of providing some level of help to my children or my present wife who has stood behind me and our combined children. Nor any hope of us retiring and we both work full time plus. The law also speaks of equity. It’s not here and I’m willing to bet, not in most of New Jersey’s divorces. Please use the position that you’ve worked so hard to achieve and help the many. After all, I’m certain this is what you envisioned, to represent the populous for the betterment of society.

This is truly an area in dire need of our Governments help and it has to start with you. NJAR is not asking to abolish alimony but to amend and juxtapose it into proper perspective so both parties have a chance to do for themselves and eventually separate. Life has changed since these laws have been written so let’s not allow this level of unfairness to continue. LISTEN to the people. We are crying for the help in the only way we know how, through our democratic system.

PLEASE HELP!

Sincerely,

Milo G. Sasso

Hackettstown, NJ 07840

Active Member of NJAR www.njalimonyreform.org
My Horror Story, or as I like to call it, “AS THE STOMACH TURNS”

I was married for twenty five years. My wife was a high school English teacher with a Masters Degree. She gave up her job to stay home and raise the children but always said she would go back to work when the kids were old enough to tend for themselves. Of course that never happened.

Instead she filed for divorce. She will receive one half of my pension when I am eligible, plus lifetime alimony. I argued with the judge about alimony, that it should not be lifetime, but limited.

My ex wife was not a person without skills. As I said to the judge, she has a Masters Degree and was previously a high school teacher, she does not need nor warrant lifetime alimony.

The presiding judge, Lorraine Pullen, then said to me “I can’t force your wife to go back to work, but you will work and pay her for the rest or your life.” That was twelve years ago.

Present Day—

I am sixty two years old. Last year the company I worked for, for over thirty years went out of business.

The alimony which was payroll deducted ceased. I was hauled into court for non payment. The court seized my income tax refund and my unemployment check. My benefits after tax are $350 weekly. The court ordered me to pay my full alimony of $275 per week leaving me with $75 a week to exist on! The judge then screamed at me as if I were a child that I have sixty days to get a job. The court officers were so shocked at the judges’ treatment of me that they actually told the judge he was out of line.

Andy Barsky
Sayreville, New Jersey
October 1, 2012

Gentlemen:

I am writing this letter to desperately urge your support in amending current divorce laws regarding permanent alimony. I have been divorced over 19 years ending our 21 year marriage in a no-fault divorce process, through the Ocean County New Jersey Courts, in October of 1993.

The divorce decree granted permanent spousal alimony to my ex-wife, and is to prevail, unless she cohabits in defeat of the Order. So, for 19 years now, I have been paying monthly alimony without any recourse other than as noted, to change the original decree order.

I have since remarried and for 19 years have been enduring hardship and stress on my family to continue to maintain monthly payment allotments. My ex-wife has worked albeit only part-time (30 hrs), has a fully paid home to live in, has medical benefits, and is doing quite well. I’ve since retired (due to a force adjustment at my work) and have been searching unsuccessfully for employment since that time. The economy has taken a severe downturn and companies are not apt to hire, especially one who is at retirement age. After many resumes, interviews and promises, I have had no success. I’ve had to depend upon my current wife’s retirement income to help meet my alimony responsibilities.

We are now both living only on social security income and have had to struggle to do without to make the alimony payments. Let me say, at 63 years old, on social security and no work available, making these alimony payments has become even more of a hardship for us.

As I struggle to meet this alimony obligation I fear one day I may land in jail, and won’t be able to help anyone out any further. Now there could be 3 people bleeding the system; jail time for me, possible state assistance for both my wife, and ex-wife. How does this make any sense???? It is frightening to think that after 19 years of making payments that it’s going to possibly continue until I die??? Without relief, my so-called ‘golden years’ are to me, ‘the rusty years’.

In summation, alimony laws need to be changed to reflect a transitional period only, so 2 people can continue with their lives comfortably, without it being a lifetime entitlement for one, and payments for the other. Sincerely, I remain,

Robert D. Highet
bobh718aol.com
I met my Ex wife at the company we were both working for in 1983 and we were married in 1985. We eventually went on to work at two other companies together after we were married and prior to having our children. When we had our first child in 1989, we had just purchased a house in New Jersey and we did not feel that having my Ex commute to New York City to work would be financially prudent with a small child. We decided that she would stay at home to raise our daughter and we lost her $30,000 per year salary. Then in 1992, we had our second daughter and my Ex continued to stay at home raising both girls. As the children were both in school full time, my Ex did a significant amount of volunteer work with our children's school and doing baby sitting jobs for friends for spending money. I would often ask her when the children were in school full time why she was not looking for a job to help with ongoing daily expenses. She refused to go back to work instead telling me that she was going to continue to mother her children. In between her time volunteering and baby sitting my Ex wife developed a very destructive passion for uncontrollable spending with our credit cards.

In 1999, I uncovered my Ex wife's first run up of debt which amounted to approximately $25,000. I uncovered that she was going to the post office to buy money orders to send minimum payments to credit card companies so that I would not see that we owed money when I looked at the check book register. I finally paid off all our credit cards with my bonus money that year which came in several weeks before I lost my job. I was out of work for 8 months and she refused to get a job even though both of our children were in school full time. I asked her to see if she could get a job at the school since they knew her there but she refused. She was more interested in going to the beach with her friends and Six Flags with the kids.

Then in 2006 I uncovered another episode of her putting our family in debt. This time to the amount of $35,000. Within a 7 year period I was forced as the sole income producer of the family to pay back $60,000 of her debt. When I took over the check book responsibilities, we had 4 credit cards that were charging us over 30% interest rates and she was using credit cards that we had locked away from her first spending episode in 1999. Before I found out how much new debt she had saddled us with, she had decided to become a Realtor. Her idea was to sell all these homes and pay off all the outstanding bills and I would never even know we were in debt. The problem with her idea was that this was the worst time in Realty history to become a Realtor! This was my wife, the woman I had committed my life to acting in such a duplicitous way. I wound up paying for her Realty school, tests, multiple listing services, post cards, stamps, magnet giveaways and Realty computer programs all while we owed all this money plus managing our day to day expenses. The timing was particularly bad because this was on the eve of our oldest daughter starting college with a large tuition bill due. I still owed on our house mortgage and was afraid that we might lose the house.

I begged her for the next two years to put Realty on hold and get a full time job to help pay off the debt she had amassed and help replenish our savings accounts. Her answer to me was that she would not get a full time job and that she was going to continue to mother her children even though one child was in college and the other was in high school.

After two years of begging her to help the family financially by going to work full time I realized that I was living with my enemy and not a loving nurturing wife who was interested in doing the right thing for her family. It was all about her spending addiction and what she wanted to do. At that point I was afraid that she could bury us again in debt in the future. I just could not afford to have that happen again. I filed for divorce in 2008 and my divorce was finalized in 2009.
Because I was married for 23 years, I was hit with lifetime alimony payments! The court said that I owed her a lifestyle that she had become accustomed to. Never once did the court request to know what led us to this divorce. I was forced to give her half my 401 k, Pension and Mutual Funds which she never contributed a dime towards. I am now in a position where I give her more money from my paycheck every two weeks then I take home. She is still a Realtor and has earned very little in the way of commissions because of the housing market crisis. She refuses to this day to get a full time salary paying job and instead lives off the money that I pay her. Lifetime alimony has given her no incentive to be responsible for herself and our children which live with her. She enjoys the idea of going to her mailbox every two weeks and finding money there. She has no incentive to work and this is both destructive to her and our children. It is not teaching our children that work is noble and productive and helps your self esteem. Instead they see their Mother wasting her time sitting in open houses not being productive and earning money to support herself.

As it turns out, thanks to lifetime alimony, I have now become legally indebted to the person in my life that has ruined me financially and put me in debt. I would have no problem paying her alimony for 5 years so that she can get on her feet. I have already paid to train her in the field that she unilaterally chose to pursue which was Realty. My alimony payments continue to fund this non productive pursuit of hers for the rest of her working life and beyond. Lifetime alimony is robbing my Ex of any incentive to be reliant upon herself and live her life to the fullest. Her best day will be what the courts mandate me to pay her. This is ultimately harmful and destructive to her! In the meantime, I continue to work full time and deal with the daily challenges and pressure of my job.

I worry constantly about potential layoffs and downsizing at my company because we have gone through them recently and the horrible economic conditions we currently have in this country. I know that even when I try to retire, my income will be severely reduced because lifetime alimony has eliminated the need for her to be a responsible adult and is basically her drug of choice that I am force by the courts to pay just because she does not feel like working. My retirement income will be perpetually reduced by permanent alimony no matter how the economy deteriorates. It’s like having a Damocles sword over your head constantly. It’s extremely unsettling.

We have many people in this state that commit heinous crimes such as murder, child abuse, armed robbery etc. and all we hear about is how we need as a society to rehabilitate these people and give them a second chance. I did not even commit a crime. All I did was get divorced in the state of New Jersey and literally the courts have locked me in this permanent alimony nightmare and thrown away the key to my virtual cell. Currently I have no chance of parole or rehabilitation even though I did not commit a crime. My only hope is that the NJ Alimony Reform Organization can eventually get our state elected officials to see how wrong and draconian our divorce law is in this state and make significant changes so that alimony is a rehabilitative remedy and not a lifetime sentence for people who actually get out of bed every day and go to work, pay taxes and take responsibility for themselves and their families.

Anthony Bartolotta
Anthony Bartolotta
Franklin Park, NJ
Mr. Tom Leventhal
946 Alimony Reform House
1092 St. George Ave #141
Rahway, NJ 07065

Dear Tom,

Upon your request, I am relating my personal house story regarding what I consider to have been created by unfair alimony laws which allow judges to be totally arbitrary in their decision making.

My former wife and I lived together for approximately 15 years. We had 4 children.

I have been paying alimony for approximately 37 yrs.

In 2010 my former wife filed for an increase in support. In the first hearing her request was not granted.

In the second hearing of reconsideration, it again was rejected.

She appealed the decision, which she won.

In a third decision handed down by a different judge she was awarded the following:

10/3/12
ALBERT R. TAMÁ, M.D.
49 Morning Glory Drive
Marlton, NJ 08053
856-983-2671
Fax: 983-2748

An increase of salary from $3090/month to $5500/month.
$25,000 in legal fees.
A $250,000 trust fund to be paid to her upon my death.
Supplemental health insurance ($6800/yr).
Payment of her drug costs.

Although she is a registered nurse, she has not worked since our marriage in 1955.
She continues to live in the 4000 sq. ft. family home by herself.

I worked until I was 81 years of age to meet my obligations and with the hope of having a comfortable retirement. This decision by a judge has now made this impossible. My health status and my age make it impossible to go back to work.

I am thoroughly convinced that I am now living in involuntary servitude created by unfair laws and implemented by unrestrained arbitrary judges.

Sincerely
Albert R. Tama
Horror Story
Length of Marriage: 17 years

Married for 17 years. Divorced in 2005, alimony based on income at the time. Alimony payments $5000 per month plus half 401K plus half life insurance policy plus an 80/20 split on expenses for our 2 children. At age 59 I now have a $120,000 student loan I signed for my children of which mine is the 80%. I have no problem paying for their school and expenses but the 80/20 split is lopsided.

Also ex-wife went back to school and got her Masters, got a job worked for a little over a year or so, quit her job didn’t get fired or replaced, are the courts making life a little too easy, with the current state of the job market how and why do you give up a job making decent money, oh yea because you have alimony every month of every year.

I have no problem being responsible for my situation but there needs to be a time limit on how long one has to pay.

I committed no crime but have a life sentence.

Sincerely,

Tom Pichi
Tenafly, New Jersey
tpichi@msn.com
Dear Sir or Madam:

The divorce occurred 3 years after the death of our youngest daughter. My mental state was, to say the least, not well. My wife sued for divorce, not I. I am saddled with $225.00 a week payments for life, this was predicated on the fact that I had a good job with a large company and was a first level management employee. Several years following the divorce the company downsized. I was let go. I am now 69 years of age. She got half of my pension amount at the time of the divorce. She gets her share of my Social Security. I now receive $2198 per month Social Security, and also have to work a full time and part time job to support myself.

When she filed for the divorce I had a High School education; she had a Master’s Degree, and was the Director of a library in a High School. She elected to quit her job and move out of state to live in Virginia where she was unable to secure a similar position in the area where she had decided to live. (I moved from Wanaque, in Passaic County, to Butler, in Morris County, to live with and care for my invalid mother. She has since passed.)

As I am now 69, I do not see how I can continue to work for more than another year. My job is physically demanding at times and requires both mental acuity and physical agility.

I did not ask her to quit her library position. I allowed her to take anything from the house she wanted, and did not quibble when she requested the selling price of the house be lowered substantially so she would not miss out on the opportunity to purchase the house in Virginia that she wanted.

Sincerely,

Frank J. Blatterman
Current law, which the lawmakers call antiquated, permits courts to award permanent alimony to a former spouse if the marriage lasted more than 10 years. The new measure would up the time frame to 20 years, while creating a tiered system that awards more alimony based on the length of the marriage or civil union.

"Once the marriage is over, a person shouldn't be obligated to take care of them for life," Assemblyman Charles Mainor, of Jersey City, one of three co-sponsors of the proposed bill said yesterday.

The new bill, also co-sponsored by Angelica Jimenez, of West New York, would limit alimony for a marriage of five years or less to one-half the duration of the marriage, and the percentage would increase 10 percent for every five years the marriage lasted.

If the marriage survived the 20-year mark, then a court would have discretion to award alimony for an indefinite period of time.

Yesterday's poll, results

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282 comments so far

Sort By: Most Recent

282 Comments on NJ Alimony Reform Newspaper Article Online
Hi,

I would like to reach out to you on behalf of alimony reform, specifically lifetime alimony reform.

I divorced back in Jan 2002 when I was told by the judge I have to pay my ex-wife for the rest of my life (unless she re-marries or co-exists w/ someone). This decision was based on the fact that I worked two jobs at that time and she didn’t work. My ex-wife was an alcoholic and chose not to work but to stay at home and drink, with 2 young kids at home also, the reason I had to work 2 jobs.

It’s now been 10.75 yrs, I have lost that second job and I’m struggling to make the $1000 month payment every month. She continues to drink and try to exist on my alimony payment. It is absolutely crazy that I have to do this for the rest of my life!!! I’m 55 now and getting towards my retirement yrs when fixed income will kick in.

I realize the present laws now in effect are dated back to the 1940’s and that is also crazy, WE NEED REFORM in NJ. Other states have changed their laws and its time for everyone to wake up and change the laws in this state, woman work now and make good income. My ex is certainly capable and able but chooses to beat the system.

I ask you to please hear me out and do whatever you can to make new, more favorable laws, especially for those with LIFETIME ALIMONY.

Thank-you so much for your time.

Jeff Mastrull

Mr. Jeffrey Mastrull
802 Reed Court
Flemington, NJ 08822
(908)968-0070
member Alimony Reform
Length of Marriage: 13 years

Married to a non supportive (I am in the military) wife. I have broken service and did not marry my wife while I was in the service (I was in between contracts). I rejoined the military in a reserve status upon news of her being pregnant with our first son (medical benefits) I went back in the service 3 years after being married to her (1998) in the Army reserve. I then went back to Active duty in 2000. At this point, we decided she shouldn’t bother to work anymore, because between daycare and travel to and from work, and her meager salary as a DMV clerk, it was cheaper to have her stay home. She never went back to work again. She hated the Army, she hated all our duty stations, and generally was miserable throughout my contract. In 2006, I was deployed to Iraq. I received maybe 4-5 emails from her and the kids (had another son in the time between 2000-2006) from our home in Browns Mills NJ throughout the time I was in Iraq, and a few calls that I had made. Unless the kids were at their grandma’s house on the weekend, I would not receive any contact from her or the kids. She would not let them use the household computer to email their deployed dad...for whatever reason. I always knew which weekends they were at their grandma’s. Also,

I had transferred to NJ to accommodate her needed spinal surgery (at Walter Reed Army Hospital Wash DC) and adjusted my career to accommodate. I gave up what I wanted to pursue to transfer to N.J. When I returned from Iraq, my wife was taking seroquel, prozac, and other psychotic medications to help her “cope” with the kids. The kids were dropped off after school at a local friends house (off the bus) after school until about 7-8 PM each night. I could not figure this out. I only saw my kids for a short time in morning, and just before bed at night. We transferred again to CO and she hated every minute. I got promoted and decided she liked her comfortable way of dropping the kids off in the afternoon, and sought a duty position back east in N.J. The closest I could get to our former home was in western PA. I got a house, asked her to move in and she refused. Time went by, and I finally decided I had had enough of her lack of support for my career and ambitions.

