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Spring Cleaning and your Judgment of Divorce

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It's that time of year again - spring cleaning! However, this has a bit of a different meaning for divorce practitioners. Although divorce practitioners are careful to tell clients that certain provisions of their Judgments of Divorce may expire at ten (10) years and could require renewal, clients sometimes forget and have to deal with the consequences of provisions that have become unenforceable.

Most Judgments of Divorce have provisions which, if not complied with by one of the parties, are enforceable in post-judgment actions. In fact, our firm handles a nearly continuous flow of these cases successfully. But, Judgments of Divorce are no different than any other judgment issued by courts and as such are governed by the same statutory expiration periods. Generally, a judgment has a lifespan of ten (10) years, unless it is renewed. Fortunately, the process for renewal is fairly simple and can be repeated every ten (10) years, if necessary.

Keep in mind that the expiration period for ongoing payments—such as for child or spousal support—begins as each payment becomes due.

We make every effort to implement all of the property settlement provisions in a judgment as soon as possible after the Judgment of Divorce has been entered. The 10-year statute of limitations is a concern for property settlement issues only if the parties have not completed the property settlement within 10 years of the date the judgment was entered.

Provisions in a Judgment of Divorce dealing with ongoing payments, such as child support or spousal support, result in the statute of limitations running for 10 years after the last payment was made. So, as long as the responsible party is still making the payments, even if you are 10 years past the date the judgment was entered, there is no issue or concern.

Renewal of a Judgment of Divorce requires a Motion to Renew prior to its expiration period. Each county may have its own specific procedural peculiarities but generally the motion must state the date of the judgment, the performance due, and that the motion is brought pursuant to the applicable statute and case law.

In this season of spring cleaning, if you have been through a divorce, take a quick look at your judgment. If you are approaching the ten-year mark, give us a call a few months before the expiration date and we can work to make sure that your Judgment of Divorce remains enforceable.