

**New Jersey Association of Professional Mediators (NJAPM)
Recommendations for Drafting Lifestyle Statements in Light of The *Crews* Decision**

On May 31, 2000, the New Jersey Supreme Court ruled on a request for a change in rehabilitative alimony in the case of Robert B. Crews vs. Barbara D. Crews (A-20-99), by stating that the parties must go back and establish the marital standard of living experienced during the marriage. In light of the *Crews* decision, the New Jersey Association of Professional Mediators (NJAPM), the leading statewide mediation organization, has prepared the following recommendations for its membership regarding the drafting of Lifestyle statements.

In any case in which alimony is appropriate, even where alimony is waived, facts are required that establish the statutory factors for alimony according to N.J.S. 2A:34-23 (b). In *Crews*, the Supreme Court reiterated the importance of courts establishing findings as to the standard of living during the marriage, one of the statutory factors. The marital standard of living is the “touchstone” for the initial level of alimony and for reviewing any later motions for modification based on changed circumstances. The Court noted that these findings are “equally important” in uncontested cases.

The two of you will have to write a joint lifestyle statement. This will be filed along with your divorce papers.

Below are some recommendations for attempts to quantify and describe the marital standard of living. You might not be required to include all of these items. You must ask your attorney how much detail will be required by the judge hearing your case.

- C Write up a budget that reflects how money was spent during a typical year of the marriage. A balance sheet is also helpful. You could fill out the Case Information Statements (CIS) (Appendix V to the Rules of Court) instead of a budget.

In selecting the year during the marriage to present in a budget or CIS, you need a recent typical year. If you have held down expenses during the last year because of the divorce, then you should select two years ago. If incomes and expenditures change drastically every year, you may have to do some averaging. The important part is that both of you agree on the numbers.

- C Include an analysis of the supported spouse’s ability to contribute to his or her own support.

- C In addition to the marital CIS, describe in your own words various aspects of your marital lifestyle, which may include a description of the following items:

- Description of Marital Lifestyle

- Marital Home

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| <ul style="list-style-type: none"> - Furnishings and Contents - Household Help - Landscaping/Gardening - Accounting/Financial Planning <p>Services</p> <ul style="list-style-type: none"> - Telephones - Automobiles - Clothing - Furs - Jewelry - Collections - Schools and Camps for <p>Children</p> <ul style="list-style-type: none"> - Children's Allowances - Children's Activities - Expenditures for Holidays | <ul style="list-style-type: none"> - Medical and Dental Expenses - Entertainment at Home - Country Club - Dining Out - Sports and Hobbies - Entertainment - Gambling - Travel and Vacations - Gifts - Donations/Charitable Giving - Savings and Investments - Business Assuming Family <p>Costs</p> <ul style="list-style-type: none"> - Loans and Debt |
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- C A statement is needed that indicates that both of you agree that the presentations correctly reflect your expenditures during the marriage.
- C State whether the spousal and child support agreed upon will enable both of the parties to live in a manner reasonably comparable to the standard of living you had during the marriage. The document should specifically state if you agree that both of you will be able to maintain a standard of living reasonably comparable to the marital lifestyle, or if neither of you will.

Additionally, the *Crews* case indicated that if the original spousal support is not consistent with the standard of living established during the marriage but that is all the paying spouse can afford at the time, then there should be some provisions to modify the award upwards when the paying spouse's financial condition improves. Therefore, based on the statutory factors in establishing the level of support, the Memorandum of Understanding may also need to make provisions for an upward modification of support.