

YUDES FAMILY LAW CITATOR
FALL 2014 SUPPLEMENT

VOLUME I

CHAPTER 1

ALIMONY

I. GENERAL ALIMONY CASES

***Gnall v. Gnall*, 432 N.J. Super. 129 (App. Div. 2013)**

In *Gnall v. Gnall*, N.J. Super (App. Div. 2013) the parties had been married for thirteen years and had three children aged fourteen, thirteen, and eleven. The wife, who had earned a top salary of \$115,000, stopped working six years into the marriage to raise the parties' children. The husband's income had risen meteorically during the marriage, from \$510,000 in 2005 to \$2,100,000 in 2010. Facts matter when a court is exercising its discretion and the husband's income in this matter was certainly rarified. However, the decision of the Appellate Division in determining that the wife was entitled to permanent alimony is important and has broad application. In considering the type of alimony to be awarded in this matter, the Appellate Court first looked to the currently existing statute, N.J.S.A. 2A: 34-23b, which sets forth the factors the court is to consider in molding an alimony award, specifically:

- (1) The actual needs and ability of the parties to pay;
- (2) The duration of the marriage or civil union;
- (3) The age and 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 employment;
- (9) The history of financial or non-financial contributions to the marriage or civil union;
- (10) The equitable distribution of property;
- (11) The income available to either party through investments or assets;
- (12) The tax consequences of alimony; and
- (13) Any other factor.

The court indicated that all these factors needed to be weighed by a trial court in forming an alimony award. In looking at the statutory factors, the Appellate Court recognized that the length of the marriage is the "significant determining factor" and the "defining distinction" in deciding between limited duration and permanent alimony. In rendering its decision, the court found that a fifteen year marriage was not one of short duration and that permanent alimony is not limited to marriages of twenty years or more. Here, where the wife would not be able to

attain the lifestyle created by the parties during the marriage without the benefit of economic assistance from the husband, a right to permanent alimony was created.

III. DURATION OF ALIMONY AWARDS

(a) Generally

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- (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 employment;
- (9) The history of financial or non-financial contributions to the marriage or civil union;
- (10) The equitable distribution of property;
- (11) The income available to either party through investments or assets;
- (12) The tax consequences of alimony; and
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(b) Limited Duration/Term Alimony

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