

NEW JERSEY FAMILY LAW PRACTICE

**SIXTEENTH EDITION
VOLUME I**

**BY
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AND
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**CHAPTER 1
DISSOLUTION OF MARRIAGE**

**CHAPTER 2
CUSTODY**

**CHAPTER 3
ALIMONY AND CHILD SUPPORT**

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PREFACE

For more than 50 years, the New Jersey Institute for Continuing Legal Education (NJICLE) has endeavored to serve the continuing legal education needs of the New Jersey bench and bar. The development of high quality treatises and practice manuals has always been an important part of the services provided. Currently, hundreds of titles are in NJICLE's inventory and many are recognized as the state's leading sourcebooks in the fields they cover.

Gary N. Skoloff, Esq., and Laurence J. Cutler, Esq., with the assistance of Robert T. Corcoran, Esq., and Christopher W. Hliboki, Esq., on the chapters dealing with interstate matrimonial matters, and tax matters, respectively, have combined to create the state's leading treatises in the area of family law. Ever since Gary released the 1st edition in 1971, joined by Larry on the 5th edition in 1980, New Jersey Family Law Practice has been regarded as "the bible" by family judges and practitioners. Indeed, it is often cited by judges in their written opinions. This new 16th Edition is an extensive revision of the 15th Edition in that: (1) it updates all of the matrimonial cases since the last edition; (2) rearranges the chapters and sub-sections in a more logical and free-flowing manner; and (3) it corrected a lot of the minor errors in the prior edition. The 16th Edition has been more than 4 years in the making, and illustrates the continued commitment of the authors and NJICLE to provide practitioners with complete up-to-date information and forms.

Without the commitment of these authors to continuing legal education, this book would not have been possible. Their reward is the knowledge that they have improved the knowledge and skills of countless numbers of their colleagues at the bench and bar. All those who are associated with NJICLE are in their debt.

A publication such as this would also not be possible without a dedicated publishing staff. It is, therefore, fitting to acknowledge the tireless efforts of Sean Ruck (who extensively edited the rough drafts), and Donna Chamberlain (who oversaw the publishing of the final work). They assured that this book was published promptly, accurately and efficiently. Their consistent hard work and dedication enables NJICLE to provide superior books, such as the one before you now.

Lastly, we want to make special note of the untimely passing of Robert Corcoran. His dedication to this volume of work is unprecedented, and he will be sorely missed.

NOTICE: We have excised the first chapter on procedure and are making it a separate companion book. Therefore, the citations herein contained in the cross-references to various sections may not be correct this edition but (with a little bit of transposition) they are close. Once we have the correct sections of chapter one in the new book, we will make sure that all cross-references are correct.

About the Authors

Laurence J. Cutler of Laufer, Dalena, Cadicina, Jensen and Boyd, Morristown, New Jersey, limits his practice to family and matrimonial law, trials and appeals, and related matters.

Mr. Cutler is admitted to practice in New Jersey and New York and before the United States District Court for the District of New Jersey, the Third Circuit Court of Appeals and the United States Supreme Court. A Diplomate of the American College of Family Trial Lawyers and a past member of the Board of Governors of the USA Chapter of the International Academy of Matrimonial Lawyers, he is Certified in Matrimonial Mediation and as a Matrimonial Arbitrator by the American Academy of Matrimonial Lawyers (AAML). Mr. Cutler is a former Master of the New Jersey Family Law American Inn of Court, a past Chair of the Family Law Section of the New Jersey State Bar Association and Past President of the New Jersey Chapter of the AAML, as well as a recipient of the “Lawyer of the Year” award. He has been a member of the Supreme Court Family Practice Committee, the Matrimonial Certification Committee of the Supreme Court Board of Attorney Certification, the Supreme Court Civil Practice Committee and the Supreme Court Committee on Matrimonial Litigation (“Pashman” Committee, Phase II). He is also an affiliate and the director of the Matrimonial Lawyers Alliance.

Co-author with Gary N. Skoloff of *New Jersey Family Law Practice*, published by NJICLE, Mr. Cutler was the 1993 recipient of the Tischler Award of the Family Law Section of the NJSBA. A 2002 Clapp Award laureate, he is a frequent lecturer for NJICLE and other professional organizations and has authored numerous publications. He was also an Adjunct Professor of Law at Seton Hall University School of Law.

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Gary N. Skoloff, one of the founders of Skoloff & Wolfe, PC, is a nationally recognized family law practitioner. Gary has argued many of the leading and most high-profile matrimonial cases in New Jersey, including the well-known surrogate mother case of *Baby M*. Gary has been a leader of the family law bar both in New Jersey and on the national level. He is a past Chair of the Family Law Section of the American Bar Association, and past President of

the New Jersey Chapter of the of the American Academy of Matrimonial Lawyers. He served as the Editor-in-Chief of the Family Advocate, a publication of the American Bar Association, Family Law Section.

Gary served as Chair of the Family Law Section of the New Jersey State Bar Association and as a member of the Executive Committee of that Section. He is actively involved with both the Essex and Morris County Bar Associations. He was also appointed by the Supreme Court to serve on its Family Law Committee.

Gary frequently lectures on family law topics and has repeatedly lectured for the New Jersey Institute for Continuing Legal Education.

He was an adjunct professor of Family Law at Seton Hall Law School and Rutgers Law School and has also served as the President of the Rutgers Law School Alumni Association.

Gary received the Trial Bar Award from the Trial Attorneys of New Jersey (TANJ), and has also received the prestigious Saul A. Tischler Award from the New Jersey State Bar Association Family Law Section. The Tischler is presented annually in recognition for making a substantial impact upon the development of Family Law and the legal profession.

Additionally, he has received the prestigious Clapp award from the Institute of Continuing Legal Education for his many years of service to the Institute.

Gary is listed in the Bar Register of Preeminent Lawyers and was recently named as one of New Jersey's "Super 100" Lawyers as chosen by peers and independent research.

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David is the co-host of "The Law Matters," on WMTR Radio. He serves as General Counsel to several entities and organizations, and volunteers his time to the court as an Early Settlement Panelist in both Essex and Morris Counties. David has also been designated as a "Blue Ribbon Panelist" for Morris County, is a program that assists the courts in handling more complex dissolution cases. David has been recognized as a New Jersey Super Lawyer® "Rising Star" annually from 2009-2017. In 2020, David was also selected as one of the Best Lawyers for Families, as nominated by New Jersey Family Magazine.

Admitted to practice both in New Jersey, as well as New York, he has handled matters in both states. He operates out of the firm's main New Jersey office in Westfield, and also meets clients at the firms' Summit, Red Bank and New York offices.

David is a member of the New Jersey Bar Association Family Law Section, Essex County, Morris County, as Somerset County Bar Associations, as well as the Union County Bar Association Family Law Committee. He also serves as a member of the Board of Trustees of Congregation Etz Ahaim, which, for almost 100 years, has stood as the only Sephardic Synagogue in the Middlesex, Union and Morris County areas.

