

SUPREME COURT OF THE STATE OF DELAWARE

Jones v. Jones

167 A.3d 499 (Del. 2016) · No. No. 541, 2015 · Decided August 2, 2016

SUMMARY

The Delaware Supreme Court affirmed in part and remanded a Family Court alimony order in a divorce proceeding. The court held that the wife’s prior cohabitation did not bar her from receiving alimony because she was not receiving alimony during the cohabitation and had ended the relationship before the alimony hearing without attempting to deceive the court. The court remanded for further findings regarding the reasonableness of the wife’s claimed medical and health insurance expenses.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Seitz, Justice; Strine, Chief Justice; Vaughn, Justice
JURISDICTION	Delaware
DECIDED	August 2, 2016
DOCKET	No. 541, 2015
DISPOSITION	remanded
PROCEDURAL POSTURE	Alexander Jones appealed from Family Court orders awarding Adriana Jones alimony, entering the parties' property-division stipulation, ordering payment of unpaid interim alimony, and denying reargument. Adriana Jones filed a cross-appeal but sought no reversal in her answering brief.
STANDARD OF REVIEW	The Supreme Court reviews both the law and the facts, reviews legal conclusions de novo, and will not disturb factual findings unless clearly erroneous. An alimony decision will not be disturbed if its factual findings are supported by the record, it considers the statutory factors in 13 Del. C. § 1512, and its explanations, deductions, and inferences result from a logical and deductive reasoning process.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Alexander Jones v. Adriana Jones

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Wife's prior cohabitation with another adult barred her from receiving alimony under 13 Del. C. § 1512(g).
2. Whether the Family Court adequately supported its determination that Wife's claimed medical and health-insurance expenses were reasonable for purposes of calculating alimony.
3. Whether the Family Court erred in finding that Wife had maximized her earnings despite her education, employment, and child-care responsibilities.
4. Whether the duration of the alimony award complied with 13 Del. C. § 1512(d).
5. Whether the Family Court properly treated Wife's bachelor's degree as irrelevant under the statutory factor concerning contributions to education or earning capacity.
6. Whether the Family Court properly averaged Husband's historical and projected earnings in determining his ability to pay alimony.

HOLDINGS

1. A spouse is not disqualified from receiving alimony under 13 Del. C. § 1512(g) merely because the spouse cohabitated before becoming an alimony recipient, where the cohabitation ended before the alimony award and was not terminated as part of an attempt to deceive the court.
2. The Family Court was required to explain how it determined that Wife's claimed monthly medical expenses of \$300 and health-insurance expenses of \$715 were reasonable, or to determine their reasonableness on an expanded record.
3. The Family Court did not err in finding that Wife had maximized her earnings.
4. The Family Court's award of alimony for eight years, six months, and seven days was permissible because it did not exceed 50 percent of the parties' seventeen-year marriage and was supported by the record.
5. The Family Court did not err in treating the education-contribution factor as irrelevant because neither party alleged that one contributed to the other's education or training, although the court properly considered Wife's degree in evaluating her earnings.
6. The Family Court did not err in averaging Husband's historical and projected earnings to determine his ability to pay alimony.

KEY QUOTATIONS

“Both the statute and the Sylvester decision require that a spouse be receiving alimony before alimony can be terminated due to cohabitation.” (slip op. at 6)

“We therefore remand this matter to the Family Court to explain how it concluded that Wife’s monthly medical expenses of \$300 and health insurance of \$715 were reasonable, or to make a determination of the reasonableness of the claim based upon an expanded record.” (slip op. at 8)

FACTUAL BACKGROUND

The parties were married in 1997, separated in 2012, and divorced in 2014; they have three children, including a child with Down Syndrome who requires care. They resolved property division by stipulation, leaving alimony as the principal issue for the ancillary hearing. Wife claimed monthly medical expenses of \$300 and prospective COBRA health-insurance premiums of \$715, while the record raised questions about the support for and reasonableness of those amounts. The Family Court awarded Wife monthly alimony and found that she had maximized her earnings despite working part time and pursuing further education.

PROCEDURAL HISTORY

The parties divorced in December 2014. After resolving property division by stipulation, the Family Court held an ancillary hearing concerning alimony and ordered Husband to pay Wife \$1,748 per month, plus \$200 per month toward unpaid interim alimony. The Family Court denied both parties' motions for reargument. On appeal, the Delaware Supreme Court affirmed most of the rulings but remanded for further proceedings concerning Wife's claimed medical and health-insurance expenses.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Family Court must explain how it concluded that Wife's monthly medical expenses of \$300 and health-insurance expenses of \$715 were reasonable, or make a determination of the reasonableness of those claims based on an expanded record. The Supreme Court retained jurisdiction. All other challenged rulings were affirmed.

CASES CITED

- Mundy v. Devon, 906 A.2d 750, 752 (Del. 2006)
- Castle v. Castle, 2013 WL 2722185, at *2 (Del. Jun. 11, 2013)
- Wife (J.F.V.) v. Husband (O.W.V., Jr.), 402 A.2d 1202, 1204 (Del. 1979)
- Hubbs v. Hubbs, 1993 WL 331916 (Del. Fam. Ct. May 4, 1993)
- Sylvester v. Monroe, 1995 WL 319183 (Del. May 19, 1995)
- In re Pizzichili, 1999 WL 33100141 (Del. Fam. Ct. Nov. 17, 1999)
- J.C. v. S.C., 2005 WL 3514308, at *1 (Del. Fam. Ct. Aug. 31, 2005)
- K.A.M. v. D.G.M., 2005 WL 3593579, at *3 (Del. Fam. Ct. June 13, 2005)
- Eric S.W. v. Stacey E.W., 1997 WL 878700, at *2 (Del. Fam. Ct. May 9, 1997)
- M.O. v. J.C.C., 2010 WL 4278285, at *1-2 (Del. Fam. Ct. Aug. 24, 2010)

- Sullivan v. Sullivan, 2015 WL 1880383, at *3 (Del. Apr. 21, 2015)

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