



## DIVORCE OVER 50: A GRAY AREA

One would think that divorce in couples who are both over the age of 50, together for years, would not be as common as it is for younger couples; however, statistics say otherwise. Divorce Dynasty in particular has seen an increased number of couples seeking divorce attorneys after making the conscious decision to end their 20, 30 or even 40-year marriages. Unfortunately, with that number of years under your belt, the issues surrounding divorce carry a heavier weight.

**BY KAROLINA DEHNHARD, ESQ.  
& JACQUI ATCHESON**

**W**ith retirement looming, and the number of available working years growing ever shorter, the analysis and assessment of whether they can each retire (now separately) becomes one of the most pressing issues. Where they may have once planned on retiring collectively, under one roof, and pooling their resources, they're now having to provide and pay for separate residences which places a heavy burden on those divorcing in their late 50s and 60s. The all too often result, rather than retiring, is to continue working.

This equation becomes all the more complicated with the recent changes to New Jersey's alimony statute, and, in 2017, the changes to the Federal Tax Code. As a result of the changes to the New Jersey alimony statute, "good faith" retirement is a basis upon which an alimony obligation can be limited, or even terminated. Simply put, the income-earning spouse can now retire at age 67 (or possibly even earlier depending on their age) and as a result, their alimony obligation to their former spouse may be severely curtailed, or non-existent. One possible outcome could be an inability to receive alimony despite a long-term marriage. This harsh reality could leave a wife, married for 40 years, now at age 65, and with a husband who is also 65 or 66 years old, without any long-term alimony award.\*

The Divorce Dynasty platform, sensitive to these issues and the uncertainty that “gray divorces” present, ultimately looks to certified divorce coaches at local organizations such as Better Path to Divorce. These coaches are well-versed in the intricacies of such situations and work closely with couples to navigate these unsteady waters.

Couples in these unfortunate situations need to grieve, it’s true, but they also need to realize that life goes on. The pain is normal and part of the healing process. It helps one to let go and move forward. While seeking legal and financial advice from professionals, the best route for clients is to also work with a mediator. A mediated divorce can be resolved quicker and save a considerable amount of money. It’s possible to still enjoy the golden years of one’s life, even after facing an untimely divorce.

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Many divorce coaches have been a casualty of “gray divorce” themselves, and the best professional and personal advice is as follows: Avoid getting too emotionally caught up in blame and anger. If you need professional help to move you forward, don’t wait; life is short and time is precious. Take care of your health now more than ever. If you have children, get along with their father, as you will be in the same room

with your ex, or soon-to-be ex, for many family events. Of course, it’s important to understand that there is no “one-size-fits-all” answer. Unique circumstances call for unique approaches and gray divorce is no different.

*\*Disclaimer: no situation is absolute; courts in New Jersey are courts of equity, and are given the discretion to make such suitable alimony awards—however, the statute is still binding upon the court.*



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