I originally filed in PA and should not have let the case go. I gave her the benefit of the doubt and let her file here in N.J. I was ordered immediately to pay the maximum allowed by law to this woman. I was garnished, and responsible to pay her $2600.00 a month as "pendente lite" whatever that means. As I am in the military and only take in $5400.00 a month, this is half my pay. As the military pay system only allows a certain amount to be garnished $1774.00 a month, I have been collecting "arrears" for over a year now, totaling about $30,000.00 approx. so far. I am on my retirement year and will collect only about $2060.00 a month upon retirement. How will this alimony be paid? Good question. Another thing I was told by my lawyer is I may not try to retire as of now, because it will look as if I am doing it on purpose to "screw over" my spouse. Unfortunately, I do not have a choice. After 20 years (25 with reserve time) of Army, and Marine service to my country, my body is ravaged, and I have many physical issues demanding I retire at this time. Tell me, will the judge bother making an adjustment to my alimony (which is currently $1900.00 a month minus child support at $ 783.00).

I have asked my former attorney if it made any difference whether I even had an attorney or not moving forward in this case, and her answer was, that I would probably end up (when the case is over) paying just about the amount that I am forced by garnishment to pay now. Upon her saying this, I promptly fired her, because if I am to pay the same either way, I might as well save the lawyers fee's (of $1 5,000.00) because there is no difference with or without an attorney. At 1:30 PM today, I face the judge again for a "status" hearing, where we will introduce "discovery" or some stuff. At this point, there is nothing to lose, and absolutely nothing to gain by even showing up. But I will, because I am an honorable man, and I guess my living is now my future ex’s living. The raking has been going on for about 3.5 years now since I got stationed at western PA, and there is currently no end to my misery in sight. My military retirement is simply going to be a transition to the poor house.

An update to the end of this story: As of March 2012 I am officially divorced. Before March, I had a severe gout attack in most of my joints, and was taking oxycodone regularly just to be able to move. My (now) ex, and her cunning and devious lawyer decided to ambush me with an agreement offer just before our court hearing, and two days before we were to meet with some hokey “team” of lawyers who would try to help us reach an agreement before we went in the court room. Assessment team or some such nonsense. So they email me this crappy agreement which stated I would pay her $1800.00 a month regardless of who lives where (kids), or how much my pay may vary after I retire. I know, I was stupid, it didn’t look as bad as it is when first viewed. Plus, on medication, I was thinking about not having to drive to Jersey on Oxy’s with extremely painful joints. So I signed the worthless piece of paper and scanned it to them. They never got one with an original signature from me, and the scanned one qualified for their purposes I guess. So now, I pay her $1800.00 a month until I am 62, when it drops to $1500.00 a month forever, or until, bless her heart, she dies. All I have to hope for. Oh, and its tax free to her. Plus, somehow I accrued $7000.00 in “arrears” that I must pay, along with all the remaining credit bills, and leftover debt we had.

On paper, I make $75,000.00 a year. After taxes it becomes $52,000.00. After I pay her all year it becomes $30,000.00. Plus $200.00 a month “arrears”, I end up taking home a whopping $28,000.00 a year. I have worked my entire life in the military to make rank, now, a Private First Class makes more than I do. I digress. Also, she has only one child to “support” at this time, as my eldest has moved in with me. She is collecting disability for herself, disability for the son that lives with me (from Lovely N,J), and collecting money for my other son as well. A total of $21,000.00 a year. Plus $24,000.00 that I pay her. She makes $48,000.00 a year all told. Damn near twice what I take home (and now I support one child with)....TAX FREE....She also has recently landed a job and now is working and collecting all these other (state and my) monies. Legal? Who am I to ask that question? I am a mere supporter of her ...I must do as law says ...I must give diligently to the queen as a loyal subject ........BULL %$%&$#@!!! Not bad for not doing
a day's work in 17 years. (and yes, I know taking care of two kids is hard work, but she laid on the couch watching soaps most of the time. I cooked, I cleaned, I repaired the house, did laundry...you name it...daily. After work I came home, and went back to work. Lucky to lay down by 10 PM each night. As an active duty (very busy) Soldier.

When I signed this, I was under heavy medication, under pressure, and prepping for a deployment, and could no longer afford a lawyer ($5000.00 just to say hello, and $10.00 phone calls) on a soldier salary (especially when the frikkin judge said I had to pay her lawyer too, because I make SOOOO much money...yea...OK) when I signed the ridiculous document that I scanned back to them (they have no original signature copy).

Fact is, I have to pay her until she dies. I was with her for a lousy 13 years (and it was lousy), but must pay her equal to what I take home, then for the rest of her natural born life. Perspective: My retirement pay from the military (oh and by the way, why does anyone think the military lets people retire after 20 years? ...Because it beats the hell out of you, and you have trouble doing ANYTHING after 20 years of it) will be about $2 500.00 a month before taxes. She gets $1800.00 of that tax free. After taxes, I am left with a whopping $58.00 a month to keep for myself. Yet the belief in is that even with all my physical ailments I acquired in the military, I can still work 40 hours a week until I am 65 ....and they damn well expect that to happen. I know this, because the judge actually made me get a statement from my Commander stating I was not allowed to work a SECOND JOB while on active duty preparing for a deployment. Yes ...the judge expected me to get another job so I could pay her more money ...He so ordered it, and that is why I had to get a note from my Commander. Reality? Yes, It’s...unbelievable. Now, I struggle from payday to payday. Continuously overdrafted by three days before the next payday, and unable to do any recreational activities with the son I am supporting at my house. Depressing?

Yes,...Thanks NJ Courts and Probation, and the lovely Bull crap laws that some jackass made up back in 1927 or whatever, that obviously no longer have validity to today’s modern conniving women, who obviously just bat their eyes, and cry or look a little sad in the court room, then the judge gives the bitch everything she cries for without regard for anything else (In my case, he even gave her stuff I didn’t have!!)....

My ex did nothing to support my military career, in fact, she hindered it greatly, because she hated it sooo much. Now she again hinders it more, as I am frozen at this duty station. I am in “high” “Basic Allowance for Quarters” (or BAH) area. Meaning, that the military pays me about $1700.00 a month for housing (aside from my basic pay). Fortunately, average rent around here is about $700.00 a month. This “allotted pay for housing” (which is not my regular pay) was also figured into my overall pay by the judge in his calculations for how much she should get. This type of pay (BAH) changes by zip code of duty station, so if I were to get orders somewhere else where the BAH more matches the area’s average rent, or is a lot less, I will go under. Because there would be no way I could afford to pay her $1800.00 a month at that point. So I am stuck here. Problem is, I can only stay here so long, because eventually the Army will transfer me. To where, I do not know. Being as this is one of the highest paying BAH areas, I am bound to receive less BAH wherever I transfer to. Meaning I will have to file bankruptcy. Bankruptcy is reason for removal from service at my rank and security clearance. Ohh, and the “arrears “ will soar into the stratosphere at that point .... So congratulations miss ex ...and NJ, for destroying a man and his career. Great job ...what’s next? Lynching ex husbands in the town square???? I did nothing to exude this behavior from her and the courts either. I never cheated, never lied, was always home taking care of the kids (when 1 wasn’t in battle), and was always faithful and caring during good and bad times.

I can’t retire until July 2014, at which time I will receive my $58.00 a month....a wonderful quality of life. See you all around the garbage dumpster pickin I guess ....

Here’s to that lovely thing called the “American Woman”...and all her glory, and New Jersey’s fairly and equally balanced divorce courts and divorce laws (do you sense a wee bit of sarcasm??)

I served my country for 25 years and counting, since the cold war and desert storm for crying out loud, and have never been so quickly annihilated, degraded, and financially raped as I was by the NJ Divorce Court System, and two fine NJ Divorce Court judges. God Bless them all...I can’t.

Dutschman
Dutschman
3125 Rte 403 Hwy S
Homer City, PA 15748
Dear Senator:

I would like to share my story and how it is time for Alimony Reform in the state of NJ.

I discovered that my wife had been cheating on me throughout our marriage and I have documentation of proof for at least the last 12 years. She had not worked for over 10 years, in order to better conceal her lifestyle, under the guise that she was caring for my two sons. She did not give my children the attention I thought they were getting, the house was a mess and she constantly complained that she never had time to do anything. I found her time was being spent on over 8 dating websites and going out with over 30 men. Besides bringing home STDs, which she explained were contracted from public restrooms and having cysts - she was trying to file for disability as well as suing for half a million dollars from a car accident she was in (while rushing home from a motel encounter) - both her claims were proven fraudulent.

Her lawyer continuously filed motions filled with lies and I was just ordered by the court to pay for her legal fees (even though I was giving her over $250,000 to settle the divorce (property, bank accounts, stocks, etc). I gave her more than half of everything- my children's college fund was gone- I had to pay all of the lawyers feed (over 50k) and now I am paying 2k a month alimony forever. She owns two cars and just purchased a town home while I live check to check.

I know there are worse stories than mine and what I am writing just scrapes the surface - I just remember continuously being told by attorneys that I will be the one paying that it is cheaper to keep her - but who wants to be married to someone like that?

Thank you for your prompt attention to this matter.

Sincerely,

David Mojica

David Mojica
The possibility of permanent alimony would be all but eliminated in New Jersey under a measure proposed by two Hudson County lawmakers in the state Assembly.

Current law, which the lawmakers call antiquated, permits courts to award permanent alimony to a former spouse if the marriage lasted more than 10 years. The new measure would up the time frame to 20 years, while creating a tiered system that awards more alimony based on the length of the marriage or civil union.

"Once the marriage is over, a person shouldn't be obligated to take care of them for life," Assemblyman Charles Mainor, of Jersey City, one of three co-sponsors of the proposed bill said yesterday.

The new bill, also co-sponsored by Angelica Jimenez, of West New York, would limit alimony for a marriage of five years or less to one-half the duration of the marriage, and the percentage would increase 10 percent for every five years the marriage lasted.

If the marriage survived the 20-year mark, then a court would have discretion to award alimony for an indefinite period of time.

Yesterday's poll, results
The Alimony Reform Team at the Senate Judiciary Hearings, Summer 2012
Dear NJ Alimony Reform Association,

I am a permanent alimony payor in the State of New Jersey, one of MANY. I am 50 years old, broke and haven’t seen my kids in 6 years, thanks to the alienation done by my ex wife which was confirmed in a courtroom.

My ex wife? She is a lifetime alimony recipient-a gift from a broken system that needs fixing. Now. She gets rewarded every day for having no ambition but having a desire to destroy her ex husband. She uses my children as human shields in the court too-wouldn’t you? Would you give up your lottery ticket without a fight? Nope.

Mine is a typical story-my ex refused to settle on anything, made our divorce a living hell and did it all in the name of PERMANENT ALIMONY. Best interests of the children be damned! We went to trial, two very average people with very average incomes. We both had the same educational background and do more or less the same thing for a living. The judge imputed income for my ex downward, myself upward. Through some magical formula known only to divorce lawyers and judges, voila, she got lifetime alimony.

We divorced over 10 years ago. I have paid her almost $100,000 in alimony since then. We were barely married for 10 years! And in New Jersey this madness lasts forever! And if you try to go to court to fix it, your case falls on deaf ears. We are told there needs to be a “change in circumstances” based on some obscure ruling, Lepis v Lepis. Could you get any more nebulous than that? I don’t know anybody that’s met the magical test for change in circumstances-it seems like a ruse designed to keep judges and lawyers working if you ask me.

I have since remarried. My new wife has to work 3 jobs just to put a roof over our head and clothes on her child (my stepdaughter’s) back. Our marriage is a wreck because of the unjust liabilities I carry with me every day, with no end in sight except death! We live from day to day, always one step from bankruptcy or divorce. Is this the sort of family values we are promoting here in New Jersey?

PERMANENT ALIMONY IS ANTI FAMILY. Permanent alimony is just like welfare, except welfare was reformed many years ago. It’s a puritanical punishment that assumes we are still in the last century, where women didn’t work and their husbands paid a divorce penalty if they wanted out of a marriage. This is NOT the current face of New Jersey and permanent alimony is totally out of touch with current economic and social realities.

Permanent alimony is a life sentence. It has no economic justification. How could a judge possibly know what two people’s financial situations will look like years from now? Being a judge doesn’t give you a crystal ball. How can anybody justify paying alimony to someone when you’ve been divorced from them twice as long as you were married? You can’t. And that’s why judges and lawyers don’t want alimony reform. Their gravy train is my personal hell. And I’m not the only one living in it. Until I die. Retirement is out of the question. I pay permanent alimony. THE DEATH PENALTY.

Thank you,

Stuart M Kurtz
Montgomery NJ
Dear Honorable Scutari,

Regarding bills SJR34/SJR 41 and S-1388, I am writing to ask for your help in moving alimony reform legislation in New Jersey. New Jersey laws are antiquated and need modernizing. It has been over 30 years since significant changes have been made in New Jersey and, since that time, our state and customs have changed significantly.

Most of the alimony laws have been developed by Family Court -- and it’s time the State Legislature takes control of this issue. The Legislature understands society and what people need and should be making the laws -- not the Courts. The Family court is a horror.

More importantly, alimony reform is necessary to make the laws fair to everyone. The VICTIMS of New Jersey’s Family court and out dated and unjust alimony laws are NJ residents - your constituents.

Appointing judges and lawyers to review and modernize alimony law is like the fox watching the hen house. They made the current laws. They profit from the current laws. They do NOT want change in the laws.

I understand that legislation (S-1388) has been introduced that would help make changes to alimony by permitting modification of alimony. But this bill has been assigned to the Senate Budget Committee and no action has been taken since it passed your committee in February 2012. I also support moving the issue by passing a blue ribbon task force resolution, SJR 34/SJR 41.

Please help move this issue forward by pushing for passage of alimony reform legislation. I think it is important to New Jersey and I know it is important to me.

What’s really unfair is the laws - and I don’t think you have to be an attorney, judge, or on a committee to see that. You just have to be in court. I watched a person who was married for 8 years assigned to a lifetime of payments - every month for perhaps the next 20, 30 years or more - to an ex-spouse. Every month. For rest of his life. With no parole, no escape.

It’s ruining people’s lives. Good people. And encouraging others to think they are entitled free money for life. For being married? And encouraging them never to work again. Entitling them to never to become productive responsible citizens. Like welfare for life at the expense of someone else.

Additionally, in the current Family Court System in New Jersey, in reality, once a person is ordered to pay lifetime alimony, there is literally no hope of having this changed. While lip service is given to “change in payment status,” it almost NEVER happens. And I’ll tell you what I have seen first hand:
My brother - a local NJ hard working ER shift doctor - divorced after 12 years of a terrible marriage to an abusive woman. His wife received all the money he had, plus money he didn’t have (bad, old uncollectable debt) plus the all his assets, including the marital house.

She bought a $400,000 condo; he moved into a small apartment and purchased used furniture from a rental store, which was in too bad a shape to rent. It’s a horror story - that had come true.

The court - the judge - in his omnipotent vision of “justice” picked the number of $5,000 for him to pay her - for the rest of his life. $5000 a month for the rest of his life! She has a college degree in teaching and computer programming, and doesn’t work. Why should she - she hit the lottery. Where is fairness, or justice in this decision? My brother lives this horror every single day for the rest of his life.

My brother has no chance of retirement even though he’s now 59. He’s had 3 major back surgeries since his divorce, could hardly walk or stand for 6 months - with not a penny in reduction in monthly payments even though he petitioned the court. He is now maxed out on his credit cards, and additionally works 3 jobs to make each month’s payment. Or goes to jail. Yes, jail. For what crime? Marrying the wrong person?

My brother - a good man, has worked hard all his life and has been a productive member of society. He deserves better than this.

Alimony payments for life? What basis is this? This law needs total reform, not a whitewash.

I believe in alimony. I believe it should be for a transitional time period until both members can return to a single life and get on with their lives. Move on. And return to work. Not something that happens in a marriage and a divorce that follows them for the rest of their lives. Even bank robbers get out after 5 years.

NJ People - your constituents - hard working people are really hurting. Thank you.

Most cordially,

Jeffrey Dobkin

Jeffrey Dobkin
Who Let The Fox In The Hen House?

Not only is it time to scrap lifetime alimony, the whole so called “Family” court system in New Jersey needs an overhaul. A complete overhaul. And frankly, so do the matrimonial lawyers. My brother who divorced his abusive wife in NJ, paid his lawyer over $300,000. He now pays over $5,000 each month in lifetime alimony. He works three jobs to do this. And will for the rest of his life.

Here’s what happens: First, the lawyers look at your assets to see what is being split up. Then they... Whoa, wait just a gol’ dern minute: did someone just let the fox into the hen house? Yes, I believe someone did. Now the lawyers know how much they can bill you. Yes, really.

