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Candaras and Fernandes File Alimony Reform Measure

BOSTON -- Senator Gale D. Candaras (D – Wilbraham) and Representative John D. Fernandes (D – Milford) today filed legislation aimed at reforming alimony law in Massachusetts. “This 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. It is hoped that this bill will provide predictability to litigants and guidance to jurists and family law practitioners alike,” Candaras said. “The time for alimony reform is now. This 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,” said Fernandes.

The Alimony Reform bill was the result of the Alimony Task Force established by the Legislature’s Judiciary Committee. In addition to Candaras and Fernandes, who served as co-chairs, the Task Force was comprised of a variety of stakeholders who worked for more than a year to produce the legislation. The members of the 14-person task force unanimously endorsed the measure. The proposed reforms include:

- *Providing separate alimony categories with clear definitions and set durational limits*
Current alimony law does not provide for delineation or definition of alimony type. The bill proposes new, clearly defined categories: (1) general term alimony, (2) rehabilitative alimony, (3) reimbursement alimony, and (4) transitional alimony. Each category

contains a concise definition along with a durational limit, giving payors and recipients a clear expectation of a finite period of time alimony will be paid and/or received. Further, for general term alimony, the default form of alimony, durational limits are based on the length of marriage, and now encompass short-term marriages (marriages for five years or less), which were often excluded from alimony awards in practice. However, the court retains its discretion to order indefinite alimony in certain cases.

- *Termination of General Alimony at retirement*
Existing law does not clearly address the issue of alimony payments upon retirement. The legislation provides, unless good cause is shown, that general alimony terminates upon the payor spouse reaching the age of full retirement. The age of full retirement is established by the federal United States Old-Age Disability, and Survivors Insurance Act, and may change periodically, subject to the federal statute. By terminating General Term Alimony at retirement, the Task Force hopes to enable both payors and recipients to plan for their own retirement.
- *Addressing cohabitation*
This bill also makes recommendations regarding the issue of cohabitation with the goal of ending instances in which the payor spouse continues to support the recipient spouse while maintaining a life with another. Nonetheless, safeguards are included to protect the recipient spouse where appropriate.
- *Modifying factors considered in an Alimony Order & percentage of need*
This measure also provides a list of amended factors the court must consider when determining an alimony order. The factors chosen reflect a more comprehensive, effective and relevant list than the current law, including several stemming from a measure previously filed by Representative Stephen Walsh during the 186th legislative session.