

2A:34-25

LEGISLATIVE HISTORY CHECKLIST

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(Alimony - remarriage)

NJSA: 2A:34-25

LAWS OF: 1997 CHAPTER: 301

BILL NO: A79

SPONSOR(S): Kavanugh

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY:
SENATE: Women's Issues

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
First reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 24, 1997
SENATE: December 11, 1997

DATE OF APPROVAL: January 8, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: No

974.90 New Jersey. Commission To Study The Law of Divorce.
M359 Report...April 18, 1995. Trenton, 1995.
1995a [see recommendation #16 -- 0.41]

974.90 New Jersey. Commission To Study The Law of Divorce.
M359 Preliminary report... March 15, 1995. Trenton, 1995.
1995 [see recommendation #16 -- p. 51]

974.90 New Jersey. Commission to Study the Law of Divorce.
M359 Public meeting, held 3-31-94. Trenton, 1994.
1994

KBP:pp

P.L. 1997, CHAPTER 301, *approved January 8, 1998*
Assembly, No. 79 (*First Reprint*)

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 ¹[immediately] promptly¹ so inform the spouse
12 paying permanent alimony ¹as well as the collecting agency, if any¹.
13 The court ¹[shall] may¹ order ¹[an]such¹ alimony recipient who fails
14 to comply with the notification provision of this act to pay any
15 ¹reasonable¹ attorney fees and court costs incurred by the recipient's
16 former spouse as a result of such 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)

30

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted June 10, 1996.

- 1 _____
- 2
- 3 Requires notification of re-marriage by ex-spouse receiving alimony.

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 immediately inform the payor spouse of the remarriage. Under the bill, the court would be required to order an alimony recipient who fails to comply with this notification provision to pay any attorney fees and court costs incurred by the payor spouse as a result of such non-compliance.

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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.

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 79

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KAVANAUGH, Assemblywoman CRECCO,
Senators Martin, Ewing and Cafiero

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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

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1 payer spouse's death.
2 (cf: P.L.1988, c.153, s.7)

3

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

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 79

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 79

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 committee amended the bill to modify the language of the bill to require the former spouse to "promptly" inform the payor spouse rather than "immediately" and included notification to any collecting agency . The committee declined to set a specific time that notice must be given e.g. "within 30 days of the remarriage" but felt that "promptly" offered a reasonable guideline. The use of "immediately" may have conveyed a sense that the notice had to follow immediately upon the second ceremony.

Under the provisions of the bill as introduced the court would be required to order an alimony recipient who fails to comply with this notification provision to pay any attorney fees and court costs incurred by the payor spouse as a result of such non-compliance. The committee amendments make this provision permissive and clarify that the attorney fees must be reasonable.

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

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

[First Reprint]
ASSEMBLY, No. 79

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 1996

The Senate Women's Issues, Children and Family Services Committee favorably reports Assembly Bill No. 79 (1R).

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 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.

This bill is identical to Senate Bill No. 1494, sponsored by Senators Martin and Palaia, which was also released by this committee on November 18, 1996.