Then, your divorce preceding gets before a judge or arbitrator, and your lawyer brings up a fictional point: “Oh, he dropped his salary over the last few years...” Now both sides argue this fictional point back and forth — bringing up new motions, bringing up added new motions - as each side adds to their bill - getting ever farther from staying on point: peaceful and prompt marriage dissolution, which by the way is never re-addressed till you - the client - starts to run out of money. I watched my brother pay about $30,000 one month in attorney fees (Mary T. Vidas, Blank Rome...). I can only surmise they had the whole firm working on his case: an entire bank of lawyers, secretaries, para-legals, receptionists, janitors - working on his case on non-existent, non-matters.

Then finally - the judges, drunk on their own omnipotent, abusive and unrestrained power, carelessly in the blink of an eye - cast a court order having nothing to do with fairness or justice.

And it can never be changed. While lip service is given to change orders, trust me - ain’t happening. By brother went through 3 back procedures including major surgery, couldn’t walk, and never even got a month’s remission on one single alimony payment. He wound up in credit card debt for over $80,000 so he wouldn’t go to jail for missing alimony payments.

Please, please, please. Time for a change. Please - join www.NJAlimonyReform.org It’s our best hope for getting the system changed because I’m pretty sure the lawyers aren’t going to help us (lose of income — we’re in for a tough fight there! Ever try to take food out of a wolf’s mouth?), and the judges don’t want anyone to take away one iota of their unbridled power. Meanwhile, WE, the people, are the shattered lives the lawyers and courts are leaving behind. Please join www.NJAlimonyReform.org. Stop the madness. Thank you.

The Path of Destruction of “Family” Court - Leaves Families in the wake of destruction.

With a name like “Family Court” who’d have thought they’d leave such a wide path of destruction trail behind them. Creating deadbeat dads and moms, and alienating children from their parents. Each person - who were once friends and lovers enough to the extent that they got married. Separating children from sparring divorce parties and making them choose sides with great distrust for one or the other of their parents.

But the most horrific thing they do is keep people together. They keep them struggling - often for a lifetime - fighting it out in their living rooms, kitchens and courtrooms while the lawyers and the good old boy network wreak havoc with each divorcee’s money.

For people who ready to move on with their lives, “Family” court shows them the disdain of another path: encourages them to engage and tie themselves together forever in court and custody battles. Tying them together and in New Jersey - for the rest of their life with lifetime alimony. For ex spouses ready to move on with their lives, not so fast in New Jersey.
Asbury Press Newspaper article on Alimony Reform draws 1,089 Recommendations
Six key points to proposed “Alimony Reform”

(Modified from the From Florida Alimony Reform movement)

Removal of “permanent alimony” from the present statutes.
We advocate generous transitional support to help the lower-earning spouse or the stay-at-home parent to become self-sufficient. Permanent alimony only encourages the recipient to never remarry, to not work at all, or to hide income. It also forces divorced couples to return to court whenever circumstances change, so neither party can ever move on with his/her life and must live with the ongoing threat of litigation. Children are often pressured to take sides in these repeat visits to court pushing them away from one parent or the other.

The duration of the alimony to be based upon the length of the marriage.
The unfairness of current law doesn’t take into account a marriage that has lasted 8 years, may have alimony ordered for the next 30 years. We recommend one year of alimony for every 3 years of marriage.

The need for alimony payers to have the right to retire at Federal Retirement age.
The word “permanent” means lifetime until the death of either spouse or the remarriage of the recipient, which seldom happens. Under current law, alimony payers are often forced into working well into their retirement years. Even when retirement is contemplated, the process of filing in court for modification is expensive and is often unsuccessful. Judicial discretion should not be construed as giving judges the ability to prevent a legitimate retirement.

Cap of 20% of the payer’s monthly net income to include all sources of income averaged over the last three years of the marriage.
After a divorce, it is virtually impossible to support two households at the same standard of living as when there was only one household. Under the current legislation, one person of the divorcing couple is rewarded and the other is penalized. No longer should one spouse be guaranteed the sole right to “the standard of living that they have been accustomed to.”

“Second wives’ income shall not be used to calculate an upward modification of alimony.
How unfair. Once a marriage is over, parties should lead separate lives. If an alimony payer remarries, the courts can view this as a substantial change of financial circumstance, and the receiver may be allowed to petition the court for an upward modification of alimony based upon the second wife’s income or assets. Every citizen should have the right to move on after a divorce. When one's income and assets are looked at to calculate an alimony payment, it discourages alimony payers from remarrying. Therefore it is “anti-marriage.”

The right to modify a current judgment.
These rights should be available to current payers of alimony who are suffering financial hardships. Those payers under currently standing orders should be given the same rights that others will be given.

All laws MUST be made retroactive.
Laws must be made retroactive to current alimony payers from the date of their divorce. This is to extend the fairness of the new law to people who have been and are already suffering under the current unfair laws.
New Jersey Poll: 93.1% people said paying Alimony for life isn’t fair.
Notes from an Alimony Reformist……
Jeffrey Dobkin

Alimony Should be
· Limited by time.
· Ability to retire after a hard productive life.
· Ability to remarry without a lifetime of payments.

Spouse does not have the right to examine income, taxes or records after initial divorce and set new alimony payments
· No right to pry into spouses affairs after divorce
· No right to receive additional alimony if ex spouse earns more after divorce settlement
· Right to privacy of ex spouse after divorce settlement
· If payee gets remarried, under no circumstance does ex spouse have the right to attach payees new spouse income or property

Current New Jersey Alimony laws provides a divorce that never ends
…divorce should END a failed relationship - not force a continuance …and a lifetime of legal fees
…laws are relics from another century
…alimony now brings payers to bankruptcy, insolvency and foreclosure.
And
…makes criminals of ordinary, law abiding and productive, working citizens
… makes divorce a crime, and missing alimony payments punishable by jail sentence
… encourages the receiving spouse to never work again
… encourages the receiving spouse to cohabit with new partner and not marry - to continue getting paid - forever.

Reform bills to include provisions that will:
* NO MORE LIFETIME ALIMONY -
  Limit the maximum duration of alimony to 1/3 the length of marriage;
  Terminate alimony upon full retirement age (currently 66, determined by the U.S. Social Security Administration)
* Cap alimony at no more than 20 percent of the payer’s net monthly income;
RETROACTIVE: * Allow existing alimony payers to modify their judgments based on the new law;
* Revise cohabitation standards so alimony stops if your ex-spouse is living with someone;
* Prohibit using a payer’s current spouse’s income or assets in a modification;
* Prohibit using the payers current income as a basis for increasing payments.
* Prohibit receivers of alimony the right to inspect income or tax returns after initial settlement
* Revise provisions for the tax treatment and consequences of alimony
Alimony should no longer be “Awarded.”

The term Awarded should be stricken from the jargon. Alimony should not be considered or spoken of as “an Award.” We don’t want anyone to “Win” and because that means someone else “loses” and we certainly don’t want anyone to “Lose.” It is not a fight, it is a separation. Each party goes their own way and continues with their life.

Alimony limited by time.

Alimony is recognized as a transitional payment until a non-working spouse can find employment.

Alimony is capped by time, and based in NEED.

If an ex-spouse receives a significant amount of money from the division of assets, enough to live as comfortably on as the other ex-spouse for the period of alimony he or she would receive, no alimony is paid by the paying spouse.

Alimony is pay for a transitional time until the each spouse gets a job, and move on.

To encourage this as a productive end to a divorce where both parties become a contributor to society, it should diminish over the payment period.

Abolishment of Lifetime Alimony.

Alimony has a hard cap with a Maximum Payment Duration of 1 year of alimony payments for every 3 years of marriage.

Alimony should first be deducted from the marital assets before they are split-up between the divorcing parties.

Alimony should not be paid if the receiving spouse income is greater than the paying spouse. Or close to it.

Alimony payments stop if the ex-spouse is cohabiting with another person.

If not declared, receiving alimony payments under this condition is fraud, and all further payments are stopped plus one year of alimony is returned. If a longer period of cohabitation is proven, alimony is returned from that date, plus one year penalty.

The recipient of alimony does not have the right to review income or tax returns after divorce settlement for the reason of increasing alimony payments. It is an invasion of privacy.

To allow a payer of alimony to prepare to retire at the federal retirement age, alimony stops 4 years before that age.

Taxes on alimony are the responsibility of the recipient.

This alimony reform law is retroactive.

This law applies to all divorcees regardless of when they filed. (In other words if you have been paying alimony for 10 years after a 10 year marriage, your alimony payments stop at date of filing. At date of filing a copy of this law must be sent to recipients of alimony informing them of this retroactivity.)
The filing date for the reform laws of NJ alimony serves as the date of enforcement for any judgement.

Removal of all threats of jail, loss of license, and loss of passport from non-payment of alimony.

Complete separation of alimony and child support payments by the family court system to where they are paid.

Allow for lower payments if a lower-paying job is taken by payor - may be based on the same percent of salary now being paid in alimony for a non-court payment adjustment.

Payment of alimony based on last 8 years of income, or last 2 or 3 years of income whichever is less.

Obligors Rights: so far, not one paper or law has obligors rights.
In fairness, these reciprocal rights need to be created:

No right of examining income of paying ex-spouse if remarried to get additional alimony.

Provide realistic percentages of CURRENT income to fix alimony, not based on judge's discretion.

Provide for even and consistent treatment across the state. The outcome of alimony should not be decided by the Russian Roulette selection of the current family court judge system.

The time between divorced papers served and final separation is not counted as years in marriage.
Money spent on ex-spouse during this time is also counted in offsetting Marital assets.

If a receiving ex spouse makes more money than the paying spouse, alimony stops.
Alimony payment is inversely proportional to receiving ex spouses income. The higher the ex-spouses income, the less the alimony.

Right of either party to be free from encumbrances:
After the divorce, each party has the right to move on independently. Neither party has the right to impugn records, reexamine taxes or current income to try to get more money based on the new or current success of the divorced spouse.

No debtors prison. No one may be incarcerated for failing to pay alimony, or for not following the court's order to pay alimony. Other remedies are available.

Reform to the family court system. There is no "family" in family court - the payor, and the children - are not protected in any way. Nor is the institution of marriage. Family court has transformed to a way lawyers, judges and the state make money at the expense of a war torn family.

What about the spouse who sacrificed their lives and careers to stay at home to raise the children and who may have no current skills? Transitional alimony gives such recipients a good number of years, based on the length of the marriage, in which to transition to independence along with the help of the division of marital assets, including pensions, real property, retirement accounts and Social Security benefits.

Here's the bottom line:
The judges should approach alimony as if the state was paying it. They would never offer lifetime alimony. Or unlimited rights to examine books or income forever to see if an ex-spouse could expunge more money...
Notes from the NJAR site:

Support self-sufficiency and independence
   Support for the lower-earning spouse through alimony payments that continue over a transition period that is proportional to the length of the marriage.

Alimony must be proportional to the length of the marriage.
   Why should anyone be forced to pay 20, 30 even 50 or more years of lifetime alimony after having been married for just 10 years?

Limit the amount of alimony awards.
   We believe there should be a reasonable limit, reasonable to both parties. Read More

Current alimony payers should be considered in any new legislation.

Abolish “Double Counting”
   Marital assets must be counted once and only once.

The right to retire for alimony payers
   No less than the same rights enjoyed by all other citizens.

Provide equal and consistent treatment
   The outcome of an alimony case should not be decided by the haphazard selection of the family court judge. Judges should be held accountable.

Reduce expensive legal battles that cost all NJ taxpayers.
   Vague alimony guidelines and interpretations promote litigation and use court resources that are paid for by all New Jersey taxpayers.

The 10 legislative objectives of New Jersey Alimony Reform are:
   Promote self-sufficiency and independence to divorcees
   Alimony duration proportional to the length of the marriage
   Alimony amount must be reasonable to BOTH divorcees
   Eliminate LIFETIME alimony
   Current alimony payers must have the right to modify their alimony (Retroactive Law)
   Abolish double counting of an equitably distributed asset as alimony
   Everyone must have the right to retire, alimony payers included
   Provide equal and consistent treatment of divorcees in all NJ jurisdictions
   Reign in outrageous judicial decisions

While this list is excellent, it needs to be tightened so they can be written as we imagine into a law. While it’s good to say “Alimony must be proportional to the length of marriage” the wording needs to be changed over so the new law says “The maximum number of years alimony may be paid is 5 years (as in PA), or lesser using the formula a maximum of 1 year of alimony for every 3 years of marriage.”

For the “Limit the amount of alimony awards” we need to write the specifics in to say, “The first 3 years of alimony payments are deducted from the Marital Assets before they are split between the divorcing parties.” Alimony + child support (these are lumped together in NJ law) can be no greater than 20% of the net after tax revenue of the paying party.
Notes From Prior Emails / Jeffrey Dobkin

Mr. Dobkin has been active in the New Jersey Alimony Reform grassroots movement since his brother has been working three jobs to pay his ex-spouse (who doesn’t work in spite of having college degrees in computers and education) in excess of $5,000 a month for the rest of his life.

At New Jersey Alimony Reform we believe:

Alimony should not be an “Award” to one party and a “punishment” to the other. The old adage of Man = Bad, Woman = Good doesn’t apply. Alimony must be reasonable to both parties.

The function of Alimony is to provide a source of funds to allow a reasonable time each party may need to transition to a period in their lives where they can earn a living.

Maximum Alimony amounts and duration of payments should no longer be at the whimsical discretion of a third party, including judges - who have proven well past any shadow of a doubt that they can’t manage this tremendous power over divorcing people justly and be fair to both parties.

Maximum Alimony is limited by time. No more lifetime alimony.

Maximum time limit of paying alimony is strictly tied to number of years of marriage, and based on need.

Maximum number of years is not set arbitrarily by judge’s discretion, but has a hard cap.

- In time of non-need such as both parties work and bring in pay, or the payee becomes wealthy, the number of years (or months) of alimony - may be set at zero.

- The ability to retire after a hard productive life.

- Ability to remarry without a lifetime of worry of dual income payments.

- Cohabitation of receiving party ENDS alimony

Divorce is final:

- Spouse does not have the right to examine income, taxes or records after divorce and set new increased alimony payments if the payer makes more money.

- After divorce, if one party receives a higher income than when they were married, the ex-spouse has no claim on it. Divorce is a true and final separation of two people.

- No right to receive additional alimony if ex-spouse earns more after divorce settlement. Ex-spouse has no proprietary claim on anything - each person is a separate entity.

- Right to privacy of each ex-spouse after divorce settlement - No right to pry into spouses affairs after divorce such as income, taxes, relationships - unless cohabitation by person receiving alimony.

- If payee gets remarried, an ex-spouse does NOT have the right to attach payees new spouse income or property.

From NJAR Website:

- Fairness to both divorcing parties.

- Neutral gender laws.

- Guideline for judges - not free reign.

- Support for spouse until spouse can support himself/herself.

- NO LIFETIME PAYMENTS.

- Alimony stops on cohabitation of spouse.
Limit the maximum duration of alimony based on the length of marriage.
* Terminate alimony upon full retirement age (currently 66, determined by the U.S. Social Security Administration), except in extreme circumstances;
* Cap alimony at no more than 20 percent of the payer’s net monthly income;
  RETROACTIVE: Allow existing alimony payers to modify their judgments based on new law;
* Revise cohabitation standards so alimony stops if your ex-spouse is living with someone;
* Prohibit using a payer’s current spouse’s income or assets in a modification;
* Prohibit using the payer’s current income as a basis for increasing payments.
* Prohibit receivers of alimony the right to inspect income or tax returns after initial settlement
* Revise provisions for the tax treatment and consequences of alimony

This law will be specifically drafted to be retroactive - When we get it passed, you will benefit if any of these provisions will help you:

1) Removal of “permanent alimony” from the present statutes.
We advocate transitional support -- to help the lower-earning spouse or the stay-at-home parent to become self-sufficient. The duration of the alimony to be based upon the length of the marriage. (Permanent alimony only encourages the recipient to never remarry, to not work at all, or to hide income.)

2) The need for alimony payers to have the right to retire at Federal Retirement age.
Under current law, alimony payers are often forced into working well into their retirement years. Judicial discretion should not be construed as giving judges the ability to prevent a legitimate retirement.

3) Cap of 20% of the payer’s monthly net income to include all sources of income averaged over the length of the marriage, or the last 8 years of the marriage.
After a divorce, it is virtually impossible to support two households at the same standard of living as when there was only one household. (Under the current legislation, one person of the divorcing couple is “rewarded” and the other is penalized. This whole system way of thinking needs to be changed. Neither spouse is guaranteed the sole right to “the standard of living that they have been accustomed to.”)

4) “Second wives” income shall not be used to calculate an upward modification of alimony.