Mr. Tawil received his law degree from Benjamin N. Cardozo School of Law.

We dedicate this book to Robert T. Corcoran and thank him for his contributions to this publication and his work on the interstate chapter before he untimely passing.

Robert T. Corcoran, previously of, P.C. in Hackensack, New Jersey, devoted his practice exclusively to all areas of family and matrimonial law.

Mr. Corcoran was a Fellow of the American Academy of Matrimonial Lawyers (AAML) and had served as President of its New Jersey Chapter. He was a member of the Bar Register of Preeminent Lawyers, the Association of Trial Lawyers of New Jersey and the American, New Jersey State and Bergen County Bar Associations' Family Law Sections. Mr. Corcoran had made guest appearances on television and radio, published many articles and lectured extensively on

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TABLE OF CONTENTS

CHAPTER 1 DISSOLUTION OF MARRIAGE

§ 1.1 DIVORCE.....	3
§ 1.1A Requirements	3
§ 1.1A(1) Marriage Requirement.....	3
§ 1.1A(2) Subject-Matter Jurisdiction, Residency, and Domicile.....	5
§ 1.1A(2)(a) Subject-Matter Jurisdiction Requirement.....	5
§ 1.1A(2)(b) Residency Requirements	6
§ 1.1A(2)(c) Domicile Requirement; Differences with Residency	7
§ 1.1A(2)(d) Miscellaneous Matters.....	9
§ 1.1B Analysis of the Grounds for Divorce	10
§ 1.1B(1) Fault Grounds	12
§ 1.1B(1)(a) Adultery	12
§ 1.1B(1)(b) Desertion.....	13
§ 1.1B(1)(c) Extreme Cruelty	14
§ 1.1B(1)(d) Deviant Sexual Conduct	18
§ 1.1B(2) No-Fault Grounds.....	18
§ 1.1B(2)(a) Separation	19
§ 1.1B(2)(b) Drug Addiction and Drunkenness	22
§ 1.1B(2)(c) Institutionalization for Mental Illness	24
§ 1.1B(2)(d) Imprisonment.....	25
§ 1.1B(2)(e) Irreconcilable Differences.....	26
§ 1.1C Defenses	27
§ 1.1D Waiting Periods and Accrual Times	28
§ 1.1E Divorce From Bed and Board (Limited Divorce)	28
§ 1.1F Miscellaneous Considerations	30
§ 1.1F(1) Religious Terminations.....	30
§ 1.1F(1)(a) Jewish Get	30
§ 1.1F(1)(b) Catholic Annulment	35
§ 1.1F(2) Change of Name.....	35
§ 1.1F(3) Hospitalization Insurance.....	38
§ 1.1F(4) Social Security Benefits	38
§ 1.1F(5) Realty	39
§ 1.1F(5)(a) Options and Considerations.....	39
§ 1.1F(5)(a)(1) Determining Value	39
§ 1.1F(5)(a)(2) Determining Equity of the Property	40
§ 1.1F(5)(a)(3) Conducting a Title Search	40
§ 1.1F(5)(a)(4) Determining Marital vs. Non-Marital Equity	40
§ 1.1F(5)(a)(5) The Passive Appreciation Argument.....	43
§ 1.1F(5)(b) Disposition of the Marital Residence.....	44
§ 1.1F(5)(b)(1) During the Pendency of the Action.....	45
§ 1.1F(5)(b)(2) The Distressed Real Estate Market Trap.....	46
§ 1.1F(5)(b)(3) Short Sales.....	46
§ 1.1F(5)(c) Immediate Sale vs. Deferring the Sale	48
§ 1.1F(5)(c)(1) Considerations Associated with a Deferred Sale.....	48

§ 1.1F(5)(c)(2) Value to be Applied to a Deferred Sale	49
§ 1.1F(5)(d) Common Real Estate Forms.....	50
§ 1.1F(6) Creditor’s Rights	52
§ 1.1F(7) Problem of the Recalcitrant Subsequent Spouse.....	52
§ 1.1F(8) Guardian <i>Ad Litem</i> for Litigants	53
§ 1.1F(9) Death of a Litigant Prior to Judgment.....	53
§ 1.2 ANNULMENT	54
§ 1.2A The Effect of a Judgment of Annulment	54
§ 1.2A(1) Status of Children.....	56
§ 1.2A(2) Alimony.....	56
§ 1.2A(3) Property	56
§ 1.2B Jurisdiction and Venue	57
§ 1.2C Grounds for Annulment	58
§ 1.2C(1) Prior Marriage.....	58
§ 1.2C(2) Invalid Sister State Divorce.....	60
§ 1.2C(3) Invalid Foreign Country Divorce	60
§ 1.2C(4) Prohibited Degrees of Relationship.....	61
§ 1.2C(5) Impotence	61
§ 1.2C(6) Incapacity to Consent, Duress or Fraud.....	62
§ 1.2C(7) Nonage.....	63
§ 1.2C(8) General Equity Jurisdiction	64
§ 1.2D Defenses	65
§ 1.2E Cancellation of Records	70

CHAPTER 2
CUSTODY
Eric S. Solotoff, Esq.

§ 2.1 JURISDICTION	73
§ 2.1A <i>Parens Patriae</i> Jurisdiction.....	73
§ 2.1B Statutory Jurisdiction.....	75
§ 2.2 PARENTAL CUSTODY RIGHTS	77
§ 2.2A General	78
§ 2.2B Distinctions between Sole Custody and Joint Custody.....	82
§ 2.2C Custodial Obligations and Decision Making	85
§ 2.2D <i>Pendente Lite</i> Custody	90
§ 2.3 CONSIDERATIONS IN THE AWARD OF CUSTODY.....	90
§ 2.3A General	91
§ 2.3B The Tender Years Doctrine	91
§ 2.3C Preference of the Child.....	93
§ 2.3D Religion.....	93
§ 2.3E Misconduct of the Parties	94
§ 2.3F Relations, Capabilities and Availability	95
§ 2.3G Other Considerations.....	97
§ 2.4 AGREEMENTS BETWEEN THE PARTIES	99

