

SENATE, No. 1494

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Senators MARTIN, PALAIA, Ewing and Cafiero

1 AN ACT concerning alimony and amending N.J.S.2A:34-25.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

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

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

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

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

25 Nothing in this act shall be construed to prohibit a court from
26 ordering either spouse to maintain life insurance for the protection of
27 the former spouse or the children of the marriage in the event of the
28 payer spouse's death.

29 (cf: P.L.1988, c.153, s.7)

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31 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

STATEMENT

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This bill amends N.J.S.2A:34-25 to provide that a former spouse who remarries while receiving permanent alimony would be required to inform the payor spouse of the remarriage.

The bill would require the former spouse to "promptly" inform the payor spouse and provide notification to any collecting agency . The bill does not set a specific time that notice must be given e.g. "within 30 days of the remarriage", since the term "promptly" offers a reasonable guideline.

Under the provisions of the bill the court may require an alimony recipient who fails to comply with this notification provision to pay any reasonable attorney fees and court costs incurred by the payor spouse as a result of such non-compliance.

This bill embodies Recommendation 16 of the report of the Commission to Study the Laws of Divorce, issued April 18, 1995.

Requires notification of re-marriage by ex-spouse receiving alimony.