5) The law is retroactive, with the right to modify a current judgment under the new statutes. These rights should apply to current payers of alimony who are suffering from archaic and unfair laws. Those payers under currently-standing statutes should be given the same rights that others will be given.

6) Right of either party to be free from encumbrances.
After the divorce, each party has the right to move on independently. Neither party has the right to impugn records, reexamine taxes or current income to try to get more money based on current success of the divorced spouse.

7) No debtors prison. No one may be incarcerated for failing to pay alimony. The court may not order incarceration for not following the court order for not paying alimony. Other remedies are available.
NEW JERSEY ALIMONY REFORM
Rationale and Legislative Objectives

Who We Are

New Jersey Alimony Reform is a grassroots movement comprised of alimony payers and their supporters. Our supporters include new partners whose income is exposed to being used to make support payments, friends who have witnessed the detrimental personal impacts of lifetime alimony awards and concerned citizens. Our movement advocates the interests of individuals who have come into contact with the New Jersey family court system and been left ruined by outcomes that are completely lacking in common sense and defy the legal principles of equity that are intended to underlie support awards.

Our Legislative Goals

Our goal is to overhaul the antiquated family law statutes that are presently in effect, with particular emphasis on limiting the amount and duration of alimony. We further favor the enactment of changes in law that will restore order and common sense to New Jersey family courts and ensure predictable, consistent, sensible and reasonable outcomes of matrimonial disputes that are delivered without undue delay. We have a multi-pronged legislative agenda:

- Abandon the Marital Standard of Living Doctrine: The marital standard of living doctrine is obsolete in a society where most households are supported by dual incomes. Forcing a single wage-earner to provide the marital lifestyle that was established by two workers is simply inequitable. This is particularly true where the parties were in a relatively short ten year marriage, yet one party is legally obligated to support the other for the remainder of his life.

- Alimony Limits: We advocate the adoption of guidelines or a formula to provide a reasonable limit on the amount and duration of alimony and pendente lite support awards. Literally dozens of other jurisdictions have such laws in place. We also advocate the termination of all alimony at the time that the supporting spouse attains the federal social security retirement age. The use of guidelines is recommended by the American Academy of Matrimonial Lawyers. These laws are in place in many other jurisdictions and enactment pending in other jurisdictions.

- Liberalize Standards for Modifications: The procedure and legal standards for modification of alimony awards was established by the New Jersey Supreme Court in 1980. Over the past 32 years this judge-made law has evolved into a nonsensical mess of often conflicting and irreconcilable precedent. Although the marital lifestyle standard is the benchmark when alimony is first determined, paradoxically under the current law if the supported spouse subsequently obtains employment and independently attains a lifestyle consistent with that enjoyed during the marriage, the supporting spouse is not automatically entitled to a modification. We seek legislation that will simplify the alimony modification process so that a reduction in the supporting spouse’s income not deliberately incurred to avoid alimony obligations, automatically results in a proportional reduction of the support obligation. The intact family would endure this hardship and there is no reason that after a divorce the supported spouse should be immune from the economic misfortunes of the supporting spouse.

- Income In New Relationships: Under New Jersey law if a supporting spouse re-marries, the new spouse’s income can be considered for purposes of establishing the ability to pay support and provide the basis for an upward modification of alimony for the recipient. Exposing a non-party’s income to a forced contribution to an alimony award is not only inequitable, but it stigmatizes the alimony payer and hampers their ability to move on with their lives in a new relationship.

- Minimum Income Floor: We support the enactment of a reform law that requires that in considering the ability to pay, a supporting spouse must have minimum funds available to have a reasonable lifestyle. We suggest that the federal “means test” used in bankruptcy cases provides a reference point to establish this minimum income.

A more detailed summary of our reform proposals is attached to this document as Appendix 1.

On June 21, 2012 the New Jersey Assembly adopted Joint Resolution 32 to establish an 11-member “Study Commission on Alimony”. As originally proposed, this Study Commission (also commonly known as the Blue Ribbon Commission) would have included two proponents of alimony reform on the panel. Last minute lobbying by the Family Law Section of the New Jersey Section resulted in floor amendments to the legislation that removed alimony reform advocates from the Study Commission.

www.NJAlimonyReform.org
The stated goal of the NJSBA was to ensure that the composition of the Study Commission would not predispose it to an outcome. While we support the formation of a Study Commission if that is the pathway legislators and policy makers require, we demand that alimony reform advocates have significant representation on the Study Commission. The exclusion of any group from the legislative process merely by reason of their ideas is no different that the disenfranchisement of a group by reason of their gender, sexual preference, religion or the color of their skin. The fear of an undesirable outcome of the legislative review—as is apparently the motivation of the New Jersey State Bar Association—is no reason to exclude alimony reform advocates from the political process or the coming policy debate on alimony reform.

While supporting the formation of the Study Commission, NJAR also believes that there are many people in New Jersey who are unnecessarily suffering financial hardship now because of the lingering economic downturn. There is sufficient evidence available to support the enactment of legislation now to overrule the 32 year old case that established the procedures and standards for the modification of support awards. While it may seem harsh, if the supporting spouse in an intact family were to suffer the loss of a job or reduction in income, the entire family would be forced to make adjustments in their standard of living; there is no reason why alimony should continue to be paid on a “come hell or high water basis” under threat of coercive incarceration when a supporting spouse following a divorce suffers similar adverse circumstances. As a matter of fairness and equity, both parties should share the pain without the need for an expensive court proceeding.

While there are sound arguments for the abolition of alimony, NJAR is not opposed to alimony generally. There may be a need for limited duration alimony in certain cases and the current law provides for limited duration alimony and other forms of support that may be appropriate under circumstances. We believe that some limited duration alimony especially appropriate when children of the marriage have not yet started school and require greater care commitments from the custodial spouse. Alimony may also appropriate if one spouse has decided to postpone career advancement to dedicate themselves to raising pre-school children. Any re-evaluation of alimony statutes must balance the real needs of legitimately economically dependent ex-spouses with the equally legitimate need of the payor spouse to provide for a decent personal lifestyle, retirement and college tuition for children. We also believe that any limitations or guidelines that are ultimately established for alimony awards should also be applicable to pendente lite support awards.

Overview of Current New Jersey Alimony Laws

A. Establishing the Alimony Award

N.J.S.A. 2A:34-23 sets forth the non-exclusive list of thirteen (13) factors that a court must consider in making an alimony award. In calculating an initial alimony award, a court must consider the lifestyle to which the supported spouse has become accustomed to during the marriage and set this alimony at a level that will best allow the supported spouse to continue to live at the same level.

The practical effect of the imposition of requiring the supporting spouse to maintain the supported spouse in the lifestyle to which the supported spouse has become accustomed during the marriage frequently results in the following non-sensical outcome. Consider a hypothetical couple where Party A earns $100,000 per annum and Party B earns $50,000 per annum; assume that after taxes, the couple is left with $105,000 per annum for lifestyle expenses. Upon a divorce, Party A who earns $100,000 will be required to maintain Party B in a $105,000 lifestyle, even though funds are not nearly available for both parties to enjoy a $105,000 lifestyle.

Because the matrimonial lifestyle standard imposes a financially unachievable expectation and burden, the divorcing couple is immediately placed into a conflict over the interpretation of the 13 statutory factors to determine the amount and duration of support. Under New Jersey law, in addition to being maintained in the marital lifestyle, permanent alimony is awarded in marriages of greater than ten (10) years duration because the courts have determined that marriages of that duration constitute “long-term” marriages. While the great majority of divorce cases are resolved through settlement agreements rather than trial because it takes years to get a trial date in a matrimonial action, lawyers counseling clients in settlement negotiations provide their clients with a professional assessment of how the statutory factors would be applied by a judge. Consequently, the divorcing parties are compelled to engage counsel who are paid by the hour to argue statutory factors on the phone and in conference rooms and courthouse hallways throughout New Jersey every day.
1. Social Change and Rejection of Sexism Compels Reform

The principal opponents of alimony reform—the leadership of the Family Law Section of the New Jersey State Bar Association—have publicly stated that New Jersey’s alimony laws have been fine-tuned over 35 years to protect the interests of women and children. Widely-published reliable economic data and analysis, however, conclusively show that the world has changed dramatically in the past 35 years and that these changes have only accelerated in the past 10 years. In current economic conditions the $100,000 wage-earner in our hypothetical is just as likely to be a woman as a man because today in 40% of American marriages, the wife earns more than the husband. The Pew Research Center calculates that in 1970 4% of wives ages 30-44 outearned their husbands; that proportion reached 22% by 2007. Furthermore, there is no reason to believe that this fundamental social change is going to reverse itself in the future. To the contrary, “[W]omen occupy 51% of managerial and professional jobs in the United States, and they dominate nine of the ten U.S. job categories expected to grow most in the next decade.” The failure of New Jersey’s antiquated alimony laws begins with the application of a legal standard that was fashioned at a time when the law was intended to provide protection for newly-single women who could not be expected to obtain sufficient work in a male-dominated workforce with only domestic skills.

Furthermore, sexist arguments against reform ignore a fundamental tenet of New Jersey family law grounded in the constitutional guaranties of equal protection under the law: alimony laws were made gender neutral in New Jersey in 1971 by the Divorce Reform Act. Technically, men for many years have been eligible for alimony. Many academic articles on the justifications for the current alimony laws emphasize the importance of gender neutrality. Those who advance sexist objections to alimony reform and resist change to family law are either ignorant of the law and social realities or chose to ignore them. Alimony reform is not a gender issue; it is a social justice issue.

Unfortunately, anecdotal evidence collected by NJAR in the form of “horror stories” strongly suggests that judges in the New Jersey Family Courts routinely make rulings based on the same antiquated biases that are promoted as a justification for leaving the current laws unchanged. As the New Jersey Supreme Court stated, “The fact that our State’s alimony and support statute is phrased without reference to gender, N.J.S.A. 2A:34-23, will accomplish little if judicial decision making continues to employ sexist stereotypes...[t]he extent of actual economic dependency, not one’s status as a wife, must determine the duration of support as well as its amount.” If the leadership of the state bar association chooses to advocate stagnancy in the face of social change and the judges in the Family Part cannot be relied to use their presumptively “sound discretion” to apply the laws on the books as written, then the only solution is to adopt alimony guidelines that take discretion out of the hands of Family Part judges.

3. The Practical Application of the Alimony Standards Promotes Conflict and Economic Harm.

In testimony before the Assembly Judiciary Committee in May 2012, the Chair of the Family Law Section cited the well-known statistic that fewer than 1% of divorce actions in the State of New Jersey go to trial, implying to legislators that the statutory factors were actually rarely applied by judges in the courtroom. The argument advanced by the Family Law Section uses the statistic to reach a fallacious conclusion that no change in the current laws is required because the statutory factors are rarely used.

As discussed above, the statutory factors are used on a daily basis, but serve only as the fuel for conflict rather than a basis for a consistent and reasonable outcome by divorce litigants. Remember our hypothetical couple from who collectively have a $105,000 lifestyle. Based on the prevailing marital standard of living standard, the former $50,000 wage-earner is now entitled to a $105,000 per year lifestyle when the payor spouse earns only $100,000. As a consequence, when parties file for divorce, the potential recipient spouse needs to engage counsel to argue for an interpretation of the factors that will maximize the amount and duration of support so that he can have a lifestyle reasonably close to that which he enjoyed during the marriage; the potential payor needs to engage counsel to argue an interpretation of the factors that preserve some portion of her income to live on. As an unintended consequence, the current alimony law has evolved to generate conflict and maximize legal expense by setting the stage in every case for a battle over the interpretation of vague statutory criteria, rather than encouraging settlement and closure.

Furthermore, both the interpretation of the alimony statute by lawyers negotiating divorce settlements and judges exercising judicial discretion is guided by legal precedents that have built-up over decades to interpret legal standards—particularly the marital lifestyle standard— that is socially obsolete. As a practical matter the statutory factors are irrelevant in most cases because the decision of an individual litigant is more routinely informed by factors such as the personal preferences of the judge.
as the ability to continue to pay a lawyer, the inability of the courts to promptly hear a case and the emotional and financial leverage that a more financially stable spouse can bring to bear so that the payor is forced to make a decision to “stop the bleeding.” In those rare cases when a family court judge actually hears a case in the courtroom, they have unlimited discretion in making alimony rulings based on their weighing the statutory factors making judges de facto financial planners for the parties.

4. The Current Alimony Statute Has Evolved Into A Legal and Social Policy Failure: The Time Has Come for The Enactment of Statutory Limitations on the Amount and Duration of Alimony.

At this time, the statutory factors used to determine alimony are a legal and social policy failure that has had ruinous social consequences for all too many citizens of the State of New Jersey who simply want to get a divorce. Even the most cursory review of the horror stories gathered by NJAR of the outcomes imposed on individuals resulting from the use of the current statutory factors reveals not only dramatically inconsistent treatment of similarly situated litigants, but endless tales of ordinary people being reduced to poverty, forced into bankruptcy and in extreme cases thoughts of suicide or other self-destructive behavior. Beyond NJAR’s efforts to collect horror stories, a review of the facts and conclusions in many published judicial decisions simply leave one to scratch their head and question the rationality of the system. NJAR believes that mandatory guidelines or formulas that establish the amount and duration of alimony are the only way to limit alimony awards that are ruinous in their amount and duration.

In 2007, the American Academy of Matrimonial Lawyers issued a report approved by its Board of Governors, that recommended the adoption of limits on the duration and amount of alimony unless certain deviation factors were present; these limits limited the recipient spouse to receive not more than 40% of the combined gross income of the parties and only imposed permanent alimony after twenty years of marriage. Dozens of jurisdictions have enacted guidelines to place some limitations on the length and duration of pendente lite and alimony awards, including California, Michigan, Virginia, Arizona, Nevada, Oregon, Minnesota, New Mexico, Kansas and Pennsylvania.

There is simply no legitimate legal or policy reason why alimony guidelines cannot be enacted in the State of New Jersey. There is some authority that acknowledges that New Jersey courts actually apply a guideline to the determination of the alimony award. This guideline “widely accepted by the members of the matrimonial bar” derives an alimony figures by taking one third of the difference between the parties’ incomes. If there is already a de facto guideline in place, then there is no reason that guidelines carefully considered by the legislature should not be enacted into law.

B. Enforcement and Modification of Alimony Awards

Under current law, alimony awards should “receive continued enforcement without modification only so long as they remain fair and equitable.” It is the policy of the State of New Jersey to aggressively enforce alimony and child support orders from whatever assets of the alimony payor that are available or come into the payors possession, and the New Jersey courts are empowered to use coercive incarceration to enforce compliance by an alimony payer who has fallen into arrears. However, anyone who has actually sought a modification following a financial setback can attest to the fact that as a practical matter downward modifications of support are almost impossible to obtain.

Although alimony is awarded by reference to statutory factors, the New Jersey legislature has not passed a law to establish the procedures and standards for the modification of support awards. Instead, the New Jersey Supreme Court established the procedure for the modification of support orders in a 1980 case styled Lepis v. Lepis. It is now well-established law in New Jersey that the determination of whether an alimony award should be modified lies solely within the discretion of the Family Part judge.

Under current law, family courts generally view a request for review of an alimony award as a unique fact-specific analysis for each case. The Lepis doctrine requires a two-step analysis by the reviewing court. The party seeking a modification of the award has the burden of making a application to the court establishing a change in circumstances that would warrant a modification of the alimony award; this is technically referred to persuading the court that there is a prima facie case of changed circumstances. If the applicant meets this initial test, then the court order further discovery of the parties’ financial statuses. A determination is then made as to whether the change in circumstances is such that the ability of the moving party to support himself or herself has been “substantially impaired”.
One factor that may potentially constitute a change in circumstances warranting modification of support order is a decrease in the financial resources or income of the supporting spouse. Paradoxically, while the supporting spouse is required to maintain the supported spouse in the marital lifestyle, a court in New Jersey has held that alimony may not be terminated because the supported spouse has gained employment and an income to support herself in a manner similar to the marital lifestyle.

When considering a motion for downward modification in alimony, “the central issue is the supporting spouse's ability to pay.” In deciding a motion for modification of support payments based on changed financial circumstances, the court must consider what is equitable and fair in all the circumstances. This determination “requires not only an examination of the parties' earnings but also how they have expended their income and utilized their assets.”