§ 2.5 SURROGATE PARENT CONTRACTS	99
§ 2.6 CUSTODY TO THIRD PARTIES	101
§ 2.7 PATERNITY AND MATERNITY	111
§ 2.8 PARENTING TIME	115
§ 2.8A General Considerations	115
§ 2.8B Grandparent Time with Grandchildren	123
§ 2.8C Sibling Time with Brothers and Sisters.....	131
§ 2.8D Stepparent Time with Stepchildren.....	132
§ 2.8E Parenting Time Incident to a Domestic Violence Action.....	134
§ 2.9 CUSTODIAL APPOINTMENTS, INVESTIGATIONS AND OTHER RULES.....	136
§ 2.9A R. 1:40 Complimentary Dispute Resolution (CDR) Programs	136
§ 2.9B R. 1:40-5 Mediation of Custody and Visitation Actions	136
§ 2.9C R. 5:5-6 Case Management Conferences	137
§ 2.9D R. 5:1-4 Differentiated Case Management.....	137
§ 2.9E R. 5:3-3 Appointment of Experts.....	137
§ 2.9F Different Guidelines that Custody Experts May Have to Follow in Preparing Custody Evaluations.....	138
§ 2.9G R. 5:8A Appointment of Counsel for Child and 5:8B — Appointment of Guardian <i>Ad Litem</i>	142
§ 2.9H R. 5:8-1 Investigation before Award.....	143
§ 2.9I R. 5:8-4 Filing of Reports	143
§ 2.9J R. 5:8-5 Custody and Parenting Plans, Recital and Judgment or Order.....	144
§ 2.9K R. 5:3-2 Closed Hearing; Record	144
§ 2.9L R. 5:7-8 Bifurcation	145
§ 2.9M R. 5:8-6 Trial of Custody Issue	145
§ 2.9N R. 5:3-6 Continuous Trial.....	145
§ 2.9O Arbitration of Custody Matters	145
§ 2.9P R. 5:8-2 Direction for Periodic Reports.....	148
§ 2.9Q R. 5:3-7 Remedies for Violations.....	148
§ 2.9R Parenting Coordinators.....	148
§ 2.9S Custody Neutral Assessments (CNA)	152
§ 2.10 TRYING THE CUSTODY ACTION.....	153
§ 2.10A General	153
§ 2.10B Direct Examination of a Party	156
§ 2.10C Direct Examination of a Psychiatrist.....	158
§ 2.10D Cross-Examination of a Psychiatrist	159
§ 2.10E Examination of Children	161
§ 2.10F Evidence	165
§ 2.11 REMOVAL OF CHILDREN FROM THE JURISDICTION	166
§ 2.11A The Current Law— <i>Bisbing</i>	167
§ 2.11B The <i>Baures</i> era— 2001-2017	169
§ 2.11C Pre- <i>Baures</i> Cases.....	175

§ 2.11D In-State Moves	191
§ 2.12 ENFORCEMENT OF CUSTODY AND PARENTING TIME ORDERS	191
§ 2.12A Enforcement within New Jersey	191
§ 2.12B Enforcement between States	196
§ 2.12B(1) Pre-UCCJA/UCCJEA History	198
§ 2.12B(2) UCCJA Cases	200
§ 2.12B(3) UCCJEA Cases	219
§ 2.12C Interference with Custody	225
§ 2.12D International Enforcement	228
§ 2.13 MODIFICATION	236
§ 2.14 CHANGE OF CHILD'S SURNAME	239
§ 2.15 SPECIAL IMMIGRANT JUVENILE STATUS	243

CHAPTER 3

ALIMONY AND CHILD SUPPORT

§ 3.1 GENERAL THEORY OF SUPPORT OBLIGATIONS	253
§ 3.1A Legislative History	255
§ 3.1B Alimony	259
§ 3.1B(1) History: An Economic Right	260
§ 3.1B(2) Jurisdiction	262
§ 3.1B(3) Standard for the Award; Standard of Living	262
§ 3.1B(4) Statutory Interpretation	263
§ 3.1B(5) Security for the Obligation	263
§ 3.1B(6) Relationships of Alimony with Other Forms of Economic Benefit	263
§ 3.1B(7) Marital Fault	264
§ 3.1C Support of Children	264
§ 3.1C(1) Obligations of the Parents; Nature of the Duty	265
§ 3.1C(1)(a) Standard of the Child Support Award	268
§ 3.1C(1)(b) Length of the Obligation	269
§ 3.1C(1)(c) Source of the Obligation	269
§ 3.1C(1)(d) Waiver of Rights; Children as Third-Party Beneficiaries	270
§ 3.1C(1)(e) Estate of the Child; Uniform Gifts to Minors Act	271
§ 3.1C(1)(f) Illegitimate Children and Paternity	272
§ 3.1C(2) Obligations of Others	274
§ 3.1C(2)(a) Persons Standing in <i>Loco Parentis</i>	274
§ 3.1C(2)(b) Estate of a Parent	281
§ 3.1D Indirect Forms of Support	283
§ 3.1D(1) Payments of Debts and Obligations; Necessities	283
§ 3.1D(2) Medical Insurance and Non-Covered Expenses	288
§ 3.1D(3) Life Insurance	291
§ 3.1D(3)(a) Legal Basis for Imposition of Security in the Form of a Life Insurance Obligation	293
§ 3.1D(3)(b) Verification of the Existence, Type, Amount, Loan Balance, and Beneficiary Life Insurance	299

§ 3.1D(3)(c) Insurability of the Person on Whose Life is to be Insured.....	299
§ 3.1D(3)(d) Type of Policy.....	300
§ 3.1D(3)(e) Owner of the Policy and More Security for the Beneficiary	301
§ 3.1D(3)(f) Amount of Life Insurance	301
§ 3.1D(4) Disability Insurance.....	310
§ 3.1D(5) Education Expenses.....	310
§ 3.1D(5)(a) Responsibility for Post-Secondary Education; Termination.....	310
§ 3.1D(5)(b) What Constitutes a Necessary Education; Graduate School.....	313
§ 3.1D(5)(c) Security for the Educational Responsibilities	322
§ 3.1D(5)(d) Standing to Bring an Application for Educational Expenses	322
§ 3.1D(5)(e) Hiatus of the Child from Educational Pursuits	323
§ 3.1D(5)(f) Student Loans	324
§ 3.1D(5)(g) Relationship of the Child and the Support-Paying, Noncustodial Parent.....	325
§ 3.2 JURISDICTION	328
§ 3.2A Subject Matter	328
§ 3.2A(1) During Marriage	329
§ 3.2A(2) During a Termination of Marriage and Beyond	329
§ 3.2B Jurisdiction over the Person	330
§ 3.3 FACTORS FOR ADMEASURING ALIMONY OBLIGATIONS.....	332
§ 3.3A General Marital	334
§ 3.3A(1) Duration of the Marriage.....	334
§ 3.3A(2) Age of the Parties	337
§ 3.3A(3) Health of the Parties	338
§ 3.3A(4) Social Status and Position of the Parties	339
§ 3.3A(5) Children.....	339
§ 3.3A(5)(a) Children of the Marriage.....	340
§ 3.3A(5)(b) Children of a Prior Marriage.....	340
§ 3.3A(6) Marital Fault	340
§ 3.3B Needs of the Payee and Ability of the Payor to Pay	351
§ 3.3B(1) What Constitutes Income.....	352
§ 3.3B(1)(a) Excess Earnings Used in Calculating the Value of a Business	353
§ 3.3B(1)(b) Severance Pay	354
§ 3.3B(1)(c) Capital Gains.....	354
§ 3.3B(1)(d) Imputation of Income.....	354
§ 3.3B(1)(e) Ability to Earn.....	360
§ 3.3B(1)(f) Increase in Income; Momentum of the Marriage Theory	361
§ 3.3B(1)(g) Reduction in Income	362
§ 3.3B(1)(h) Stock Options.....	362
§ 3.3B(1)(i) Fringe Benefits.....	363
§ 3.3B(1)(j) Reimbursement Expenses	363
§ 3.3B(1)(k) Income of Children	364
§ 3.3B(1)(l) Social Security and Other Governmental Benefits	364
§ 3.3B(1)(m) Income Averaging.....	367
§ 3.3B(1)(n) Whether a Financial Benefit is Income or Asset.....	367
§ 3.3B(2) What Constitutes Expenses	368
§ 3.3B(3) The Law as to Needs of the Payee and Ability of the Payor to Pay	368

