

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 685**

## **STATE OF NEW JERSEY**

DATED: FEBRUARY 6, 2012

The Assembly Judiciary Committee reports favorably Assembly Bill No. 685.

This bill amends N.J.S.A.2A:34-23, concerning child support and alimony, to provide that child support or alimony payments may be modified if the obligor's income is diminished due to unemployment, temporary disability or similar circumstances.

*Child support modification.* The bill would amend subsection a. of N.J.S.A.2A:34-23 to allow the court to modify child support payments based upon changed circumstances, which may include a diminishment of the obligor's income due to unemployment, temporary disability or similar circumstances for a period lasting longer than six months, unless the court determines that such diminution in income was deliberately incurred by the obligor in order to evade such support obligation or that the obligor has failed to make reasonable efforts to secure alternative employment.

*Alimony payment modification.* The bill would amend subsections c. and d. of N.J.S.A.2A:34-23 concerning permanent alimony, limited duration alimony, and rehabilitative alimony to clarify when a modification of these types of alimony may be made. The bill would not authorize the modification of reimbursement alimony.

The bill provides that the court may modify an award of permanent, limited duration, or rehabilitative alimony based either upon changed circumstances, which may include a diminishment of the obligor's income due to unemployment, temporary disability or any other similar circumstance for a period lasting longer than six months, or upon the nonoccurrence of circumstances that the court found would occur at the time of the award. Under the bill, modification of a child support or alimony award would not occur if the court determines that such diminution in income was deliberately incurred by the obligor in order to evade the child support or alimony obligation or that the obligor has failed to make reasonable efforts to secure alternative employment.

This bill was prefiled for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.