As a practical matter it is almost impossible for an alimony payer to get a downward modification of a support award, even after job-loss or disability. The Lepis procedures and standards require the applicant to undertake an expensive and time-consuming legal proceedings at exactly the time when they have concluded that they cannot pay support. NJAR supports the immediate enactment of legislation that would require a downward modification proportional to the loss of income suffered by the supporting spouse and, until such time as the marital standard of living approach is abandoned, require an immediate termination of alimony when the supported spouse independently attains the marital standard of living through their own efforts or a financial windfall. NJAR supports change in New Jersey law to facilitate reaching agreement on alimony awards by settlement without a court proceeding when the supporting spouse suffers a reduction in income. For that reason, NJAR supports mandatory fee reversal if a court determines that a party has been unreasonable in negotiating a support reduction. NJAR also supports the modification of the New Jersey offer of judgment rule to delete the exclusion of matrimonial actions and provide a remedy for the unreasonable conduct of a party in financial settlement negotiations in a divorce.

C. The Overburdened Family Division

The New Jersey Family Courts are also severely short-staffed and overburdened which greatly delays the prompt resolution of matters. The New Jersey Administrative Office of the Courts maintains detailed statistics on court operations through the Quantitative Research Unit which are published on the New Jersey Courts website every month. For example, for the fiscal year most recently ended, July 2011 through June 2012, approximately 44,000 cases were processed by the Family Division in Essex County Superior Court, including, among other categories, dissolution, non-dissolution, domestic violence, adoption, abuse/neglect and contempt proceedings. That gargantuan caseload was distributed amongst 13 judges. Assuming, that the cases were equally distributed, and the presiding judge and freshman judges would normally have a lighter caseload, each Family Division judge in Essex County had almost 3,400 cases on their docket at any given time between July 2011 and June 2012. The caseload in most other counties is comparable. It is inconceivable that such a system permits each Family Law judge sufficient time and resources to consider each and every case, such as by carefully evaluating the 13 statutory factors required by N.J.S.A. 2A:34-23.

Although there is an oft-quoted statistic that less than 1% of dissolution cases go to trial that is supported by the QRU data, anecdotal evidence strongly suggests that cases settle because litigants cannot get prompt access to judges rather than the efficacy of the bar in encouraging settlement. If you attend the meeting that Family Law judges hold with lawyers and litigants routinely have in the courtroom prior to Early Settlement Panel proceedings on any given day, the judges will invariably inform litigants that the system is hopelessly backlogged, trial dates are rare and frequently rescheduled and that their best course is to use the ESP process to reach a settlement. As a practical matter, the statutory criteria for the determination of alimony are argued by lawyers in conference rooms and courthouse hallways because the typical litigant does not have the resources to wait for the Family Court to hear their case.

Conclusion.
The proposals set forth in this policy statement may seem drastic. However, the defects in the current system in New Jersey that result in economically devastating and life changing outcomes compel drastic change. Judicial discretion needs to be limited, discovery contained and the opportunities for abuse of the system eliminated.
APPENDIX 1

NJAR REFORM PROPOSALS

1. Abandon the “Marital Standard of Living” Standard. As a policy matter, reform legislation should recognize that the historical justification for alimony— that a woman could not be expected to care for herself because of a lack of education opportunity in a male-dominated non-domestic workforce—is simply obsolete. The majority of households nowadays require dual incomes and that forcing one party to maintain the other in the marital standard of living is simply not feasible. Simply stated in our hypothetical if one party earns a $100,000 per year, and the other party earns $50,000 leaving the couple with an after-tax marital lifestyle of approximately $105,000 per year, why is the spouse with the lower income exclusively entitled to enjoy maintenance of the marital lifestyle? Such a model— as in effect in the State of New Jersey— simply does not yield equitable results. There are guideline models in literally dozens of jurisdictions that provide a way forward.

2. The Case Information Statement

Problem: The Case Information Statement (the “CIS”) is universally acknowledged to be the tool used by lawyers and judges to evaluate the respective financial positions of the parties. The CIS sets forth the assets (cars, home equity, negotiable securities, retirement accounts and such), liabilities (credit card debt, car loans and such) and income of each of the parties. Each party sets forth the needs of the intact family and the needs of the individual households post-separation and divorce. It is an extremely detailed document with numerous categories of expense, ranging from rental or mortgage payments to grocery bills on a weekly basis. The document also requires supporting documentation, such as income tax returns and W-2’s to support the disclosures made by each of the parties.

The CIS is required to be submitted under oath and penalty of perjury. However, the parties routinely overstate need and understated income. As a consequence, rather than clarifying the issues, the competing CIS prepared by each party becomes fodder for dispute. The insanity of the system begins at the very outset of the case with each party arguing over facts generally within their respective knowledge with respect to the costs to maintain the family and themselves. The CIS is a document submitted to the Court under penalty of perjury so that the facts disclosed should not be so widely divergent as to be a cause for argument.

If a case progresses to trial, then a judge is left to decide how many restaurant meals per month are appropriate for a single father, how much is appropriate to spend during parenting time or whether a party should be wearing cashmere socks or cotton socks. This is not the proper use of judicial time and resources.

The heart of the procedural madness of the system lies in the fact that parties are disputing claims in a document that was supposed to have been submitted under penalty of perjury in the first instance.

Solution: We propose a two-step solution: first, criminalise the submission of a materially false or misleading CIS and second, eliminate the Early Settlement Panel and substitute with a non-judicial proceeding to vet the respective CIS documents submitted by the parties.

3. Criminalize the CIS Process.

In the Federal Bankruptcy Courts, the submission of a false financial statement is punishable by imprisonment, and the penalty is routinely imposed. In New Jersey, the law should be amended so that the submission of a materially false or misleading CIS should be punishable by not less than six (6) months in jail and/or a Twenty Five Thousand Dollar ($25,000) fine. This should be a strict liability crime, and judges should have no discretion with respect to the imposition of the penalty, except perhaps to order home confinement in the case of the supporting spouse who must work or a mother who needs to care for children.

On a related point, the CIS is fundamentally a financial document, not a legal document. As with a tax return, the law should be amended to permit the CIS to be prepared by a CPA on behalf of a litigant. Though it may take time for regulations and accounting professional standards to be adopted and promulgated, a CIS prepared by a licensed CPA in compliance with established standards would have independent indicia of reliability.
Criminalizing CIS fraud would dramatically reduce the time required to resolve competing claims in a dissolution of marriage action by compelling the parties to make accurate disclosures to the court. At present, counsel can “look the other way” when a client submits a CIS with patently exaggerated claims by taking an “if the client is willing to sign it, there is nothing I can do” approach. Presumably counsel whose clients are routinely imprisoned or fined for CIS fraud will not enjoy a productive career in the field of family law.

4. Eliminate the Early Settlement Panel; Create Non-Judicial CIS Review and Dispute Resolution.

There may be legitimate issues as to the valuation of a business, a residence or securities that may require a proceeding and ultimately the involvement of a judge. However, these issues are best resolved by experts in the first instance, and a process can be provided for the resolution of these issues by eliminating the Early Settlement Panel and substituting CIS Review Panel.

At present, each of the parties to a divorce is required to participate in a proceeding called an Early Settlement Panel. In this proceeding, a lawyer from the local matrimonial bar volunteers to meet with the lawyers for each of the parties to evaluate the case and make settlement recommendations. While this proceeding looks reasonable on paper, in practice it does not work. The matrimonial lawyers who volunteer to sit as panelists are essentially providing a “peer review” of a case with lawyers with whom they handle cases routinely. In that system, no lawyer sitting as a panelist is going to be overly critical of another lawyer having their client’s case evaluated because their positions can expected to be reversed. The ESP has become a waste of time.

The ESP should be replaced by a system where the CIS may be challenged before a CPA or perhaps even a non-judicial magistrate. Where there are legitimate questions with respect to the veracity of a party’s CIS, the other party can make a challenge and the proponent of an expense item would be required to provide back-up for the challenged line item. The intended outcome of the process would be a CIS that each party can acknowledge as being accurate. The neutral party CPA or magistrate could resolve disputes, identify legitimate areas of dispute or refer a matter to the County Prosecutor in the case of apparent willful and intentional misrepresentations.

Aside from the determination of custody, the divorce process is essentially a series of economic decisions. The CIS is the tool by which those economic decisions are made. The integrity of the information provided in the CIS is essential to a fair outcome. Judges should not be squandering time determining the veracity of the claims in the CIS nor should the CIS be a lawyer right-to-work mechanism.

5. Eliminate “Unallocated” Pendente Lite Support

Problem: At present, judges routinely grant pendente lite support at the outset of a matrimonial action. This support is routinely deemed unallocated; in other words, it is not treated as taxable income to the recipient nor is it deductible to the payor spouse. In addition to the financial burden of the actual cash payment, the payor is left with the tax bill. As a consequence, the recipient spouse has no incentive to settle the case promptly because they are receiving tax-free payments. In addition, a maliciously motivated matrimonial litigant can use liberally granted delays to prolong the case and the duration of non-taxable support.

Matrimonial practitioners argue that there is already a mechanism in place to adjust any inequities through an adjustment at the end of the case under the Mallamo doctrine. In practice, Mallamo adjustments require the claimant to meet certain legal criteria so that Mallamo adjustments are not routinely granted. Furthermore, such adjustments are not likely to be made in the context of settlement negotiations in which most cases are resolved. In fact, the second greatest inequity of the imposition of unallocated pendente lite support is that it hands the leverage in the settlement negotiations to a recipient spouse because the payor spouse may become desperate to get out from under the tax burden imposed by the unallocated support payments. Finally, as a policy matter, there is no reason to treat an income recipient in a matrimonial action differently from any other income recipient.

Solutions: Statutorily ban unallocated pendente lite support. A party is to be responsible for the tax due on money that is paid. These amounts should not be “grossed-up” so that the payor is also giving the recipient funds required to pay the taxes.
Statutorily require that the parties must elect the most tax efficient filing status. The payor spouse should be given the statutory power to make the election of tax filing status and the recipient spouse should take all actions required to implement the election of the payor spouse or face civil and criminal penalties.

6. Modifications: Change the Procedures and Legal Standards for the Reduction of Support Based on Changed Circumstances

Problem: The lengthy recession and high unemployment rate has had many social consequences—loss of employment, under-employment and generally diminished economic prospects for many. In the past few years, the number of alimony payors seeking modification has greatly increased, but the length of time for a modification motion to be heard and the courts’ apparent reluctance to modify support orders has led to disproportionately harsh consequences for alimony payers who are delinquent for reasons not within their control.

The consequences are detailed in the “horror stories” section of our website, but the tales are legion and consistent; alimony payers whose only real crime is not being able to get a job to meet their obligations are being imprisoned with hardened criminals or required to wear ankle monitors and endure periods of home confinement to work at jobs where they pay most of their income to a recipient spouse.

Solutions

Statutory Presumptions. A job loss, reduction in income, disability or similar circumstance should entitle an alimony payer to at least a proportionate reduction in support obligations as a matter of law. The law should presume that the applicant for such a reduction is so entitled in the absence of proof by a contesting party that the applicant for the reduction has not, in fact, lost a job or has taken employment at a lower income because employment at the income-level set in the original support order.

Required Hearing. Motions for reduction must be heard within 30 days of application. All enforcement actions should be stayed during the period in which such applications are pending. If an application is made while the applicant is incarcerated for non-payment, the applicant must be released as a matter of law, pending final resolution of the motion for a reduction.

7. Create Specific Evidence and Procedural Rules for Matrimonial Cases

Problem: The matrimonial system has become too easily manipulated by unscrupulous practitioners who use the rules of civil procedure that were intended for major civil or commercial cases to unduly prolong or complicate cases. For example, burdensome 200+ question interrogatories are often served on litigants, often asking for information that is within the scope of knowledge of the party making the interrogatory, such as employment history, income, social security numbers, retirement accounts, and ages of children of the marriage, etc.

The point is that this kind of litigation is beyond the means of most matrimonial litigants and is generally superfluous and unnecessary and merely prolongs and complicates the process. In a typical divorce, the basic information is within the scope of knowledge of both parties.

Again, almost all of the information that is routinely requested in interrogatories is routinely provided in the CIS, which was supposed to have been provided under penalty of perjury in the CIS. Interrogatories and typical discovery tools are simply not necessary in the garden variety divorce in New Jersey. Consequently, the rules of civil procedure in matrimonial actions should be revised to limit discovery. A party seeking discovery should be required to file a motion detailing the reasons for the need for discovery and setting forth a discovery plan (including the tools to be used, the timeline and other details). The adverse party should be given the opportunity to contest the motion for discovery, including the right to provide the information proposed to be sought, again under penalty of perjury.

Solution: Limit Discovery in Matrimonial Actions.

Discovery in matrimonial cases should be sharply curtailed, and only permitted upon a motion to the court that would disclose the reasons for the discovery, the tools to be used and set a deadline for the completion of discovery.
Recognize Certain Documents as Presumptively Accurate. Tax returns, K-1’s, W-2’s, IRS Transcripts and other government records that are produced by a matrimonial litigant should be treated as presumptively accurate. The veracity of these documents should not be subject to dispute or extensive discovery. The contents of such documents can, of course, in complicated cases be the subject of depositions. However, the point is that they should not be routinely questioned.

7. Unproven Allegations of Domestic Abuse, Alcoholism, Substance Abuse and/or Unproven Claims That a Litigant or Children of the Marriage Suffer from Ailments or Special Needs Should Carry A Penalty of Fee Reversal and Automatic Sanctions.

Allegations of drug abuse, alcoholism, child abuse and domestic violence have become all too common, and they are all too commonly made in bad faith. The law should be changed so that if a litigant makes a claim that the adverse party abuses illegal substances or has a substance abuse problem, and that accusation is subsequently proven untrue through drug testing or substance abuse evaluation, the accuser should be liable for the costs of test and evaluation, in addition to a fine and sanctions against counsel, as a matter of law.

Similarly, it has become a tactic to obtain a diagnosis that a child has autism or other disability to increase child support or lengthen the term of alimony. If such allegations are disproven, the party making the false allegations should be stripped of custody as a matter of law.

8. Require Consecutive Trial Dates; Ban Postponements By Counsel Except For Cause.

At present, if a matter goes to trial, that trial can go on for years because the scheduling process is a mess. We are aware of a case that began in October 2008 and did not conclude until September 2011, where there was a one year hiatus where no trial dates were scheduled. How can a judge reviewing evidence in 2011 be expected to accurately recall testimony that was given in 2008? Furthermore, evidence and income information can become stale.

Procedural rules and court practices should be altered to provide that if a case is set for trial, counsel for the litigants must provide a pre-trial memorandum setting forth the issues to be brought before the Court for resolution, witness lists and a good faith estimate of the duration of trial. A matter should be set down for trial over consecutive proximate dates, and those dates should be set in stone in the absence of death, severe illness (supported by doctor’s note) or grievous injury to a litigant or their counsel. At present, lawyers are routinely granted delays and continuances for minor matters—vacations, bar retreats and continuing legal education. This practice must be discontinued because it is all too commonly abused.

ENDNOTES

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 couple or nullity the court may award one or more of the following types of alimony: permanent alimony; rehabilitative alimony; limited duration alimony or reimbursement alimony to either party. In so doing the court shall consider, but not be limited to, the following factors:

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

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

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

(4) 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;

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

(6) The length of absence from the job market of the party seeking maintenance;
(7) The parental responsibilities for the children;

(8) 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;

(9) 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;

(10) 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;

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

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

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

When a share of a retirement benefit is treated as an asset for purposes of equitable distribution, the court shall not consider income generated thereafter by that share for purposes of determining alimony. N.J.S.A 2A:34-23 b.


Hypothetical adapted from Christopher Rade Musulin, “Counterpoint: To Guideline or Not to Guideline That is Not the Correct Question,” New Jersey Family Lawyer, Vol. 33, No. 1, June 2012.

Hughes v. Hughes, 311 N.J. Super. 15, 31 (App. Div. 1998). The “ten-year rule” is not a bright line standard; there is nothing to preclude a judge from finding that a marriage having a duration of 9 years and 6 months qualifies as a long-term marriage entitling the recipient spouse to permanent alimony.

See Smith v. Grayson, WL 6304145 N.J. Super. A.D. 2011. While Grayson generally stands for the proposition that New Jersey Family Courts routinely apply an informal rule of thumb in calculating alimony, the Appellate Division’s opinion provides a lengthy narrative of the course of typical settlement negotiations in divorce proceedings in New Jersey as part of its consideration of the admissibility of expert testimony in a legal malpractice action against a family law practitioner.


Christopher Rade Musulin, “Counterpoint: To Guideline or Not to Guideline That is Not the Correct Question,” New Jersey Family Lawyer, Vol. 33, No. 1, June 2012 cited in footnote 3 above.