§ 3.3B(3)(a) Needs of the Payee	368
§ 3.3B(3)(b) Ability of the Payor to Pay.....	369
§ 3.3C General Financial	370
§ 3.3C(1) Standard or Mode of Living	370
§ 3.3C(2) Change in Economic Position of the Payee.....	374
§ 3.3C(3) Contributions to the Marriage by the Payee	375
§ 3.3C(4) Assets of the Parties and Potential Income Thereon; Accumulation of a “Nest Egg”	376
§ 3.3C(5) Relationship with Equitable Distribution and Child Support; Double-Dipping	383
§ 3.3C(6) Debts and Obligations	387
§ 3.3C(7) <i>Pendente Lite</i> Payments.....	388
§ 3.3C(8) Tax Impact.....	389
§ 3.3D Miscellaneous Considerations.....	390
§ 3.3D(1) Public Interest.....	390
§ 3.3D(2) Payee’s Wrongful Conduct.....	390
§ 3.3D(3) Any Other Relevant Factor.....	391
§ 3.4 FACTORS FOR ADMEASURING CHILD SUPPORT OBLIGATIONS.....	391
§ 3.4A Statutory Criteria.....	391
§ 3.4B Other Considerations.....	392
§ 3.4C Child Support Guidelines	394
§ 3.4C(1) Development of the Law Under the Original Child Support Guidelines	395
§ 3.4C(2) Development of the Law Under the 1997 Revised Child Support Guidelines	403
§ 3.5 TYPES OF SUPPORT ORDERS.....	424
§ 3.5A <i>Pendente Lite</i> Support.....	424
§ 3.5B Final Support	428
§ 3.5B(1) Lump Sum Payments.....	429
§ 3.5B(2) Periodic Support	431
§ 3.5B(3) Rehabilitative Alimony.....	432
§ 3.5B(4) Limited Duration Alimony	444
§ 3.5B(5) Reimbursement Alimony.....	452
§ 3.5C Separate Maintenance.....	455
§ 3.5D Support Orders in Domestic Violence Actions.....	457
§ 3.6 TERMINATION OF SUPPORT OBLIGATIONS	457
§ 3.6A Support of Spouse	458
§ 3.6B Support of Children.....	461
§ 3.7 ENFORCEMENT OF SUPPORT OBLIGATIONS.....	468
§ 3.7A Persons Entitled to Initiate Enforcement Proceedings.....	469
§ 3.7B Courts in Which Enforcement is Cognizable.....	470
§ 3.7C Vehicles of Enforcement	470
§ 3.7D Methods of Enforcement.....	470
§ 3.7D(1) Payments through Probation	471
§ 3.7D(2) Placement “On Probation”	473
§ 3.7D(3) Periodic Payment in Reduction of Arrears.....	474

§ 3.7D(4) Fixing of Arrears; Reduction to Judgment; Interest; Execution of Judgment	474
§ 3.7D(5) Wage and Other Executions	481
§ 3.7D(6) Bench Warrants and Writs of <i>Ne Exeat</i>	489
§ 3.7D(7) Incarceration.....	492
§ 3.7D(8) Attachment and Receivers.....	493
§ 3.7D(8)(a) Attachment.....	493
§ 3.7D(8)(b) Appointment of a Receiver.....	496
§ 3.7D(9) Security for Performance; Sequestration; Trust Devices; QDROs	498
§ 3.7D(10) Money Judgment for Consequential Damages.....	504
§ 3.7D(11) Criminal Action.....	505
§ 3.7D(12) Loss of Licenses	505
§ 3.7D(13) Reporting to Agencies.....	506
§ 3.7D(14) Credit for Voluntary Payments of Other Than Direct Payments	507
§ 3.7E Interjurisdictional Enforcement.....	507
§ 3.7E(1) Interstate Enforcement.....	508
§ 3.7E(2) Interstate Enforcement Methods; URESA; RURESAs; UIFSA	509
§ 3.7E(3) Other Jurisdictions	515
§ 3.7F Defenses to Enforcement.....	516
§ 3.7G Consolidation of Enforcement Proceedings with Modification Applications	519
§ 3.8 MODIFICATION	520
§ 3.8A 2014 Statutory Amendment	520
§ 3.8A(1) Provisions of the Amendment.....	520
§ 3.8A(2) Retroactive Application.....	525
§ 3.8B Modification Parameters	531
§ 3.8B(1) Consensual Agreements for Modification.....	533
§ 3.8B(2) Retroactive Modification.....	534
§ 3.8B(2)(a) Retroactive Reduction or Vacation of Arrears.....	535
§ 3.8B(2)(b) Retroactive Increases	543
§ 3.8C <i>Lepis</i> Modifications of <i>In Futuro</i> Spousal Support.....	545
§ 3.8C(1) Historical and Substantive Development	546
§ 3.8C(2) Specific Factors or Events for Modification.....	554
§ 3.8C(2)(a) Changes That May Affect Parties	554
§ 3.8C(2)(a)-1 Changes in Custodial Arrangements.....	554
§ 3.8C(2)(a)-2 Children’s Post-Secondary Education	554
§ 3.8C(2)(a)-3 Removal of Children from New Jersey	556
§ 3.8C(2)(a)-4 Changes in the Cost of Living	556
§ 3.8C(2)(a)-5 Changes in Health.....	557
§ 3.8C(2)(a)-6 Unrealized Contingencies in Property Distributions	558
§ 3.8C(2)(a)-7 Counsel Fees Incurred in Other Actions.....	558
§ 3.8C(2)(a)-8 Bankruptcy.....	560
§ 3.8C(2)(b) Those Changes Which are Specific to the Payor	560
§ 3.8C(2)(b)-1 Voluntary Changes in Payor’s Income.....	560
§ 3.8C(2)(b)-1(a) Pre-2014 Statutory Amendment Case Law.....	560
§ 3.8C(2)(b)-1(b) 2014 Statutory Amendment	575
§ 3.8C(2)(b)-2 Involuntary Changes in Payor’s Income	583
§ 3.8C(2)(b)-2(a) Pre-2014 Statutory Amendment Case Law.....	583
§ 3.8C(2)(b)-2(b) 2014 Statutory Amendment	586

