

# SENATE, No. 2553

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 27, 2014

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator GERALD CARDINALE**

**District 39 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators Sarlo and Sweeney**

**SYNOPSIS**

Makes retroactive current law requiring “palimony” agreements to be in writing; provides that pre-existing palimony agreements are unenforceable unless put into writing within one year of enactment of this bill.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning palimony and supplementing chapter 1 of Title  
2 25 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. a. A promise by one party to a non-marital personal  
8 relationship to provide support or other consideration for the other  
9 party, either during the course of such relationship or after its  
10 termination, that was made prior to January 18, 2010, the effective  
11 date of P.L.2009, c.311, is not binding unless it complies with the  
12 requirements of subsection h. of R.S.25:1-5.

13 b. Any such promise is binding only if it is reduced to writing,  
14 and signed by the party to be charged therewith, or by some other  
15 person thereunto by him lawfully authorized, and was made with  
16 the independent advice of counsel for both parties, within one year  
17 of the effective date of this section.

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19 2. This act shall take effect immediately.

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22 STATEMENT

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24 P.L.2009, c.311, enacted January 18, 2010, required that any  
25 “palimony” agreement must be in writing to be enforceable. The  
26 enactment amended R.S.25:1-5 to provide that a promise by one  
27 party to a non-marital personal relationship to provide support or  
28 other consideration to the other party, either during the course of  
29 such relationship or after its termination, is not binding unless it is  
30 in writing and was made with the independent advice of counsel for  
31 both parties.

32 In Maeker v. Ross, 2014 N.J. LEXIS 910, decided September 25,  
33 2014, the New Jersey Supreme Court held that the Legislature did  
34 not intend the enactment to retroactively apply to palimony  
35 agreements made prior to the effective date of the enactment, and  
36 that such pre-existing palimony agreements are enforceable even if  
37 they were never put into writing. This bill would address the  
38 court’s decision by clarifying that P.L.2009, c.311 is intended to be  
39 retroactive. This bill provides that palimony agreements made prior  
40 to January 18, 2010, the effective date of P.L.2009, c.311, would be  
41 enforceable only if they are brought into compliance with P.L.2009,  
42 c.311 within one year of the effective date of this bill.