Lepis v. Lepis, 83 N.J. 139, 3.48-149 (1980). The Lepis court went on to say the following:

Not only the realities of the marketplace, but also the constitutional guarantee of “the equal protection of the laws,” U.S. Const., Amend. XIV, compels this approach. It is no longer permissible to ground the law of domestic relations in the “old notio[n]” that “generally it is the man’s primary responsibility to provide a home and its essentials.” Orr v. Orr,
440 U.S. at 279-280, 99 S.Ct. at 1112, 59 L.Ed.2d at 319 (quoting Stanton v. Stanton, 421 U.S. 7, 10, 95 S.Ct.1373, 1375, 43 L.Ed.2d 688, 692 (1975)). “No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas.” Orr, 440 U.S. at 280, 99 S.Ct. at 1112, 59 L.Ed.2d at 319 (quoting Stanton, 421 U.S. at 14-15, 95 S.Ct. at 1377-1378); see Taylor v. Louisiana, 419 U.S. 522, 535 n. 17, 95 S.Ct. 692, 700 n. 17, 42 L.Ed.2d 690 (1975); Craig v. Boren, 429 U.S. 190, 198, 97 S.Ct. 451, 457, 50 L.Ed.2d 397 (1976). The law must be concerned with the economic realities of contemporary married life, not a model of domestic relations that provided women in exchange for economic dependence and discrimination. This does not mean that relative economic dependence — when proven — is irrelevant to the determination of support obligations. But a court of equity cannot rely on antiquated presumptions; gender is no longer a permissible proxy for economic need. See Orr, 440 U.S. at 281, 99 S.Ct. at 1112, 59 L.Ed.2d at 320. The need for support must be assessed with a view towards the earning capacity of the individual woman in the marketplace.


Lepis v. Lepis, 83 N.J. 139, 3.48-149 (1980); N.J.S.A. 2A:34-23


There are three enforcement mechanisms that can result in the incarceration of a party who has fallen into support arrears. Rule 1:10-3 and Rule 5:3-7 (relief to litigant proceedings), Rule 1:10-2 (contempt proceedings) and N.J.S.A. 2C:24-5 (Criminal Prosecution).


83 N.J. 139 (1980).


Lepis, supra, 83 N.J. at 157.

Crews, supra, 164 N.J. at 28 (quoting Lepis, supra, 83 N.J. at 157).


Id.

Rule 4-58.


http://www.judiciary.state.nj.us/quant/index.htm. For Family Division cases, the QRU reports cases as either “Dissolution” or “Non-Dissolution” cases. Dissolution cases involve divorce, annulment and proceedings to terminate a marriage. Non-Dissolution cases involve requests for modifications and other proceedings following a final judgment in a dissolution case.


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And what do the lawyers think about alimony laws and alimony reform in New Jersey?

IN SUPPORT OF ALIMONY REFORM

David Perry Davis Esq., http://www.dpdlaw.com/, Pennighton NJ
Quotation from:
http://www.app.com/article/20130331/NJOPINION06/303310059/DAVIS-Integrity-demands-N-J-end-charade
Originally published in the Asbury Park Press @Issue Section March 31, 2013 as commentary on alimony reform bill A-3909 that sets durational and monetary limits on alimony awards and give alimony payers the right of retirement.

Title “Integrity demands that N.J. end charade”

“As a New Jersey family-law attorney and an advocate for justice for the past 15 years, I support the proposed law providing guidelines as to the amount and duration of alimony.

Most of the people who are opposed to the law do not understand what the changes are. This law would benefit everyone in bringing more certainty to our laws regarding spousal support, while ensuring judges’ hands aren’t tied when an unusual case is presented.”

Larry the Lawyer is a retired New Jersey attorney who Blogs on his Larry the N.J. Lawyer’s Cogitations http://shapiroberezins.com/2012/12/23/is-john-waldorf-a-deadbeat-dad-or-victim-of-harsh-nj-alimony-laws/

On NJ Alimony Statutes and the discretion given to Family Court Judges

“Do you believe a civil court judge should be empowered by statute to order a former spouse jailed for non-payment of alimony or support?”

“I don’t.
I also don’t believe:
In debtor’s prison
A person should lose their hand for stealing a loaf of bread
The death penalty
That the Republican Party has its collective finger on the pulse of middle class America
“I do believe that family court judges have the unenviable task of “splitting the baby.” One cannot live as cheaply as two. Parents can make a joint decision to delay purchasing a new pair of shoes for their child if money is tight. However, when the family unit is no longer intact, that new pair of shoes may become a cause célèbre.”
FRANK ASSESSMENT OF THE CURRENT STATE OF ALIMONY LAWS IN NEW JERSEY
Christopher R. Muslin, Esq. Muslin Law Firm LLC

Quote from: http://www.burlingtoncountydivorce.com/Article-on-Alimony-for-NJ.pdf

“The existing methodology for calculating alimony in the state of New Jersey is seriously flawed. A systematic review of cases reported after the 1988 statutory revisions demonstrates a complete lack of uniformity or predictability in decision-making. This lack of uniformity or predictability inhibits settlement and undermines confidence in the judicial system.”

Lisa P. Parker, Esq. is a partner with the law firm of Hellring, Lindeman Goldstein & Siegal LLP.

Quote from: http://www.highroadsolution.com/file_uploader/images/NJFamilyLawyerV33N1June2012

“While it is impossible to know what the future state of our alimony laws will be, if the dramatic changes in other jurisdictions are a sign of things to come in New Jersey, there is a heightened need to consider fashioning alternative alimony agreements that look beyond permanent alimony.”

“It is, therefore, an opportune time to revisit rehabilitative alimony, which is perhaps the most underused tool in the alimony arsenal.”

Larry the Lawyer is a retired New Jersey attorney who Blogs on his Larry the N.J. Lawyer’s Cogitations
http://shapiroberezins.com/2013/02/19/lawmakers-in-florida-seek-to-limit-lifetime-alimony/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+LarryTheNjLawyersCogitations+%28Larry+the+N.J.+Lawyer%27s+Cogitations%29

“There are a number of “tools” available to a family law judge to balance the equities in a divorce. Ordering one spouse to pay money for life should not be one of them.”
“Beware the Rambo Divorce Litigator:

A skilled trial attorney has the power and opportunity to spin a fact to the level of fantasy. The divorce arena presents a fertile environment for this emotional approach to dispute resolution. Without proof, the attorney advocate alleges conspiracy between the fired employee and the employer.

A great amount of time can then be spent on the defense of the conspiracy allegation even though there is no proof of conspiracy.

Use your experience to recall other unfounded emotional issues raised at trial that diverted attention away from the real issues and consumed an inordinate amount of time and legal fees.”

“Is the Rambo approach good for the client and the public’s perception of our divorce procedures? Most would say no and for good reason. The psychological impact on litigants is devastating. The additional cost of discovery and trial is beyond most litigant’s ability and serves no purpose other than to pursue our clients vendettas or to massage our trial egos.

Our courts do not have the judicial resources to accommodate protracted litigation. The contentious and hostile environment is counter-productive to settlement. Let us as divorce litigator’s come to our senses and litigate fact, not fiction.”
THE CHARADE OF MAINTAINING THE MARITAL LIFESTYLE, A CORNERSTONE OF NEW JERSEY ALIMONY LAW
Christopher R. Musulin, Esq. Musulin Law Firm LLC


“Defenders of the existing New Jersey methodology for calculating alimony have systematically utilized the specter of guidelines to successfully preserve the antiquated, intellectually indefensible status quo that is N.J.S.A. 2A:34-23 for decades. The current statute and related case law authority are fundamentally pernicious, as they remain premised upon maintenance of the marital standard of living, a historic purpose absolutely unjustifiable in 21st century America. To make matters worse, the complete absence of definitive statutory or decisional authority to precisely determine the length or characterization of the award renders the aggregate calculus incomprehensible. This combination of fatal flaws eliminates consistency of decision making in similarly situated cases, promotes litigation, discourages settlement, and erodes public confidence in our system of justice.”

David Perry Davis Esq., http://www.dpdlaw.com/, Pennignton NJ

Quotation from: http://www.app.com/article/20130331/NJOPINION06/303310059/DAVIS-Integrity-demands-N-J-end-charade

“Crews v. Crews, the Supreme Court case that speaks about alimony being sufficient to maintain the martial lifestyle, is a naked emperor. We need to acknowledge this and enact a statute that reflects the reality of what has grown to be considered a fair amount of alimony.”

Retired Judge Thomas P. Zampino, former Superior Court Judge the family Part of Essex County

“As for change, I would eliminate marital lifestyle as criteria, as two separate households must now be maintained in the same income flow that previously maintained one household”
Larry the Lawyer is a retired New Jersey attorney who Blogs on his Larry the N.J. Lawyer’s Cogitations

“There is one element of the NJ statute, among many, that I find confusing. Why are spouses entitled to maintain their former life style after the divorce? If there is sufficient assets to go around, then fine. However, if one spouse has to make a change, why shouldn’t both spouses? In my humble opinion, a family unit experiences ups and downs during coverture. Sometimes children can’t get the new pair of shoes, or a car of their own when they turn 17. This is sad, but true. I think it is totally reasonable for both parties to share the new lifestyle many times necessitated by a divorce.”

ARE EXISTING DIVORCE SETTLEMENTS IMMUNE FROM NEW LAWS?
This article clearly describes that the NJ Supreme Court itself substantiated the constitutionality, and more importantly the reasonableness of applying reform law to existing settlements that include Permanent Alimony. Contract principles have little place in the law of domestic relations.
Charles C.Abut J.D. Esq. HACKENSACK, NJ

“Until Lepis, a marital agreement was no different than any other contract. “Modification” required a showing of unconscionability, fraud or other well-precedented grounds for contractual avoidance. Schiff v. Schiff, 116 N.J. Super. 546 (App. Div. 1993), certify. den. 60 N.J.139 (1972). Under Schiff, a matrimonial litigant had to demonstrate a “far greater showing of changed circumstances” to modify a marital agreement, and only by convincing the court “that to enforce the agreement would be unconscionable.” Schiff, 116 N. J. Super. at 561.
But, in rejecting the Schiff rule of “unconscionability”, Lepis ushered in a “new age” of post-judgment litigation, in which contractual finality has given way to undefined (and undefinable) notions of “fairness”. In fact, the most sweeping part of Lepis is contained in what may be the most overlooked sentence in New Jersey matrimonial law:
“...contract principles have little place in the law of domestic relations”. Lepis, 83 N.J. at 148.

HOW POSSIBLE IS IT ...REALLY.. OF GETTING A JUDGE TO MODIFY ALIMONY WHEN A PAYER RETIRES?
Jeralyn L. Lawrence, Esq. of Norris, McLaughlin & Marcus, P.A.
Quote from: http://www.nmmlaw.com/pdf/JLL%20CHANGED%20CIRCUMSTANCES.pdf
“Even if the court is satisfied the retiring spouse has acted in good faith and has advanced rational reasons for his action, the trial judge will be required to decide whether the advantage to the retiring spouse substantially outweighs the disadvantage to the payee spouse. Deegan at 358. Only if that answer is in the affirmative should the retirement be viewed as a legitimate change in circumstances warranting modification of a support obligation.”
Alisa Whiting, Length of Marriage: 20 years  
County: Middlesex

My ex husband was self-employed and the primary breadwinner throughout our marriage. As soon as I filed for a divorce he immediately stopped working his business of 17 years. Unfortunately, by the time we finally had a court date, he had developed a health problem (due to his own actions as a younger man). At this point, I had to withdraw in order to allow him to use my employer sponsored health plan for a drug cocktail that he needed for a year. This was not done out of kindness but because he had our sons convinced that if I divorced him he was going to die as I would prevent him from obtaining the medical assistance he required.

Finally, the year was over and I filed again. My ex dragged out the divorce process with every step and successfully managed to keep the divorce at bay for another 2 years. He did not file a Case Information Statement, didn’t show up for countless court dates, all of which I had to take off from work until finally the ESP judge threatened to grant the divorce on my terms.

Throughout our marriage, my then husband had lived the dream of owning his own business. My sole goal was to go to college but he was always too busy with his business to care for our sons. He was not a good businessman. Pleas, arguments, tears, threats, countless tax issues that he refused to address and I finally filed for divorce. The nightmare that I was subjected to is inexcusable. We went through the Early Settlement Process. The panel was short a member but they forged ahead. He claimed that he was permanently physically disabled despite my proof of notices from social security and the VA Administration that he was NOT permanently disabled. Based upon a fax received the final day in mediation from his doctor stating that he could not release him for work today, the mediators accepted his claim of being permanently physically disabled. Let me restate that the fax specifically stated TODAY. It did not state that he was permanently unable to be released for work. Yet these people went along with his claim of being permanently physically disabled which kept his imputed earnings to $20,000 which is what he claimed he would receive as SSDI. The panel accepted his word, despite the paperwork from social security that I had that clearly stated 1) he was not disabled and 2) he had not contributed to social security and thus was disqualified from receiving benefits. Regardless, I was ordered to pay permanent alimony. I could understand if this was status quo during our marriage but it was not! Further, despite it being the second week of December 2007, the panel refused to use my 2007 earnings. I was a salaried employee. I was not going to receive any additional compensation other than a paycheck on the 31st. They did this despite my argument that my company had merged and thus my bonus was being cut in half each year since. I had documentation from the Human Resource Department outlining that the bonus structure had been changed and would be implemented over a 3 year period. 2007 was the third year and since the panel refused to use 2007, my highest years in earnings were being used to calculate alimony.

I requested rehabilitative alimony and was denied. I was told it was automatically permanent due to the length of the marriage. I argued that it wasn’t representative of our marriage, I argued that he hadn’t paid taxes in years and would continue to not do so and remain “off the grid” as it related to earnings. I argued that the other statutory items were not being considered – he had not sacrificed a career, he had been a contributor to the marriage, neither of us were college educated and my market (mortgage banking) was seriously being impacted by the economy, I had agreed to him receiving 50% of all assets, I was assigned all debt. The ESP advised that my situation was upside, they didn’t have experience in evaluating his medical condition as he hadn’t provided a medical expert or documentation and since the only documentation available was my financials, they were ordering permanent alimony.

I walked out and told my attorney (S. Ennis, Wilentz, Woodbridge, NJ) that I wanted to go to trial. He told me no. He said it would cost me another $30,000 which he knew I didn’t have, that we would need to be in court the next day and he was not prepared. What was I to do? This was 3 years of my life. My first attorney had been paid almost $13,000. This attorney had already cost me $12,000 and his fees for all of the days spent in economic mediation, ESP, missed court dates by my ex, etc. were mounting daily. I was desperately trying to divorce a man and stand up for myself and our sons only to have the current system turn me into a victim.

I then was told that I had no choice but to continue to allow him to reside in the marital home until the end of the month. So what do you think would happen to our belongings in the home while I was at work and he was sitting at the house for three weeks AFTER being divorced? He took whatever he wanted, whenever he wanted.

Further, I was assigned the responsibility of maintaining all expenses until the sale of the house at which time his attorney fees would come off of the top and then the remainder of the proceeds would be split. None of it happened. To make a long story
short - I had to have him forcibly removed from the house, 2 wks later there was a fire and the house was considered inhabitable.

Didn’t matter that I had the kids and no longer had use of the house - he still wasn’t responsible for anything. He even took the lawn mower so I had to pay to have the lawn cut. Then I got laid off. My ex took me back to court for more money anyway. He was denied but my counter motion requesting an alimony review was also denied. Despite my motion including PI documented proof of him working, clear evidence that he had negotiated with unclean hands in addition to the documentation that I had been laid off from my job of 25 years. I was told to come back to court when my severance ran out. I returned with a reduced rate attorney, provided my W-2’s, my unemployment stubs, of which the majority of the funds were garnished and sent to my ex, and the judge ruled against me. He indicated that he saw no appreciable difference in my situation. My ex, by the way, did not even bother to show up!

As for my son, a sophomore in high school? The courts didn’t care if he was being taken care of, they didn’t care if I could afford to provide a roof over our heads, for food, car insurance, etc. And believe me with the cost of Cobra, I couldn’t. I was expected to survive and provide for our son on $300 a month while my ex received $1667 a month. All that mattered was that I continue to make my alimony payments.

The house was finally sold as a contractor’s special. I won’t even bore you with the nonsense I had to endure with my ex, the adjustors and the insurance company. However, I didn’t get my half of the sale proceeds. Apparently, my ex owed the State of NJ taxes for his S-Corp business. I argued with the State of NJ, provided a copy of our divorce decree and they told me to take it up in Family court. They were getting what they could from the sale of the home. All of $3,000 was left over. Of course, that went to his attorney.

I had worked in one industry, mortgage banking, for one company, for 25 years. I had earned my way up to high 5 figures and, with bonus, was earning low six figures. I was laid off. I became sick, was in and out of the hospital, almost died and was not released by my oncologist for a full year. What a way to re-enter the work force! I have a high school diploma. I am now 50 years old and my credit is shot. I’m lucky to get an interview never mind the former salary that I earned! So these days, I live with my boyfriend as I can’t afford to rent an apartment, eat, pay car insurance, etc, with what is left of my salary. I took a temp to perm job, proved myself and now earn less than half of what I used to earn. As a matter of fact, I now earn less than what I had earned in 1999. I’m just grateful that I was able to secure employment.