§ 3.8C(2)(b)-3 Subsequent Increase in Payor’s Income or Assets	588
§ 3.8C(2)(b)-4 Receipt of Pension Benefits by Payor not Occasioned by Early Retirement.....	592
§ 3.8C(2)(b)-5 Implications of Subsequent Families.....	595
§ 3.8C(2)(c) Those Changes Which are Specific to the Payee:	600
§ 3.8C(2)(c)-1 Changes in the Payee’s Needs	600
§ 3.8C(2)(c)-2 Subsequent Employment or Increased Earnings or Assets of the Payee	601
§ 3.8C(2)(c)-3 Cohabitation of the Payee	604
§ 3.8C(2)(c)-3(a) Pre-2014 Statutory Amendment Case Law	605
§ 3.8C(2)(b)-3(b) 2014 Statutory Amendment	612
§ 3.8C(3) Miscellaneous Modification Considerations	615
§ 3.8C(3)(a) Applicability of the Child Support Guidelines.....	615
§ 3.8C(3)(b) Procedural Considerations	615
§ 3.8C(3)(c) Anti- <i>Lepis</i> Provisions.....	623
§ 3.8C(3)(c)-1 Modification Moratorium	624
§ 3.8C(3)(c)-2 Automatic Modification; Escalation Clauses.....	625
§ 3.8C(3)(c)-3 Non-Modifiability Clauses (Anti- <i>Lepis</i> Clauses)	634
§ 3.8C(3)(d) Anti- <i>Gayet</i> Provisions (Payee’s Cohabitation Terminating Alimony)	639
§ 3.8C(3)(e) <i>Crews</i> Adjustments of <i>In Futuro</i> Support.....	646
§ 3.8C(3)(f) Modification of Other Types of Alimony.....	653
§ 3.8C(3)(f)-1 Modification of Rehabilitative Alimony	653
§ 3.8C(3)(f)-2 Modification of Reimbursement Alimony	655
§ 3.8C(3)(f)-3 Modification of Lump Sum Payments	656
§ 3.8C(3)(g) Alimony Awarded Where Equitable Distribution Falls.....	656

VOLUME 2

CHAPTER 4 EQUITABLE DISTRIBUTION

§ 4.1 INTRODUCTION TO EQUITABLE DISTRIBUTION.....	663
§ 4.1A Legislative History	663
§ 4.1A(1) Divorce Reform Act	664
§ 4.1A(2) Subsequent Amendments	664
§ 4.1B Definition of Equitable Distribution	666
§ 4.1C Constitutionality	667
§ 4.2 THEORY OF EQUITABLE DISTRIBUTION	668
§ 4.3 ACTIONS IN WHICH OR AFTER WHICH EQUITABLE DISTRIBUTION IS COGNIZABLE	673
§ 4.3A New Jersey Judgment of Absolute Divorce.....	673
§ 4.3B New Jersey Judgment of Limited Divorce or Separation of a Partner to a Civil Union.....	673
§ 4.3C Foreign Divorce Action.....	675

§ 4.3D	Entry into Interspousal Agreement	678
§ 4.3E	Post-Divorce Litigation	680
§ 4.4	JURISDICTION AND POWER OF A COURT TO AFFECT PROPERTY.....	680
§ 4.4A	Property within Territorial Jurisdiction of the Divorce Court	680
§ 4.4B	Property Outside of Jurisdiction of the Divorce Court.....	680
§ 4.4B(1)	New Jersey Property	681
§ 4.4B(2)	Foreign Property	682
§ 4.4C	Conflicts of Laws	682
§ 4.5	ELEMENTAL ANALYSIS OF THE STATUTORY LANGUAGE.....	682
§ 4.5A	Property	683
§ 4.5B	Acquired Legally and Beneficially.....	684
§ 4.5C	During the Marriage	687
§ 4.5C(1)	Commencement of the Marriage	687
§ 4.5C(2)	Termination Date	688
§ 4.5D	After the Marriage.....	697
§ 4.6	ELIGIBILITY OF IMMUNE ASSETS	698
§ 4.6A	Pre-Marital Property; In Contemplation of Marriage	699
§ 4.6A(1)	Where Marriage Follows.....	699
§ 4.6A(2)	Where Marriage does not Follow	705
§ 4.6B	Post-Marital Property	707
§ 4.6C	Gratuitous Transfers; Transfers During Separation	708
§ 4.6C(1)	Gratuitous Transfers	708
§ 4.6C(2)	Transfers During Separation.....	714
§ 4.6D	Changes in Immune Assets	715
§ 4.6D(1)	Income Therefrom and Accretions Thereto	715
§ 4.6D(2)	Ineligible Conversions.....	716
§ 4.6D(3)	Eligible Conversions	718
§ 4.6D(4)	Incremental Changes; Appreciation; Contributions by the Non-Owner	720
§ 4.7	ELIGIBILITY OF PARTICULAR ASSETS FOR DISTRIBUTION.....	725
§ 4.7A	Realty	725
§ 4.7A(1)	Recreational Property	726
§ 4.7A(2)	Investment Property	726
§ 4.7A(3)	The Marital Residence.....	727
§ 4.7B	Personal Property and Rights	734
§ 4.7B(1)	Household Furnishings and Other Personal Items	734
§ 4.7B(2)	Personal Injury Awards and Workers' Compensation Claims	736
§ 4.7C	Personal Financial Interests.....	741
§ 4.7C(1)	Insurance Annuities and Cash Value.....	741
§ 4.7C(2)	Personal Accounts Receivable.....	742
§ 4.7C(3)	Bank Accounts and Other Institutional Deposits	742
§ 4.7C(4)	Securities	742
§ 4.7C(5)	Trusts	743
§ 4.7C(6)	Tax Shelters	744
§ 4.7C(7)	Debts and Obligations	745
§ 4.7C(8)	Joint Tax Returns.....	747

