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Massachusetts Sets Limits on Alimony

By JENNIFER LEVITZ

BOSTON—Alimony isn't forever in Massachusetts anymore.

The state abolished most lifetime spousal support Monday, joining several states where alimony payments have come under scrutiny as payers argue they are struggling in the rocky economy.

Democratic Gov. Deval Patrick signed a measure that generally ends alimony when the payer reaches retirement age or when the recipient begins living with a romantic partner.

The law also establishes a formula for alimony, based on the length of the marriage. For example, alimony would generally last no more than 10½ years following a 15-year marriage.

Judges can still award indefinite alimony for long-term marriages. And in the case of short marriages, a judge can order "reimbursement alimony" if one spouse, for instance, put the other through school.

The law ends the common practice of Massachusetts judges awarding alimony as a permanent entitlement, an increasingly rare practice across the U.S. It also, for the first time, sets guidelines on how the amount of alimony payments should be determined. The changes take effect in March 2012, and people who are paying lifetime alimony can file for modifications starting in 2013.

The law has been changed to "reflect the fact that both parties, more often than not, are working outside the home and there are more opportunities for people, women in particular...and that people need to have laws that really do allow them to end their relationship both in terms of living together and financially at some reasonable point after divorce," said Democratic state Sen. Gale Candaras, a lead sponsor of the bill.

Opponents of the change say the payments are needed to compensate spouses who have put families before careers and that alimony is particularly important for low- and middle-income women.

Alimony, which is separate from child support, has long been a foundation of divorce law. It has been a particularly hot-button issue in the weak economy, with more payers going to court to try to modify payments because they have lost their jobs or seen their pay decrease, said Linda Lea M. Viken, president of the American Academy of Matrimonial Lawyers.

Two weeks ago, in a closely watched case, the Tennessee Supreme Court ruled that lifetime alimony to a Tennessee woman was "inappropriate" given that she is in good health, has a stable job that pays well and received considerable assets in the division of property.

And Florida recently set a higher bar for permanent alimony, saying the court must have "clear and convincing evidence" it is needed and make a finding that "no other form of alimony is fair and reasonable."

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