

# Long-Awaited Alimony Reform Finally Arrives in Massachusetts

By Marisa W. Higgins, Esq.

On September 26, 2011, Governor Deval Patrick signed the Alimony Reform Act of 2011 (sometimes referred to as the “Act”) into law. The Act represents a sweeping reform of the existing alimony laws in Massachusetts and will, in most cases, put an end to lifetime alimony payments.

Prior to alimony reform in Massachusetts, alimony laws were vague and the Courts were given broad discretion to fashion alimony awards of indefinite duration based on the recipient spouse’s needs and the payor spouse’s ability to pay. In contrast, the Alimony Reform Act of 2011 sets durational limits on alimony, establishes the grounds for termination of alimony, and includes a general formula to determine the amount of alimony to be paid. The Act which becomes effective on March 1, 2012 is intended in the words of Governor Patrick “to modernize and make more fair the alimony system.”

## TYPES OF ALIMONY

The Act has set established types of alimony as follows:

**Rehabilitative Alimony:** Rehabilitative alimony is the periodic payment of support to a recipient spouse who is expected to become economically self-sufficient by a predicated time, such as upon reemployment or job training. These payments may be ordered for no more than 5 years initially. Unless the recipient spouse has remarried, rehabilitative alimony may be extended upon a showing of compelling circumstances.

**Reimbursement Alimony:** Reimbursement alimony is the periodic or one-time payment of support to a recipient spouse after a marriage of not more than 5 years to compensate for the recipient spouse’s economic or noneconomic contribution to the financial resources of the payor spouse. These payments will terminate on the death of either party or a date certain. Once ordered, reimbursement alimony is non-modifiable.

**Transitional Alimony:** Transitional alimony is the periodic or one-time payment of support to a recipient spouse after a marriage of not more than 5 years to transition the recipient spouse to an adjusted lifestyle or to a divorce. Transitional alimony may be ordered for no more than 3 years and cannot be modified.

**General Term Alimony:** General term alimony, akin to traditional alimony, is the periodic payment of support to a recipient spouse who is economically dependent. These payments will terminate on the death of either party or remarriage of the recipient spouse and may terminate upon

cohabitation of the recipient spouse (although alimony may be reinstated following the breakup of cohabitation).

## LIMITS ON DURATION OF GENERAL TERM ALIMONY

The Act sets the following time limits on general term alimony:

- (1) If the duration of marriage is 5 years or less, general term alimony shall be no greater than one-half the number of months of the marriage.
- (2) If the duration of marriage is 10 years or less, but more than 5 years, general term alimony shall be no greater than 60 per cent of the number of months of the marriage.
- (3) If the duration of marriage is 15 years or less, but more than 10 years, general term alimony shall be no greater than 70 per cent of the number of months of the marriage.
- (4) If the duration of marriage is 20 years or less, but more than 15 years, general term alimony shall be no greater than 80 per cent of the number of months of the marriage.

Despite the above time limits, the court has discretion to order alimony for an indefinite length of time for marriages longer than 20 years.

## AMOUNT OF ALIMONY TO BE PAID

The Act establishes that except in cases of reimbursement alimony the amount of alimony generally should not exceed the recipient’s need or 30 to 35 percent of the difference between the parties’ gross incomes established at the time the alimony order is issued. Interestingly, the Act excludes gross income which the court has already considered for setting a child support order.

## MODIFICATION OF EXISTING ALIMONY ORDERS

Finally, the Alimony Reform Act of 2011 grants existing payor spouses the right modify existing alimony awards which go beyond the durational limits set forth in the Act through the filing a Complaint for Modification in the Probate & Family Court. The Act, however, contains certain time frames for filing such Complaints set forth as follows:

- (1) Payor spouses married 5 years or less may file for modification on or after March 1, 2013;
- (2) Payor spouses married between 5 years and 10 years may file for modification on or after March 1, 2014;

(3) Payor spouses married between 10 years and 15 years may file for modification on or after March 1, 2015;

(4) Payor spouses married between 15 years and 20 years may file for modification on or after September 1, 2015;

(5) Any payor spouse who has reached full retirement age or who will reach full retirement age on or before March 1, 2015 may file a complaint for modification on or after March 1, 2013.

While enactment of the Act is a material change in circumstance sufficient to change the duration of a previous alimony award, it is not in itself a basis to modify the amount awarded. Should you have any questions on the Alimony Reform Act of 2011 and how it may impact you, please contact Marisa Higgins, Esquire at (508) 459-8041.

## RESPONSIVE SOLUTIONS

Two simple words that explain our commitment to you. Being responsive is a critical element in building a strong attorney-client relationship. Whether you are a new or existing client, we'll be quick to respond to your needs with the knowledge necessary to find solutions to your legal concerns.

[www.flechertilton.com](http://www.flechertilton.com)



**Marisa W. Higgins**

**P: 508.459.8041**

**F: 508.459.8341**

**E: [mhiggins@flechertilton.com](mailto:mhiggins@flechertilton.com)**

**Fletcher Tilton** PC  
Attorneys at law

### THE GUARANTY BUILDING

370 Main Street, 12th Floor  
Worcester, MA 01608  
TEL 508.459.8000 FAX 508.459.8300

### THE MEADOWS

161 Worcester Road, Suite 501  
Framingham, MA 01701  
TEL 508.532.3500 FAX 508.532.3100

### CAPE COD

1579 Falmouth Road, Suite 3  
Centerville, MA 02632  
TEL 508.815.2500 FAX 508.459.8300

*This material is intended to offer general information to clients and potential clients of the firm, which information is current to the best of our knowledge on the date indicated below. The information is general and should not be treated as specific legal advice applicable to a particular situation. Fletcher Tilton PC assumes no responsibility for any individual's reliance on the information disseminated unless, of course, that reliance is as a result of the firm's specific recommendation made to a client as part of our representation of the client. Please note that changes in the law occur and that information contained herein may need to be reverified from time to time to ensure it is still current. This information was last updated March 2017.*