

Massachusetts Alimony Reform Act: When Can I Modify My Alimony Obligation

Under the Massachusetts Alimony Reform Act, which became effective in March 2012, there are new standards and guidelines upon which a spouse may file for a modification of alimony. There are four types of alimony under the Massachusetts Alimony Reform Act: 1) General Term Alimony; 2) Rehabilitative Alimony; 3) Reimbursement Alimony; and 4) Transitional Alimony. Based upon the new law, only General Term Alimony and Rehabilitative Alimony are modifiable.

General Term Alimony

General Term Alimony may be modified upon a showing of a material change in circumstances. Modification on these grounds may be indefinite, permanent, or finite in duration. General Term Alimony may be modified or terminated upon a showing that the recipient spouse is and has been cohabitating with another person for at least 3 months.

Additionally, any payor spouse who will reach full retirement age on or before March 1, 2015, may file for a modification of alimony on or after March 1, 2013.

The Alimony Reform Act also allows a General Term Alimony award to be modified based upon certain durational limits. These limits are as follows:

- Payor spouses who were married to the recipient spouse for 5 years or less may file for a modification of alimony on or after March 1, 2013;
- Payor spouses who were married to the recipient spouse for more than 5 years, but less than 10 years, may file for a modification of alimony on or after March 1, 2014;
- Payor spouses who were married to the recipient spouse for more than 10 years, but less than 15 years may file for a modification of alimony on or after March 1, 2015;
- Payor spouses who were married to the recipient spouse for more than 15 years, but less than 20 years may file for a modification of alimony on or after September 1, 2015.

Rehabilitative Alimony

Rehabilitative Alimony may be modified by a recipient spouse who has not remarried to extend the alimony obligation past the termination date upon the showing of compelling circumstances of the following factors:

1. unforeseen events prevent the recipient spouse from being self-supporting at the end of the term with due consideration to the length of the marriage;
2. the court finds that the recipient tried to become self-supporting; and
3. the payor is able to pay without undue burden.