Our younger son? He wouldn’t leave our home town. He wanted to graduate with the kids he went to school with all of his life. Do I deny him that when he has been denied so much? Done without so much? Had to go through a war in what should have been his home? Has a father who puts his spite against me above the needs of his sons? My heart was broken, I felt like a failure as a Mom and I HATED it but he was living with his paternal grandmother because I couldn’t support myself or him – only my ex husband.

Who would have thought? My ex was ill for one year and somehow that makes me permanently responsible for the lifestyle he was “accustomed to.” Meanwhile, my sons and myself endure hardships. My ex-husband lives with his girlfriend, works under the table and collects more than half of my paycheck. He has been to So Carolina four times now looking for a home to buy and I’m trying to live on less than half of my former salary. He took our son to Miami for a week and I’m struggling to find the money to get a 3rd tooth pulled that grew in between our son’s front bottom teeth. I’ve worked hard our whole lives, while he lived his dream, I divorce him because I simply could not clean up any more of his continual messes in our home, with our finances, etc. and yet I continue to pay. I did nothing wrong other than try to make my marriage work for too long.

The NJ family bar association would lead you to believe that alimony laws are fine as-is? They testify about the new acronym RAIDS (Recently Acquired Income Deficiency Syndrome) being bandied about the courthouse? Apparently these well educated folks live under rocks and are unaware of the current state of the economy! It is more than clear that they just don’t want to lose all of the fees they bleed from their cash cow clients. By the way, I have a judgment against me for the remaining $30,000 I owe me attorney. That is the balance after having paid them $12,000. All of the nonsense and delays my ex caused in court cost me in additional fees. The lousy paralegal finally quit, and so that cost me as well as my attorney couldn’t seem to understand her notes. Absolutely ridiculous. The entire system is corrupted to simply make a firm or attorney as much money as possible for the duration. Had I been a cashier at a food store you’d better believe the courts would have told my ex to get a job and my attorney would have had my divorce finalized in a year.

Signed
Alisa B. Whiting
Date October 11, 2012
I would like to give you a bit of my background so as to give my situation some context. I am 50 years old and have lived in Monmouth County since I was 5 years old. I was an honor roll student in grammar school. I went to Christian Brothers Academy (CBA) in Lincroft and was an honor roll student there as well. After graduating from CBA, I went to Embry-Riddle Aeronautical University in Daytona Beach, FL. I earned my BS in Aeronautical Studies majoring in Airport Management. I then went on to earn my MBA in Aviation and Information Technologies.

After graduating from college, I served in the Marine Corp, then came back to NJ and got married, bought a home and started a business. By all accounts I think I followed the rules, did all of the right things and tried to be an upstanding citizen. I started my business in 1989 and got involved in my communities from the get go. I served as the Technology Advisor to the Western Monmouth County Chamber of Commerce. I served on the Board of Directors for both the Belmar and Howell Chambers of Commerce. I served as the President of the Belmar Chamber of Commerce and the Vice President of the Howell Chamber of Commerce. While serving as President of the Belmar Chamber of Commerce, I instituted a program with the Monmouth County Probation Department, where people who had to do community service work could work in Belmar helping promote local businesses and for this project I receive a Citation of Achievement from Judge Lawson of Monmouth County Superior Court. In 1999, my business was awarded the Circle of Excellence Award from the Western Monmouth Chamber of Commerce along with a Joint Legislative Resolution certificate from the Senate and General Assembly for this achievement.

I am involved with many local charities and local law enforcement. I donate computers to 180 Turning Lives Around, the Howell PAL, Howell PBA, Point Pleasant PBA, Mid Atlantic Tactical Officers Association (MATOA), Long Branch NAACP, and West Orange High School (I donated an entire computer science lab). In short, I have always been involved in my communities and have always given back to my communities.

In 2006, on my birthday, I was awaked by a knock at my door. It was a sheriff, serving me with divorce papers. That is when my life was turned upside down. Everything I thought I knew about the law and our judicial system went out the window. I felt as if I was in Alice in Wonderland; a world twisted and devoid of reason and justice.

I did not know it but it seems if you are self-employed as I am, you are deemed to be a liar and a cheat. During one of my Early Settlement Panels (ESP), one of the lawyers came out and told me that they knew all self-employed people are cheats. I thought this was just one off the wall attorney, I did not realize that the whole family court system felt this way as well. At the conclusion of my divorce, the court imputed income to me that was twice my actual earnings. My tax returns and checking statements, be damned, they knew what my income “should” be.

With that my nightmare began. Since 2007, I have been arrested 27 times for failure to pay my “full” support amount. Not failure to pay support but failure to earn my imputed income amount and pay support on that “imagined” income. I have tried twice to get a modification to my support amount; both times I was denied.
The reasoning is that I had no change of circumstance. This is a legal “catch 22” for which a self-employed person can never qualify. I cannot be laid off, I cannot have my hours cut, I cannot have a reduction in salary; in other words a self-employed person can never have a reduction in income, despite the horrible economic conditions we face.

I have been told by more than one judge, that I should quit my business and find a “real” job. The fact that I have owned this business for over 24 years and have always managed to provide for my family during those years never seems to matter. In the real world when things got tight my family and I would tighten our belts to make ends meet. The courts (probably because they have a constitutional amendment guaranteeing that their salaries’ can never be cut) feel that I should never have a downturn in income and should never have to cut my expenses. Currently, I have cut my expenses to the bone; my single largest expense is my support.

The point of all of this is that the court is not interested in facts or evidence. The thing that galls me about the imputed income is that is presupposes that I am guilty of tax evasion; that my tax returns are false and therefore are not to be trusted. This infuriates me in that, they impugn my integrity and call me a liar. I am deemed by the court to be guilty of a crime for which I was never charged, never afforded the opportunity to defend myself and never convicted.

It seems to me that this should be unconstitutional. How can a person be presumed guilty of a crime and never allowed a chance to defend themselves. But think how easy it would be to balance the State budget if we just imputed each resident’s income at twice what it really is and then if they don’t pay taxes on it, we put them in jail! How long would a law like that stand. It is self-evident that this is wrong and the court will not even allow me an opportunity to have a modification.

Last summer I testified before the Assembly (A685) and Senate Judiciary (S1388) committees on this matter. New Jersey is one of the last states to hang on to antiquated alimony laws. It is time for a change. It is apparent that the courts do not have the stomach to do the right and just thing to assure fairness for all in the family court system. The only remedy must come from the legislature.

Finally, it appears that in NJ ending a marriage constitutes a crime for which you are assigned a probation officer and become part of the probation system and face jail time for having been married. This month I will be going to jail again for failure to earn “enough” money. I would encourage the public at large to observe this circus that we call family court. For as much as I try and describe it, it is so surreal as to defy description and must be witnessed to be believed.

Raymond F. Posa
Raymond F. Posa
Farmingdale, NJ
After finally having the strength to request a divorce from a verbally, emotionally abusive alcoholic. He hit bottom, even lower than not working for 7 years, & refused entry into the marital residence for me or my children. Late in the evening, we left for safety & sanity. His background was electronics & sound systems, so at any given moment he would blare music on repeat to make the house quake. He began texting me, tell the cops I'm armed & dangerous! Also threats like I’ll meet you in hell & wanting suicide by cops. I needed medications for us, my work badge & uniform for work. Since, I was the breadwinner, these things were essential. I pleaded with his sister for help as he had ranted the same threats regarding death. She promised to call police. After waiting for another hour we arrived back to a locked door & a crazy man w/ holster across chest with an airgun & 2 knives strapped to his body. No police were on the scene.

I phoned them in desperation, they told me a patrol car would be there soon, stay on the line, & quickly enter the house to retrieve the necessary items. Upon entering, my eldest noticed her picture removed from the wall & her air mattress style bed slashed. He used the knife to attack her closet & throw a lamp in her bedroom. She did not want anymore damage to occur & needed to insure her dog’s safety. The squad arrived & she was hesitant to leave I screamed, we have to go now. The police requested him to show him his hands which he refused. He slammed the door, locked it and the standoff began.

My neighbors had to be evacuated & the street barricaded off. I dropped off two of my children plus my youngest daughter’s best friend at her house. I was with my oldest & told to drive to corner mini mall to stay out of the way. My 2 college age girls left school to be support. The SWAT team was called in, I knew this because the rising number of police cars & townships arriving past the corner where I waited. A fire truck & ambulance were dispatched as well. Broken glass was what I came home to after force was needed to enter the house & subdue him. A TRO followed by FRO were granted. I’m the one w/permanent alimony granted by the same Domestic Violence Judge. I was faulted for staying so long in the relationship. He refused to get counsel, leaving me w/larger fees from my attorney. At one point my youngest was court ordered visitations. Finally the judge conceded to 4 appt w/him, her & a counselor I had to pay for. He felt it was fair because as the older ones didn’t want a relationship w/him I was brainwashing her in our hostile home environment.

Karen Ceccato
Ocean County, NJ
I have now been paying alimony and pendente lite for over 17 years—amounting to over $1,000,000 in payments to my ex. She also received the family residence which has no encumbrance, and 2 children of the marriage have long since been emancipated.

Ex has an MBA that I paid for during the marriage and was earning less than $30,000 at the time of our divorce. My Property Settlement Agreement (PSA) prohibited me from going back to court for change of circumstance unless I had a substantial drop in income or until I reached age 65. She is now an executive in NYC and earning in excess of $100,000.

I turned age 65 and went back to court for a change of circumstance as she can clearly support her own standard of living now. I was denied on the basis that my earnings can still support her alimony—without consideration for her own ability to support herself. Was told NJ law really only considers my income and ability to pay—not her ability to support herself.

In addition, my ex has a long term boyfriend of over 13 years that we have proven to the court resides with her a good portion of the time. He has been at EVERY family function, and is with ex every holiday. Admitted to “shared” responsibility for her dog since he takes talks to various hospitals as a rescue dog team several times each week while ex is at work. He has no land line phone in his home, no internet (though he pays his bills online) —yet the judge denies that the relationship is “tantamount to marriage” because pays $400 a month rent for his residence.

The priority for my pay should be my own minor children of my current second marriage—twins, one that has high functioning autism and a severe anxiety disorder. Is our goal to support an adult who can clearly support herself—or to take care of children particularly one with special needs? Regardless of my ability to pay alimony—which should not even be a factor—why should I have to continue paying???? Alimony needs to encourage independence and allow people to go on with their own lives.

Paul Friedman
Paul Friedman
Union County, NJ
From: John Gerke (gerkjo@comcast.net)
County: Burlington
Length: 21 years

The divorce was brought about by my ex-wife being institutionalized several times during our marriage. The psychiatric situations made marriage a true nightmare at times. I tried but failed. The aftermath is what is really grueling. I have been divorced now for 8 years. As I am custodial parent, I receive child support but have to pay her alimony. My youngest is just turning 18 and graduating high school. So now my struggle will just involve alimony. I have to pay her because she does not want to attend school and further her employment stance. The court decided it is her choice not to seek training and ultimately, support herself. They feel it is still my duty. I recently was laid off and forced, due to economic times, to seek a lower paying job. The court still says I am obligated to pay her alimony because of her lack of income and the original court order from years ago. She has said in court she will not pursue training or schooling so it is still my problem to support her. The judge sympathized with my position but ... NJ says pay her. Paying alimony at my current salary is a travesty. I don’t even make $50K right now.
My husband lived a double life for ten of our twenty years together. He had a very high paying high powered job in finance. When I threatened to leave him, he suddenly became born again! He checked himself into a clinic for all of four days, resigned from his job and started doing “missions” work! He said we lost our small fortune in “the stock market crash.”

He said I would have to work now, that it was “my turn” that he would risk becoming addicted again or tempted to cheat again if he went back into the workforce. After 15 years of staying home with our four children I went to seek employment. I worked my way up to executive chef after 2 years. However the economy led to my downsize. I was unemployed. I started my own business to cater and consult. No money other than my unemployment was coming into the home! Snooping around one day I began to come across paper work stating my husband had refinanced our home, switched my name to his fathers name on all our supposedly depleted IRA CMA 401-K and investment and retirement accounts!

I found that he had bought a house and retail business in Costa Rica, I also learned he bought a bread route worth a half a million dollars minus expenses! When I confronted him he said the accounts were empty, that the bread route didn’t earn any money and that he refinanced so we wouldn’t loose the house! I confronted his international purchase he said it was part of his missions work! I believed him, reluctantly.

Now I’m told it’s too late for me, he served me with divorce papers, asking for alimony, child support primary custody, the sale of our home, our van and any jewelry and furniture! He hired a VERY big team of lawyers to my none! I have no money for a retainer! My home is in Pre-foreclosure, I have zero support for our four children. I’m entirely dependent on, friends, my church and the food pantry.

I’m told I’m not eligible for social services because my husband probably hides money from a cash business! I’m not eligible for free legal advice for the same reason! It’s tax time and our accountant refuses to speak with me or release any documents to me, which suggests tax fraud on his part. I’m told by numerous attorneys that he will prevail in all of this scheming because is called “divorce planning.” I’m 40, and afraid that the judicial system will not help me! It hasn’t thus far!

Damaris Adamo
Monmouth County
Married: Twenty years
I started up, owned and operated Grayrock Pharmacy in Clinton, NJ for 18 years. I was the pharmacist.

My wife did the books and deposits. Unknown to me and in anticipation of divorce, between 2001 and 2009 she stole 34% of daily cash receipts totaling $1 million dollars. She demanded divorce in 2006. I attempted to mediate but failed so I then filed for divorce. Through discovery I discovered her theft. In 2008 the store was failing due to lack of cash flow and inability to borrow anymore because we already used up our home and all other assets to secure loans. She refused to sell “to leave me penniless”. We had an offer for $1 million dollars. She and I would have each gotten $300,000 but she refused. I asked the court to force her to sell because our accountant said store was failing. The court refused.

After bankruptcy I represented myself and took her to trial. The court acknowledged that she took $400,000 and gave me a judgment - but only for $167,000. She never paid.

Despite her having $400,000, running off to Florida leaving me with three kids and causing loss of business, house, life savings, sacking the kids’ college fund accounts and savings accts the judge still held her as “dependent spouse” and ordered me to pay her lifetime alimony of $31,200 annually which is more than she even asked for. My wages were garnished. She was ordered to pay child support but seldom does and is over $10,000 in arrears and not in jail.

I spent $18,000 to appeal the divorce order. It is now a published landmark decision. Google “Francis N Clark vs. Denise Lockwood Clark”. Appeals court judges were outraged. They vacated alimony and remanded the case back to Judge Mawla, the same judge who put John Waldorf in jail because he ordered John to also pay more alimony than his wife asked for and in an amount that exceeded his annual take home pay.

In my case, Judge Mawla ignored the appeals court recommendation to vacate alimony, restored alimony consistent with his own original order, lowered the amount of child support my ex-wife had to pay by over 50% and increased the amount of medical and educational expenses I must pay for the kids from 53% to 79%! All he conceded to do was to make my wife pay me the $167,000 judgment before I resume alimony payments to her for the rest of my life. So she pays that judgment from her $1 million dollars of stolen cash and gets it all back in 5 years then I must continue to pay this thief $31,2000 annually for the rest of my life?

My appellate lawyers said the only way to get this changed again is another appeal. I must pay another $10,000 to get it started and again there is no guarantee it will change anything for the better. How can this be legal? How is this justice? I am paying college tuition, buying second hand cars, providing food, shelter, birthday and Christmas presents and had to pay for all legal costs for the business and personal bankruptcies that are the sole fault of my ex-wife. I am living hand-to-mouth with a son who has Down Syndrome and autism and two other children with little or no alimony because my ex does not have to work due to her stolen money and has less motivation now to work than ever because her wages will be garnished. NJ Probate tells me that it is Florida’s fault because they are not assertive enough to impose sufficient sanctions against my ex to make her pay. My emancipated daughter lives in Brooklyn as a waitress and cannot pay her monthly NJ Class loan payments that I and my 89 year old father co-signed for because her mother refused to help. I pay those monthly college loan payments to protect my credit so I can borrow money to pay college for my other two kids. I also protect my poor father who is threatened with legal action if the loans default. Now I need another $10,000 to get a second appeal because Judge Mawla is prejudiced against men, Dads and pro se and beat me up with his punitive divorce order amendment.

