

## **New Jersey Sees Reduction in Divorce Filings But Surge in Alimony and Child Support Modifications**

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*New Jersey has reported a decline in initial divorce filings. Speculators and surveys are indicating that this may be the result of the downturn in the economy. Modifications for both alimony and child support have surged for the same reason.*

The national divorce rate has been quoted to be over 50% at this point. Is it possible, though, that the reason New Jersey initial divorce filings are down this year is because couples have become more willing to work out their differences than file for divorce? Maybe so, but speculators and surveys are stating there is a different reason - the economic downturn.

The traditional cost to separate and divorce can be quite high. First off, there is the cost of maintaining two households as opposed to one on the same total income. Second, there is the cost of splitting assets and assigning child support payments. This can be an overwhelming and impossible expense when the reason for divorce was based on financial difficulties to begin with.

A few years ago, New Jersey addressed the issue of increased costs in maintaining a separate household precluding couples from actually meeting the requirement of separation in order to file for divorce. Now the current law states that the couple may only need to be living separate and apart (not necessarily living in separate households) in order to get divorced. Even with the ability to live together in the same house but living separate lives, New Jersey couples were still not filing for divorce this year. Likely reasons are the pure cost of a divorce. There is the cost of the filing papers (\$260 for the Plaintiff; \$130 for the Defendant), legal fees to each party which tend to run \$250-\$300 per hour or more and if there are children, there is a nominal charge for parenting classes required by the courts.

If a couple is having financial difficulty and is amicable enough to be able to live in the same house and live separate lives, then they may also want to consider coming to terms on a marital settlement agreement so that resulting legal fees are minimal if they eventually chose to file for divorce. A couple can get a no-fault uncontested divorce for under \$2,000 plus court costs if they are willing to settle their claims to equitable distribution, custody, parenting time, etc. before approaching an attorney.

At the same time initial divorce filings are down, child support modifications and alimony modifications are soaring. This is the case when a divorced couple (or never married couple) with children have a standing court order for child support or alimony and desire to change it because they can no longer afford it. These types of motion filings are skyrocketing as payors are losing their jobs or taking pay cuts. In New Jersey, the test that the court will apply to these types of motion filings is called the Lepis test. Basically, the party filing for a modification must show permanent changed circumstances. This may sound rather easy, however, the test can be difficult because the definition of "permanent" is arguable. It is best to speak with an attorney who understands this test and will assist you in filing and/or arguing your case before the court.

For more information on NJ divorce and/or NJ modifications, please visit our website at <http://RowenLegal.com>