

Mass Alimony Reform Bill a Light at the End of the Tunnel

Friday, February 4, 2011

The [Mass Alimony Reform Bill](#) was introduced on January 18, 2011 by Senator Gale D. Candaras (D – Wilbraham) and Representative John D. Fernandes (D – Milford). Some may disagree with Candaras and Fernandes but their respective arguments are tough to deny... [Candaras argues](#) that the "...Alimony Reform legislation will bring clarity and make more equitable a law in need of revision. It is intended to promote marriage, foster self sufficiency and encourage all individuals to plan for their retirement... ." The final Bill did however take concessions from all sides. As [Fernandes](#) explains, "..[t]his bill, borne of a collaborative effort of practitioners, jurists and those advocates who have lived the alimony experience provides the change that is needed. I am anxious to see this legislation move forward to passage."

This legislation proposes sweeping changes to our antiquated system of awarding and modifying alimony. However, not everyone is happy with the new legislation and the changes it may bring to alimony laws in Massachusetts. The current statute, [MGL Chapter 208 Section 34](#), gives Judges broad discretion in awarding alimony. This discretion in and of itself creates an atmosphere with no direction and drives many cases to trial that may have been settled otherwise. Some say the statute's vagueness also encourages litigation and discourages people from getting married.

On the other hand, the new system (if enacted) would give much needed guidance and direction to judges, attorneys and litigants. Below is a list of the key reforms proposed under the [new bill](#):

- Providing separate alimony categories with clear definitions and set durational limits (*e.g. general term alimony, rehabilitative alimony, reimbursement alimony, and transitional alimony*).
- Termination of General Alimony at retirement - *Alimony terminates upon payor attaining the full retirement age per the old-age retirement benefit under Social Security.*
- Addressing cohabitation - *The cohabitation of the recipient spouse with another person for a continuous period of at least three months may be cause for suspension, reduction or termination of alimony.*
- Modifying factors considered in an Alimony Order & percentage of need.

For more information on the history of alimony and the proposed changes visit: <http://alimonyreform2ndwives.blogspot.com/> and <http://massalimonyreform.org/>. For more information call the Law Offices of Brian J. McLaughlin ESQ. 857-241-3689.