



# STATUTORY FACTORS

## EQUITABLE DISTRIBUTION

### N.J.S.A. 2A:34-23.1:

- The duration of the marriage or civil union;
- The age and physical and emotional health of the parties;
- The income or property brought to the marriage by each party;
- The standard of living established during the marriage or civil union;
- Any written agreement made by parties before or during the marriage, or civil unions concerning an arrangement of property distribution;
- The economic circumstances of each party at the time the division of property becomes effective;
- The income and earning capacity of each party, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children, and the time and expense necessary to acquire sufficient education or training to enable the party to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage or civil union;
- The contribution by each party to the education, training, or earning power of the other;
- The contribution of each party to the acquisition, dissipation, preservation, depreciation or appreciation in the amount or value of the marital property, or the property acquired during the civil union, as well as the contribution of a party as a homemaker;
- The tax consequences of the proposed distribution to each;
- The present value of the property;
- The need of a parent who has physical custody of a child to own or occupy the marital residence or residence shared by the partners-in a civil union couple and to use or own the household effects;
- The debts and liabilities of the parties;
- The need for creation, now or in the future, of a trust fund to secure reasonably foreseeable medical or educational costs for a spouse, partner in a civil union couple or children; the extent to which a party deferred achieving their career goals; and
- Any other factors which the court may deem relevant.

## ALIMONY

### N.J.S.A. 2A:34-23 (b):

- The actual need and ability of the parties to pay;
- The duration of the marriage or civil union;
- The parties' age, physical and emotional health;
- 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;
- The earning capacities, educational levels, vocational skills, and employability of the parties;
- The length of absence from the job market of the party seeking maintenance;
- The parental responsibilities for the children;
- The time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, the availability of the training and employment, and the opportunity for future acquisitions of capital assets and income;
- The history of the financial or non-financial contributions to the marriage or civil union by each party including contributions to the care and education of the children and interruption of personal careers or educational opportunities;
- The equitable distribution of property and any payouts on equitable distribution, directly or indirectly, out of current income, to the extent this consideration is reasonable, just and fair;
- The income available to either party through investment of any assets held by that party;
- The tax treatment and consequences to both of any alimony award including the designation of all or a portion of the payment as a non-taxable payment; and
- Any other factors which the court may deem relevant.

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# STATUTORY FACTORS

## CHILD SUPPORT

### N.J.S.A. 2A:34-23 (a):

- Needs of the child;
- Standard of living and economic circumstances of each parent;
- All sources of income and assets of each parent;
- Earning ability of each parent, including educational background, training, employment skills, work experience, custodial responsibility for children including the cost of providing care and the length of time and cost of each parent to obtain training or experience for appropriate employment;
- Need and capacity of the child for education, including higher education;
- Age and health of the child and each parent;
- Income, assets and earning ability of the child;
- Responsibility of the parents for court ordered support of others;
- Reasonable debts and liabilities of each child and parent; and
- Any other factors the court may deem relevant.

Note: These factors are to be considered in determining child support in those cases where The Child Support Guidelines are not applicable.

## COLLEGE COSTS

### NEWBURGH V. ARRIGO, 88 N.J. 529 (1982):

- Whether the parent, if still living with the child, would have contributed toward the costs of the requested higher education.
- The effect of the background, values, and goals of the parent on the reasonableness of the expectation of the child for higher education.
- The amount of the contribution sought by the child for the cost of higher education.
- The ability of the parent to pay that cost.
- The relationship of the requested contribution to the kind of school or course of study sought by the child.
- The financial resources of both parties.
- The commitment to and aptitude of the child for the requested education.
- The financial resources of the child, including assets owned individually or held in custodianship or trust.
- The ability of the child to earn income during the school year or vacation.
- The availability of financial aid in the form of college grants and loans.
- The child's relationship to the paying parent, including mutual affection and shared goals as well as responsiveness to parental advice and guidance.
- The relationship of the education requested to any prior training and to the overall long-range goals of the child.

Note: Where there are unemancipated children under age 18, in addition to the college student(s), the Child Support Guidelines shall be first applied as to said unemancipated children, before determining the college contribution and any child support obligation as to the college student.