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U.S. NEWS | April 16, 2013, 7:42 p.m. ET

New Checks on Alimony Pay

Florida, Other States Move to End Lifetime Spousal Support, Sparking Debate

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By **ARIAN CAMPO-FLORES**



Edward Linsmier for The Wall Street Journal

A Florida bill would end most lifetime alimony payments, a prospect that Ann Dwyer, above, said would cause her to lose her home

MIAMI—When Hector Torres got divorced in 2001, he said he felt blindsided by the alimony a Florida judge ordered him to pay his ex-wife: \$2,000 a month for the rest of his life. He was 34 years old at the time, meaning he faced the prospect of four or five decades of payments after a 13-year marriage.

"It was so mind-boggling to me," said Mr. Torres, now 46, a Web designer in Miami.

Now he is hoping a bill moving through the Florida legislature will offer him relief. The measure, which was passed by the state Senate and awaits a vote in the House this week, generally would end permanent alimony and create formulas to determine the amount and duration of awards.

Alimony payments wouldn't last more than half the length of a marriage. The maximum amount wouldn't exceed 38% of the payer's monthly gross income for marriages of 20 years or more, and less for shorter ones. And the bill could apply retroactively to existing arrangements like Mr. Torres's.

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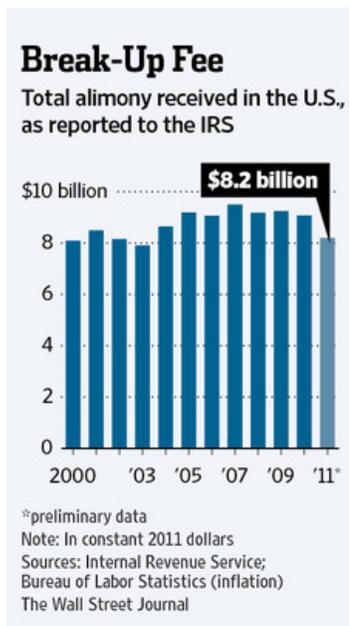
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Florida is one of a growing number of states where proponents of alimony-law changes are making an aggressive push. A similar measure took effect in Massachusetts last year, and comparable bills are pending in New Jersey, Connecticut, Colorado and Oregon.

The proposals have triggered contentious debate, pitting payers who decry what they call unjust awards against family-law attorneys who say the measures are punitive to women.

Supporters say alimony laws in many states tether former spouses indefinitely and are outdated at a time when women make up 47% of the labor force. They also complain that judges have too much leeway to fashion awards, yielding wildly disparate judgments.



"Divorce is supposed to separate your lives," said Robin DesCamp, president of Oregon Alimony Reform, whose husband pays spousal support to his ex-wife. "Alimony does not allow you to do that. It keeps a woman dependent."

Opponents say the measures apply a cookie-cutter approach to complicated situations and take away too much discretion from judges. While the proposals often provide for exceptions to the guidelines, the legal hurdles are high, detractors say.

The Florida bill "fails to allow judges to do their jobs and craft fair results," said Thomas Sasser, a family-law attorney in West Palm Beach and co-chairman of a committee studying the issue for the American Academy of Matrimonial Lawyers. Making the measure

retroactive is especially "insidious," he said, since "it would create absolute chaos" as payers turn to the courts to try to terminate awards.

That possibility alarms Ann Dwyer. The 66-year-old resident of Longwood, near Orlando, raised two kids as a stay-at-home mother largely on the permanent alimony she was awarded 23 years ago. "This kind of bill punishes those of us who stayed home," she said.

After her divorce, Ms. Dwyer said she took accounting classes at a local community college and worked three jobs to make ends meet and save for retirement. Without alimony, which covers her monthly mortgage payment, "I'll lose this house," she said.

Audio

Arian Campo-Flores talks with The Wall Street Journal This Morning about the changes some states want to make.

00:00 | 00:00

Alimony dates back to English common law and traditionally was based on the assumption that husbands had a duty to support their wives until death, according to Mary Kay Kisthardt, a professor of law at the University of Missouri-Kansas City. In the 1970s, laws were changed to award alimony

based on need rather than a woman's assumed dependence. These days, most of the payers are still men, though a growing number of women pay alimony.

Alimony laws in most states still allow for permanent awards, though former spouses can generally seek to modify the terms in court, Ms. Kisthardt said. But over time, she said, some states began placing limits on the duration of alimony, reasoning that the point should be to make people self-sufficient.



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Massachusetts added a new wrinkle with its overhaul law, which took effect last year and was supported by the state bar association. It created detailed formulas for alimony awards that some say favor the payers. Alimony-overhaul supporters hailed it as a victory, and new groups formed in other states to try to replicate it.

"It has become a model for states all over the country," said Steve Hitner, president of Massachusetts Alimony Reform. "We're getting a certain amount of consistency and predictability from courts."

That part is "sensible," said Anne Berger, a matrimonial lawyer in Lynnfield, Mass. But she said she worries about people like a 71-year-old female client whose ex-spouse is invoking the new law to try to cut off her payments. "Those people thought they had a deal and relied on it," Ms. Berger said.

The Massachusetts law inspired Thomas Leustek to form New Jersey Alimony Reform and push for a similar measure in his state. A 55-year-old professor at Rutgers University who got divorced in 2008, he said he owes spousal support until either he or his ex-wife dies. "Basically, I'm doomed to work for the rest of my life," he said.

A bill backed by his group would end permanent alimony, set formulas for spousal support and—most importantly for Mr. Leustek—end alimony when a payer reaches retirement age. "I want to retire with dignity," he said.

Write to Arian Campo-Flores at arian.campo-flores@wsj.com

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