§ 4.7C(9) Tax Exemptions.....	749
§ 4.7C(10) Gambling and Lottery Winnings	750
§ 4.7D Employment-Related Assets	750
§ 4.7D(1) Earnings, Earning Capacity, and Professional Degrees and Licenses.....	750
§ 4.7D(2) Employee Retirement Plans	754
§ 4.7D(2)(a) Subjectability to Equitable Distribution.....	757
§ 4.7D(2)(b) Enhancements Thereon.....	773
§ 4.7D(2)(c) Timing of the Entitlement.....	775
§ 4.7D(2)(d) Beneficiary Status and Survivor Benefits.....	776
§ 4.7D(2)(e) Federal Retirement Plans	778
§ 4.7D(2)(f) Federal Social Security Benefits	780
§ 4.7D(2)(g) Other ERISA Plans	782
§ 4.7D(2)(h) Individual Retirement Accounts.....	783
§ 4.7D(2)(i) New Jersey State Plans.....	783
§ 4.7D(3) Other Benefits and Emoluments.....	783
§ 4.7E Business Interests	789
§ 4.7E(1) Form of Interest	790
§ 4.7E(2) Types of Business Endeavors	790
§ 4.8 FACTORS FOR DETERMINING EQUITABLE DISTRIBUTION.....	791
§ 4.8A Specific Statutory Factors	795
§ 4.8A(1) Duration of Marriage.....	795
§ 4.8A(2) Age and Health of the Parties.....	796
§ 4.8A(3) Pre-Marital and the Property or Liabilities that Each Party Brought into the Marriage	797
§ 4.8A(4) Standard of Living.....	798
§ 4.8A(5) Agreements Between the Parties	799
§ 4.8A(6) Circumstances of the Parties Upon Distribution	799
§ 4.8A(7) Employment, Earnings and Income of the Parties	800
§ 4.8A(8) Contributions of One Party to the Other’s Education, Training or Earnings Power.....	802
§ 4.8A(9) Contributions of the Parties Toward Marital Property Including as a Homemaker	803
§ 4.8A(10) Tax Consequences; Hypothetical Taxes.....	804
§ 4.8A(11) Ownership and Value of Property Including Separate Property	806
§ 4.8A(12) The Need of a Custodial Parent to Own or Occupy the Marital Residence	807
§ 4.8A(13) Debts and Liabilities of the Parties; Third-Party Gifts	807
§ 4.8A(14) Trust Devices.....	812
§ 4.8A(15) The “Catch-All”.....	813
§ 4.8A(15)(a) Background and Education of the Parties	814
§ 4.8A(15)(b) Second Marriages	814
§ 4.8A(15)(c) Number and Age of Children.....	814
§ 4.8A(15)(d) Death of the Receiving Spouse.....	815
§ 4.8A(15)(e) Fault Grounds of Divorce	815
§ 4.8A(15)(f) Viability of the Marriage; Quality of the Marriage	817
§ 4.8A(15)(g) Non-Financial Contributions	818
§ 4.8A(15)(h) Interspousal Gifts.....	820
§ 4.8A(15)(i) Third-Party Gratuitous Transfers.....	820

§ 4.8A(15)(j) Living Together Without Benefit of Marriage; Tacking	820
§ 4.9 VALUATION OF ASSETS	821
§ 4.9A Date for Valuation.....	822
§ 4.9A(1) Development of the Law up to <i>Scavone</i>	822
§ 4.9A(2) The <i>Scavone</i> Categorizations	825
§ 4.9A(2)(a) Passive, Immune Assets in One Name.....	827
§ 4.9A(2)(b) Active Immune Assets in One Name.....	827
§ 4.9A(2)(c) Assets in One Name Acquired in Contemplation of Marriage	827
§ 4.9A(2)(d) Passive Joint Assets Acquired During Marriage	828
§ 4.9A(2)(e) Active Joint Assets Acquired During Marriage.....	828
§ 4.9A(2)(f) Active Assets Acquired During Marriage in One Name.....	828
§ 4.9A(2)(g) Passive Assets Acquired During Marriage in One Name.....	828
§ 4.9B Methods and Criteria of Valuation.....	830
§ 4.9C Business Valuations	831
§ 4.9C(1) Methods of Valuation	833
§ 4.9C(1)(a) Capitalization of Earnings	833
§ 4.9C(1)(b) Comparison with Public Businesses	834
§ 4.9C(1)(c) Adjusted Book Value	834
§ 4.9C(2) Use of Revenue Ruling 59-60	835
§ 4.9C(2)(a) Nature and History of the Business.....	836
§ 4.9C(2)(b) Economic Outlook	836
§ 4.9C(2)(c) Book Value and Financial Condition.....	837
§ 4.9C(2)(d) Goodwill or Other Intangible Value	839
§ 4.9C(2)(e) Earning Capacity	848
§ 4.9C(2)(f) Dividend-Paying Capacity.....	848
§ 4.9C(2)(g) Size of the Block to Be Valued.....	848
§ 4.9C(2)(h) Market Price of Stocks of Similar Businesses	854
§ 4.9C(2)(i) Agreements Between Principals	855
§ 4.9C(2)(j) Accounts Receivable.....	856
§ 4.9C(3) Types of Business	857
§ 4.9C(3)(a) Professional Practices.....	857
§ 4.9C(3)(b) Celebrities	864
§ 4.9C(3)(c) Other Business Endeavors.....	866
§ 4.9C(4) Realty Valuation	868
§ 4.9C(5) Pensions	872
§ 4.9C(6) Marketable Securities	898
§ 4.9C(7) Other Personalty	898
§ 4.10 METHODS OF DISTRIBUTION OF ELIGIBLE ASSETS.....	900
§ 4.10A Cash Payment.....	901
§ 4.10B Deferred Payment and/or Benefit Sharing	901
§ 4.10B(1) Division of Employment-Related Benefits Prior to the Retirement Equity Act of 1984	905
§ 4.10B(2) Division of Employment-Related Benefits After the Retirement Equity Act of 1984; Qualified Domestic Relations (Court) Orders (QDROs).....	906
§ 4.10C Distribution in Kind	913
§ 4.10D Offsetting Assets and Credits.....	917

§ 4.10E Liquidation of Assets.....	920
§ 4.10F Mixed or Hybrid Methods of Distribution.....	920
§ 4.11 TRANSFERS PRIOR TO TRIAL	920
§ 4.11A Unilateral Dissipations; Incurring or the Payment of Debts	920
§ 4.11B <i>Pendente Lite</i> Sales	925
§ 4.12 ENFORCEMENT	930
§ 4.12A Security for Performance	930
§ 4.12B Awarding of Interest.....	932
§ 4.12C Post-Judgment Sale of Assets	932
§ 4.12D Appointment of a Receiver	934
§ 4.12E Entry of Judgment	934
§ 4.13 THIRD-PARTY EXECUTIONS.....	935
§ 4.14 POST-JUDGMENT CHANGES IN CIRCUMSTANCES	941
§ 4.14A Modification.....	941
§ 4.14B Relief from Judgment.....	941
§ 4.14C Death of a Party After Judgment.....	942

CHAPTER 5

MATRIMONIAL DOCUMENTS

§ 5.1 GENERAL CONSIDERATIONS	949
§ 5.1A Implications for the Attorney.....	949
§ 5.1B Extent of the Parties' Ability to Contract; Third-Party Beneficiaries.....	951
§ 5.1B(1) Whether General Principles of Contract Law Apply	951
§ 5.1B(2) Third-Party Beneficiaries	953
§ 5.1B(3) Contractual Freedom and Limitations Thereon.....	954
§ 5.2 COURTS IN WHICH AGREEMENTS ARE COGNIZABLE.....	959
§ 5.3 VALIDITY OF AGREEMENTS	959
§ 5.3A Express Contracts	963
§ 5.3A(1) Contractual Formation.....	963
§ 5.3A(1)(a) Contractual Intent	964
§ 5.3A(1)(b) Offer and Acceptance.....	964
§ 5.3A(1)(c) Consideration	967
§ 5.3A(1)(d) Illusory Agreements	968
§ 5.3A(1)(e) The Law as a Silent Factor	969
§ 5.3A(1)(f) Meeting of the Minds.....	969
§ 5.3A(1)(g) Conditions Precedent.....	970
§ 5.3A(1)(h) Integrated Agreements	970
§ 5.3A(1)(i) Miscellaneous Matters	972
§ 5.3A(2) Construction and Interpretation	972
§ 5.3A(2)(a) Construction of an Agreement as a Whole.....	972
§ 5.3A(2)(b) General Rules of Construction and Interpretation	973
§ 5.3A(2)(c) Construction of Contractual Terms	978