I represented myself in the divorce trial because I ran out of money paying my divorce lawyer. Judge Mawla clearly was disappointed that I represented myself reminding me several times throughout that I was “not a lawyer”.

www.NJAlimonyReform.org
For the love of God will someone please tell me that this is all a horrible dream! How can NJ Superior Court allow such gross ineptitude and prejudice to prevail even in the face of an appellate court ruling? Why must I go through the stress and expense a second time, with no promise I will get justice then either, when the appellate court took such a strong stand on my case. I am told their published decision was a landmark decision; for who? I hope it helps someone some day but right now I am right back where I started; worse! My ex-wife will pay that $167,000 judgment out of her stolen cash and will get it all back in 5 years because my annual alimony is $31,200. Starting year 6 she gets my $31,200 yearly for life. In addition, she gets alimony arrearage assessed because my alimony payments did not begin right away. She wins again because Judge Mawla cut her child support in half. Not that it matters, she is not paying it now anyway. Additionally, Judge Mawla ordered me to obtain a $250,000 life insurance policy for my ex so that in the event I pre-decease her she will still get all the alimony she is entitled to?!

When the appeals court vacated that alimony I made my children beneficiaries instead of my ex. That life insurance money will be all the assets I can leave my kids when I die because I am broke. When she pays the judgment, I must remove my kids and make her the sole beneficiary again.

So how is she paying her monthly CIS expenses? Alimony was vacated October 19, 2012. It is almost 3 months but she still can afford to live in a luxurious 3 bedroom townhouse with a garage and driveway in a community with swimming pool and tennis courts one hour from the beach she always wanted to retire to. I live in a duplex with three kids. I will never be able to retire or take vacations. All I live for now is seeing my kids through college before I drop dead.

Alimony reform? Yes! But it would appear the whole NJ Superior Court Family Division is in need of reform. That includes Probate which is not doing enough to obtain out of state child support. I do not believe that all judges or lawyers are bad but there is way too much power afforded the occasional judge who may use the powers of his office in a prejudicial way. Also, the Appeals court should have greater power to overrule such a judge when his errors and omissions are “fatal”,“confound notions of simple justice” and or ignore spousal behaviors that fly in the face of “societal norms” or constitute “egregious fault”.

In my case, I have no doubt that what my judge did was legal but it definitely was not consistent with the flavor and mood of the appellate court who were clearly as outraged as I was because what my ex did was to “kick in the teeth the financial security of her family” and to “deny her spouse the fruits of his labors”. Good luck with your cause. I am only to happy to help where I can... for the next victim.

Letter submitted on: January 7, 2013  
From: Francis Clark 3rd (francisnclark@gmail.com)  
County: Hunterdon  
Married for 28 years  
For Appellate Court decision see: http://law.justia.com/cases/new-jersey/appellate-division-published/2012/a1147-11.html
I was divorced with a 6 month old infant, custody of my ex’s 7 year old son and was not working. I come from a family with character. I never requested any alimony and only received $55 dollars in child support. Through much hard work I obtained a Master’s degree, re-started my career. I’m confident, independent and what is mine, I have the satisfaction of knowing I earned..on the other hand.... My second husband’s ex receives over $700/week in permanent alimony and child support for a 2 child marriage that was less than 10 years old. She is uninspired to obtain her unfinished college degree (both kids are grown) or in any way improve herself. Why should she? She makes a full salary for doing nothing.... Permanent alimony HAS TO STOP.
My husband has always lead with his heart not his head, one of the reasons we’ve been married for almost 20 years! He had previously married and was divorced in 1990. She had left the marital home and her children, but would not file for divorce.

To make the situation as painless as possible for his children. He agreed to file for divorce and required to pay spousal support. While maintaining physical custody of his children. He did this to make the situation as painless as possible for his children.

As is the case in most divorces, he was left in significant debt, but rather than filing bankruptcy (as was suggested by his own attorney), he paid all of his debt in full. During this time, his ex was employed full time with the State of NJ and receiving full salary & health insurance benefits. In addition, her mother co-signed a mortgage for a house and lived there while her mother made mortgage, utility and tax payments. She was living there for free. It has also come to our attention that during those years, she declined/rejected pay increases so as not to jeopardize her alimony payments.

Several years after we were married, the union my husband voted to strike to fight reduction in health insurance benefits. In a cruel twist of fate, I developed breast cancer shortly thereafter and had to go through mastectomy, chemotherapy & radiation treatments. In order to continue health insurance benefits during this time, he could not “leave” the union to get another job or cross the strike line. This would have resulted in termination of my health insurance at the worst possible time. We requested relief of alimony temporarily due to the situation and was denied by a Monmouth County judge. With neither of us able to work, we were forced into debt (now twice for him). Again, we did not put this burden on others via bankruptcy, but paid our debt in full.

Thank goodness I survived and am healthy today. However, in the last twenty years, the increased out of pocket costs for health insurance benefits, uninsured healthcare and state, school & local taxes have increased significantly. We both work but he is unable to retire due to the dependence on his health insurance (my employer has less than 20 employees) and financial responsibilities. If he does elect to retire, all health insurance benefits terminate.

As of 2013, his ex-wife was able to retire from the State of NJ with full lifetime benefits while having received significant financial disbursements from her mother’s trust on an annual basis that will continue. Meanwhile, my husband and I drive 15+ year old cars we can’t afford to replace, we are unable to make any updates or improvements to the house he has owned since 1978 to spite now owing more than 4 times what he paid for it when it was new. At this point, he is now paying alimony for longer than he was married!
Alimony Reform Members at Rider University, Town Hall Meeting
By mutual consent in our PSA, I fulfilled all of my obligations for term spousal support, allowing my ex-wife to live for free in the family home for 10 years post judgment. Her way of thanking me was to fraudulently take out credit cards in my name and maxing out the balances, alienating the children from me, being under-employed, then spending every cent of her share of the net proceeds from the sale of the family home.

After the sale of the family home, fully 10 years post-judgment, she went back to court asking for an order of permanent alimony based on $5700 per month of living expenses and an earning potential of $10,000 per year. Guess what, the Court gave it to her! She now receives a permanent award of $5,000 per month. You might ask, wasn’t there a hearing? There sure was, and it happened without my being present.

The Court in Morris County denied my right to discovery, my right to be heard, and my right to a fair hearing, and lost one of my critical motion filings; while at the same time allowed my ex-wife and her witness to perjure themselves in the hearing so the judge could enter his desired findings. Because I live in Washington State I made an emergency motion to the court to allow me to participate telephonically. This would have eliminated the possibility of a default judgement. However, my request to participate telephonically was denied and a default judgement was the outcome.

Alimony reform would be an important step to eliminate the inconsistent and varied application of alimony awards. Not only should permanent alimony be eliminated in all but extreme cases, but the latitude of judicial discretion must also be addressed.

It’s time for a uniform, clearly understood, predictable and equitable alimony law reform that is empowering to both parties rather than perpetuating a sub-class of entitled payees and causing otherwise law-abiding payors to be treated as criminals.

John Shubeck
Morris County
Marriage Length: 20 Years
Donna Kavlunas
County: Gloucester

This horror story is on behalf of my husband, who is now is jail for the second time in 4 months. He has been there for 5 days, with no bail set as of yet. He was married for 14 years. His children Chose to live with him He raised them 100 o/o with no help from his ex-wife. He still had to pay her alimony. She is a college educated woman, who chooses not to work in the field in which she earned her degree. She also comes from a very wealthy family. My husband has health issues, had knee surgery, which keep him from being able to work. He is suppose to get another surgery on his knee. They will not let him out of jail to see his doctor. He is in there with criminals and is being treated just like a criminal. He is not even allowed to make a phone call. There seems to be no end in sight. The judge does not care about his health concerns. We have tried to find every way possible out of this situation. Paid a fortune in lawyers. The family court judge in Gloucester county refuses to hear any of it. All they care about is that he owes a wealthy and healthy ex-wife money. When will this end, when the stress of this kills him, and by the way she has a substantial life insurance policy on him. So either way she wins.

Julia DeBellis
County: Bergen
Marriage Length: 10 years

10 years of alcoholic relapses, AA, Al-Anon, rehabs and hospitalizations, cheating with other women, lie after lie after lie... I owned and paid the mortgage on the house for the 10 years. He put his student loans and credit card debt into the mortgage, bought a Mercedes with a home equity loan. He abandoned me and our 6 year old daughter, (moved out and took furniture while I was in the hospital) and paid no child support for 10 months and no support for the household. He is an attorney who has been working all along and simply because I make more money than he, I have to pay him $30 thousand a years for 10 years. I am the one taking care of our daughter and he gives me $130 a week for her. I thought alimony was for the spouse who stayed home and took care of the kids and traded off their careers. I thought alimony was supposed to maintain the person who could not maintain themselves. He gets half my home, and did not pay a dime toward it. I cant afford to live in the house because the mortgage is so high (because of the debt he rolled into it) and pay him alimony. I am just a formula to the Bergen County Judge that is on my case. The Judge has pressured me into agreeing with what he wants or I will pay his attorney fees. So I am caring for my child alone and paying him alimony. He only pays for 1/3 of my daughter’s expenses that he agrees to. This has to stop!!! If one spouse stays at home and takes care of the kids-OK then. I worked the day I went into labor and never stop working and he never stop working. What can I do?? I can’t ever marry someone who makes less than me.
I filed for divorce after being informed of my husband’s infidelity for the second time. After the first time I stayed because I was in an abusive marriage, physically (police reports to prove), mentally, financially and emotionally, I was afraid to leave. He knocked me out in front of my 3 year old twins and left me on the floor with them screaming over me. I started a company, I’m a registered nurse and my husband (ex) refused to put money up to start the business, so my parents loaned me the money. Everyday my ex would tell me my company will never stay afloat and it’s a fly by night company. Fast forward to the divorce, I had a top lawyer in Monmouth County to protect myself, children and business. He never spent time with the kids at all till they talked about child support and wanted joint custody which I couldn’t fight. My lawyer originally told me I would be paying $2500 a month alimony, it was a hard pill to swallow but I needed to get out of the relationship. At the end of my divorce, and even the economic mediator said this man doesn’t deserve a dime, but my hands are tied by the laws of NJ and the grid we have to go by. I pay him $4000 a month in alimony. My kids are with me full time, and he pays me $464 a month in child support. I built this company on my own, and now I have to give him almost every dime I make. I live paycheck to paycheck now, and he lives alone. I live next to 2 attorneys, and I planned on filing a motion after my taxes are done for 2012. They both informed me that I should not do this alone, I should bring an attorney with me. I spent over $80k for my divorce and did not get anything I wanted. And now I have to hire an attorney again???

I started a company to provide an easy life for my children and I worked hard to build it for 8 years. And now my income goes straight to him every month. I constantly worry about my kids, my bills and my business. And did I mention that my ex husband makes between $130k-150k a year. Why does he need to be supported by me? Alimony should not be given to a man or woman that makes an income like this. I feel I was penalized. I needed to get out of an abusive marriage filled with infidelities and he had the best of both worlds.
My husband is a serious alcoholic that put my children and me through hell for many years. He refused to get help even though the children and I begged him to many times. I have been to counselor after counselor to no avail. He refused to accept his illness and because he continued to put my children in danger and was verbally abusive to me, I had no choice but to file for divorce. Because I am the breadwinner and he works only part-time, I have to pay him alimony for the rest of my life. In fact, the amount of money I have to pay him allows him to not have to work for the rest of his life. I have worked very hard over the last 30 years to obtain the position that I have with no help from my ex and I have taken very good care of him over the last 20 years. I also had to pay for his attorney. He works part-time and is perfectly capable of working full-time and even 2 jobs. I was not able to negotiate the settlement of what I would have to pay him in any way. I have a very responsible position and work many hours, and this past year had to hire someone to help drive the children after school to their activities because I could not trust him to drive his own children. He has not contributed to the household in over 5 years. In addition, he will receive my pension benefits (even though his are better than mine) and I will have to give him part of my 401K. If I brought him to court to try to fight this, we would have depleted all of our savings and I ran the risk of the judge rendering him as disabled due to his disease, which would cause me to pay him even more money. It has been a year of hell going through this divorce (he lived home the entire time and refused to move out until all was settled) and it is shocking how each case is not judged individually.

Josephine Moran
Ocean County
Marriage Length: 20 years
LEUSTEK: Lobby blocks alimony reform

In response to Monday’s editorial in The Press, “Alimony laws warrant review,” I agree. But people are suffering now, going bankrupt, going to jail and teeing the abuse by leaving New Jersey.

It has been more than a year that legislators have been considering whether to create a study commission. If this slow progress is any indication of how decisively a study commission would take its charge, it could be many years before any relief from unfair alimony laws might appear on the horizon.

Also, let’s think this study idea through for a moment. The state of Massachusetts just completed a thorough study of its alimony laws, and the outcome was the Massachusetts Alimony Reform Act of 2011. Massachusetts and New Jersey are very similar demographically and socially. New Jersey alimony laws are very similar to what Massachusetts’ laws were before 2011. Are we reinventing the wheel by carrying out our own “study”? My sense is that the “study” has already been done.

In addition, Massachusetts is not an isolated case. New Jersey’s neighbors reformed their alimony laws decades ago. In Pennsylvania, the duration for alimony, dictated by statute, is no more than one-third the years of the marriage. In New York, the judiciary has tempered the application of its laws such that alimony is almost never awarded for more than half the years of the marriage. In New Jersey, alimony is typically for life. Let’s move forward with a real alimony reform bill in New Jersey now.

259 Comments on the lobby block of the alimony reform movement
There are many more stories that are not shown in this book. Many more.

But you get the idea.

A crippling decision of permanent alimony in so called “Family Court” (a misnomer at best!) is not an isolated case, but rather a common practice throughout the state. It is a practice that is ruining people’s lives — right now, in real time.

Every day in “Family Court” in New Jersey horrified people are finding their lives are being shattered and will be for the rest of their days. With no possibility of a reversal of decision (at least I have never heard of a decision being reversed, and I’ve seen quite a few divorce cases). Paying a lifetime of alimony. Even bank robbers get out of jail in 5 to 10 years.

In this book you can see just the smallest handful of people whose lives have been ruined. Ruined by the system, the legal fees and expenses, the judges, the lawyers. And have simply given up. Too tired to fight any longer and with no money left from the horrendous raking they have already received, they retreat in fear, in silence, despair and in misery. And remain in this sadness for the rest of their lives. Is this what divorce should be about? Is this the correct resolution to a failed marriage? Where one person gets free money for life, the other suffers till death?

I don’t have all the answers. Maybe I don’t have any answers. But it doesn’t take a rocket scientist to see the current system doesn’t work — at all. And needs a thorough change because it continues to shatter people’s lives every day. Every day.

The stories you have read are true. Some compelling, some horrible, some just sent in by people who have no other hope than to just send us their story and wish for the best. Like Tony Cianci says in the newspaper article that quoted him (page 38): he was paying child support in the ‘80s and somehow it turned into alimony in ‘86. He didn’t have money to fight it, and he’s been paying his ex-wife every month. He is retired now. His ex-wife now gets half of his social security. He hasn’t seen her in over 30 years.

Thank you for your consideration to support alimony reform in New Jersey.

Jeffrey Dobkin

Bio: Jeffrey Dobkin is part of the Alimony Reform Team in New Jersey. He is still married to his first wife, they have three wonderful children. He compiled and edited this book, fueled by his passion to see his brother not to have to work three jobs. His brother is crushed every month by his permanent alimony payments of over 85,000 each and every month until he dies — while his abusive ex-wife, with college degrees in both computers and education, refuses to work. This book is dedicated to the complete revision of the alimony laws and the entire alimony system in New Jersey.
Thank you very much for reviewing the case for New Jersey Alimony Reform, and for your consideration in helping to modernizing the ailing alimony laws of New Jersey.

The current harsh and unjust laws are criminalizing innocent people, guilty of nothing but a failed marriage and their desire to get on with their lives.

Alimony laws in New Jersey are crushing people, and ruining their lives. The tragic affect is tearing apart families, making warring enemies of each party and forcing children to choose one parent or the other.

The problem is in the law. It is also further dramatically amplified by so called “Family Court,” omnipotent judges who are not responsible to anyone - where absolute power corrupts absolutely, and matrimonial attorneys who see their clients as an easy income stream, fabricating items to argue, then litigating every one they can, churning accounts until divorcing parties have no monies left.

Please help us with our goal of creating change to a more fair and responsive system. Thank you.

This book was contributed by people who care that their friends, relatives and fellow New Jersey colleagues lives have been shattered by an unfair court system and unfair set of laws.
We will never stop our pursuit of fairness and justice.

Please join and support the People of www.NJAlimonyReform.org. Thank you.
A case for Alimony Reform in New Jersey

Actual Horror Stories from residents of New Jersey. Their struggles told in their own words.

www.NJAlimonyReform.org