

The New Alimony Law

Written by Alex

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The new, Massachusetts alimony law was signed by Governor Patrick on October 4, 2011 after winning approval in both the House and Senate. The changes establish guidelines for alimony payments and include limits on the duration of the payments. The new law essentially will eliminate lifetime alimony in many cases and will in part be determined by the length of the marriage.

The new law is a significant departure from current alimony practice and will have a dramatic impact on both parties to a divorce.

Some highlights of the new law include:

- Indefinite alimony can still be awarded for long term marriages, defined as lasting twenty years or more.
- Alimony for long term marriages will end when the payer's spouse reaches retirement age, as defined by the Social Security Act.
- For short term marriages lasting less than five years, alimony may not last longer than half of the number of months of the marriage.
- With short term marriages judges can order "reimbursement alimony" if one party had put the other through school or job training.
- For intermediate term marriages, defined as lasting longer than five years, but less than ten years, the maximum alimony term is 60% of the months of marriage.
- For intermediate term marriages of more than ten years, but less than fifteen years, the maximum alimony term is 70% of the number of months of marriage.
- For intermediate term marriages which are more than fifteen years, but last less than twenty years, the maximum alimony term is 80% of the duration of the marriage.
- If the payer has remarried, the new spouse's income and assets will be excluded from alimony determination and modification actions.
- Cohabitation suspends, reduces, or even terminates alimony when it can be shown that the person who is receiving alimony has maintained a common house or has lived with another person for at least three months.
- Child support payments will be factored into alimony and ---- (THIS IS CONFUSING!)
- Alimony will be limited and should generally not exceed the needs of the person receiving it, or 30% - 35% of the recipient's (?) gross income, established at the time of the order.
- A second income or income from overtime work will not be included when considering alimony modification and would be presumed to be immaterial to the alimony if the part worked more than a single full time equivalent and the second job or overtime commenced after the entry of the initial order.
- Health and/or life insurance premium payments reduce alimony.

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- Alimony extensions will be limited.
- Alimony will end at the remarriage of the recipient.