§ 5.3A(2)(d) Covenant of Good Faith and Fair Dealing	979
§ 5.3A(2)(e) Miscellaneous Matters.....	983
§ 5.3B Contracts Implied-in-Fact and Quasi-Contracts (Implied-in-Law).....	983
§ 5.3C Choice of Laws	987
§ 5.3D Representation by Attorneys; Inadequacy of Attorneys	989
§ 5.3E Particular Clauses.....	992
§ 5.3E(1) Matrimonial Clauses.....	993
§ 5.3E(1)(a) Cohabitation Clauses.....	993
§ 5.3E(1)(b) Standards for Modification Clauses.....	993
§ 5.3E(1)(c) Testamentary Disposition and Life Insurance Clauses	993
§ 5.3E(1)(d) Educational Clauses	993
§ 5.3E(1)(e) Custody Clauses	994
§ 5.3E(1)(f) Knowledge of the Facts and Voluntary Entry	994
§ 5.3E(1)(g) Sale of the Marital Residence	994
§ 5.3E(2) General Contract Clauses	995
§ 5.3E(2)(a) Total Invalidity Clauses.....	995
§ 5.3E(2)(b) Forfeiture Clauses; Stipulated Damages.....	995
§ 5.3E(2)(c) Time Limitation Clauses	996
§ 5.3E(2)(d) “As Is” Clauses.....	996
§ 5.3E(2)(e) Pre-Litigation Clauses	996
§ 5.3E(2)(f) Anti-Assignment Clauses	997
§ 5.3E(2)(g) Indemnity and Hold Harmless Clauses	997
§ 5.3E(2)(h) Waiver, Release and Exculpation Clauses; <i>Force Majeure</i> Clauses	999
§ 5.3E(2)(i) Forum Selection Clauses (<i>Forum Non Conveniens</i> Clauses)	1001
§ 5.3E(2)(j) Headings Clause.....	1002
§ 5.3E(2)(k) Exculpatory Clause	1003
§ 5.3E(2)(l) <i>Contra Proferentem</i> Clauses.....	1003
§ 5.3E(2)(m) Subject Matter Jurisdiction.....	1003
§ 5.4 CLASSIFICATION OF FAMILY-TYPE AGREEMENTS	1004
§ 5.4A Non-Matrimonial Partnership Agreements.....	1005
§ 5.4B Pre-Marital Agreements	1006
§ 5.4C Reconciliation and Mid-Marriage Agreements.....	1017
§ 5.4C(1) Reconciliation Agreements	1017
§ 5.4C(2) Mid-Marriage Agreements.....	1018
§ 5.4D Interspousal Agreements	1020
§ 5.4D(1) Agreements During Marriage	1020
§ 5.4D(2) Marital Termination Agreements	1020
§ 5.4E Other Types of Agreements	1023
§ 5.5 FORMS OF AGREEMENTS	1023
§ 5.5A Drafting Considerations	1023
§ 5.5B Standard Provisions	1025
§ 5.5C Execution of Agreements.....	1025
§ 5.6 SETTING AGREEMENTS ASIDE	1026
§ 5.6A Grounds for Relief	1028
§ 5.6A(1) Matrimonial Grounds	1029
§ 5.6A(2) Contractual Grounds.....	1038

§ 5.6A(3) Other Grounds.....	1045
§ 5.6B Timing of the Assertion of Grounds.....	1045
§ 5.6B(1) Unincorporated Agreements	1045
§ 5.6B(2) Agreements Incorporated into a New Jersey Judgment of Divorce.....	1046
§ 5.6B(3) Agreements Incorporated into a Foreign Judgment of Divorce	1048
§ 5.6B(3)(a) Sister States Judgments.....	1048
§ 5.6B(3)(b) Foreign Country Judgments	1051
§ 5.7 REMEDIES.....	1051
§ 5.7A Avoidance (Excuse from Performance).....	1052
§ 5.7B Reformation.....	1053
§ 5.7C Rescission.....	1055
§ 5.8 ENFORCEMENT	1058
§ 5.9 MODIFICATION.....	1063
§ 5.9A Support Provisions.....	1064
§ 5.9B Property Provisions.....	1065
§ 5.10 EFFECT OF RECONCILIATION	1073

CHAPTER 6 COUNSEL FEES AND COSTS

§ 6.1 INTRODUCTION.....	1079
§ 6.2 FEE ARRANGEMENTS WITH AND COLLECTION OF FEES FROM CLIENTS.....	1079
§ 6.2A Types of Agreements	1080
§ 6.2A(1) Contingent Fee Arrangements.....	1080
§ 6.2A(2) Flat Fee Arrangements	1083
§ 6.2A(3) Hourly Fee Arrangements; Fixed Fee Services	1084
§ 6.2A(4) Flat Fee Plus Excess Time	1084
§ 6.2A(5) Per Service Agreement.....	1085
§ 6.2A(6) Special Arrangements; Premium Billing; Bonuses.....	1085
§ 6.2B Amount of the Fee.....	1086
§ 6.2C Retainer Agreements	1088
§ 6.2D The Statement of Services.....	1095
§ 6.2E Methods of Voluntary Payment.....	1095
§ 6.2F Methods of Involuntary Collection.....	1097
§ 6.2F(1) Retaining or General Liens	1097
§ 6.2F(2) Charging or Special Lien or Common Law Liens	1098
§ 6.2F(3) Notices of <i>Lis Pendens</i>	1101
§ 6.2F(4) Prerequisite Notice to the Client	1101
§ 6.2F(5) Recovery Under <i>Quantum Meruit</i>	1102
§ 6.2F(6) Separate Actions for Fees.....	1104
§ 6.2F(7) Relief in the Matrimonial Litigation	1106
§ 6.2F(7)(a) Where the Attorney has Previously been Relieved as Attorney of Record	1106
§ 6.2F(7)(b) Where the Attorney is Attorney of Record	1111

§ 6.2F(8) Fee Arbitration	1117
§ 6.2F(9) Enforcement of a Judgment for Fees.....	1119
§ 6.2F(10) Enforcement of an Order for Fees.....	1120
§ 6.2F(11) Counsel Fees in Counsel Fee Litigation.....	1120
§ 6.3 COUNSEL FEE AWARDS FROM OTHER PARTIES.....	1121
§ 6.3A Counsel Fee Applications Pursuant to <i>R. 4:42-9(a)(1)</i> , <i>R. 5:3-5(c)</i> , and <i>N.J.S.A.</i> 2A:34-23	1126
§ 6.3A(1) Actions in Which Fee Awards are Allowable	1128
§ 6.3A(1)(a) Matrimonial Actions.....	1129
§ 6.3A(1)(b) Domestic Violence Actions.....	1129
§ 6.3A(1)(c) Paternity Actions	1130
§ 6.3A(1)(d) Cases between Unmarried Cohabitants.....	1130
§ 6.3A(2) Parties for Whom and Against Whom an Award May be Made.....	1130
§ 6.3A(3) Standards for an Award	1131
§ 6.3A(4) Scope of the Award	1132
§ 6.3A(5) Determining the Fee; Factors to be Considered	1134
§ 6.3A(5)(a) The Lodestar	1135
§ 6.3A(5)(a)-1 Calculation of the Fee	1138
§ 6.3A(5)(a)-2 Time Expended	1138
§ 6.3A(5)(a)-3 Hourly Rate.....	1139
§ 6.3A(5)(a)-4 Success Achieved.....	1140
§ 6.3A(5)(a)-5 Development of Case Law.....	1141
§ 6.3A(5)(b) Equitable Considerations; Conduct of the Parties (Good Faith-Bad Faith).....	1151
§ 6.3A(6) <i>Pendente Lite</i> Fees.....	1162
§ 6.3A(7) Procedure.....	1163
§ 6.3A(8) Enforcement	1166
§ 6.3B Other Sources of Counsel Fee Awards	1167
§ 6.3B(1) Frivolous Claims Statute	1167
§ 6.3B(2) Miscellaneous Sources.....	1178
§ 6.3C Agreements to Pay Counsel Fees	1181
§ 6.3D Security for Payment.....	1182
§ 6.3E Return of Counsel Fee Award Payments.....	1183
§ 6.4 MISCELLANEOUS CONSIDERATIONS.....	1183
§ 6.4A Costs.....	1183
§ 6.4B Appeals.....	1185
§ 6.4C Fee Splitting	1187
§ 6.4D Modification.....	1188
§ 6.4E Malpractice Cases.....	1188
§ 6.4F Fees to Experts and other Third-Parties	1189

CHAPTER 7
BASIC TAX RULES AND THEIR APPLICATION
Christopher W. Hliboki, Esq.

§ 7.1 INTRODUCTION	1193
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§ 7.1A Legislative History	1193
§ 7.1B Nomenclature	1194
§ 7.2 PROPERTY DIVISION AND TRANSFERS	1197
§ 7.2A Legislative Background	1197
§ 7.2B Relevant Property Transfer Rules.....	1198
§ 7.2B(1) Non-Taxable Transfers.....	1199
§ 7.2B(1)(a) Non-Recognition of Gain or Loss	1199
§ 7.2B(1)(b) Carryover Basis	1199
§ 7.2B(1)(c) Incident to Divorce	1200
§ 7.2B(1)(d) Non-Resident Alien.....	1201
§ 7.2B(1)(e) Negative Basis Property	1201
§ 7.2B(1)(f) Transfers on Behalf of a Spouse.....	1201
§ 7.2B(1)(g) Effective Dates	1202
§ 7.2B(2) Amendments and Modifications	1203
§ 7.2B(3) Annulments.....	1203
§ 7.2B(4) Hypothetical Deferred Taxes	1204
§ 7.2B(5) Changes to the Capital Gains Tax Rates	1204
§ 7.2B(6) First Refusal Right	1206
§ 7.2B(7) Interest Deduction.....	1206
§ 7.2B(8) Mortgage Interest.....	1207
§ 7.2B(9) Imputed Interest.....	1207
§ 7.2B(10) Investment Credit Recapture.....	1208
§ 7.2B(11) Individual Retirement Account Transfers	1209
§ 7.2B(12) Retirement Plans	1209
§ 7.2B(13) Stock Redemptions.....	1211
§ 7.2B(14) Tax Return Liability	1212
§ 7.2B(15) Innocent Spouse Relief	1213
§ 7.2B(15)(a) Innocent Spouse Election Relief	1213
§ 7.2B(15)(b) Separate Liability Election Relief.....	1214
§ 7.2B(15)(c) Equitable Relief.....	1215
§ 7.2B(15)(d) IRS Notice 2011-70 – Expanded Time Period to Request Equitable Relief	1216
§ 7.2B(15)(e) Procedure of Obtaining Relief	1217
§ 7.2B(15)(f) Jurisdiction and Stay of Collection.....	1217
§ 7.2B(15)(g) Conclusion	1217
§ 7.2B(16) Tax Shelters	1217
§ 7.2B(17) Qualified Business Income Deduction	1218
§ 7.2C Practical Applications	1218
§ 7.2C(1) Practice Tips	1219
§ 7.2C(2) Practice Examples	1220
§ 7.2C(2)(a) Deferred Equitable Distribution Payments	1220
§ 7.2C(2)(b) Real Estate	1221
§ 7.2C(2)(c) Retirement Plans	1225
§ 7.2C(2)(d) Stock Options.....	1226
§ 7.3 ALIMONY OR SEPARATE MAINTENANCE PAYMENTS	1226
§ 7.3A Legislative Background.....	1226
§ 7.3B Basic Alimony Rules under the DTRA	1228

§ 7.3B(1) Separate Households	1228
§ 7.3B(2) Death of Payee	1229
§ 7.3B(3) Payments are Not for Child Support.....	1229
§ 7.3B(4) Nontaxable Payments	1230
§ 7.3B(5) Excess Payment Recapture	1230
§ 7.3B(6) Drafting Agreements to Avoid Recapture	1233
§ 7.3B(7) Amendments and Modifications	1234
§ 7.3C Practical Applications.....	1234
§ 7.3C(1) <i>Pendente Lite</i> Orders.....	1236
§ 7.3C(1) Cohabitation	1238
§ 7.4 DEPENDENCY EXEMPTION CLAIM	1238
§ 7.4A Legislative Background.....	1238
§ 7.4B Relevant Dependency Exemption Rules.....	1240
§ 7.4B(1) Custodial Parent Rule	1240
§ 7.4B(2) Exceptions to the Custodial Parent Rule	1241
§ 7.4B(2)(a) Custodial Parent Release	1241
§ 7.4B(2)(b) Multiple Support Agreement	1241
§ 7.4B(3) Phase-Out and Elimination of Personal Exemptions.....	1241
§ 7.4B(4) Medical Expense Deduction.....	1242
§ 7.4B(5) Kiddie Tax	1242
§ 7.4B(6) Effective Dates	1243
§ 7.4C Practical Applications.....	1243
§ 7.4C(1) Practice Tips.....	1243
§ 7.4C(2) Practice Example.....	1243
§ 7.4C(2)(a) Tax Benefit Allocation	1244
§ 7.4C(2)(b) Changed Circumstances	1244
§ 7.4C(2)(c) Custodial Parent Change.....	1245
Table of Authorities.....	1247
Index	1327