

# HOUSE . . . . . No. 1567

By Mr. LeDuc of Marlborough, petition of Stephen P. LeDuc relative to the determination of alimony payments. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE DETERMINATION OF ALIMONY PAYMENTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Chapter 208, Section 34 as appearing in the 2004 Official Edition  
2 is hereby amended in the third sentence in lines 12-29 by striking the  
3 words “or in fixing the nature and value of the property, if any, to be  
4 so assigned, the court, after hearing the witnesses, if any, of each  
5 party, shall consider the length of the marriage, the conduct of the  
6 parties during the marriage, the age, health, station, occupation,  
7 amount and sources of income, vocational skills, employability,  
8 estate, liabilities and needs of each of the parties and the opportunity  
9 of each for future acquisition of capital assets and income.” And by  
10 inserting in place thereof the following:  
11 “the court shall consider all of the following circumstances:  
12 (a) The extent to which the earning capacity of each party is  
13 sufficient to maintain the standard of living established during  
14 the marriage, taking into account the marketable skills of  
15 whichever party may not exhibit such sufficient earning  
16 capacity, together with the time and expense required to  
17 further develop such skills or to acquire other, more  
18 marketable skills or employment.  
19 (b) The willingness of the supported party to seek the employ-  
20 ment counseling and training described in (a).

- 21 (c) The goal that the supported party shall be self-supporting  
22 within a reasonable period of time. Such reasonable period of  
23 time shall be one-half the length of the marriage. The length  
24 of the marriage is the period commencing upon the date of the  
25 marriage and ending upon the date of separation, deducting  
26 therefrom any periods of separation during the marriage.  
27 Such reasonable period of time shall not exceed twelve years.  
28 except only when: 1) the court finds an uncommon combina-  
29 tion of factors within this section necessitating a longer  
30 period; to be determined by the court; or 2) the supported  
31 party shall have custody (sole physical or joint physical) of  
32 one or more children of the marriage not having attained the  
33 age of 16 years as of such twelfth year, in which case alimony  
34 shall continue until such one or more children have attained  
35 such age.
- 36 (d) All alimony due for more than five years shall, beginning  
37 with the sixth year, decline each year by 10%, except only  
38 when: 1) the supported party shall have custody (sole  
39 physical or joint physical) of one or more children of the  
40 marriage not having attained the age of 16 years; or 2) the  
41 court finds the supported party to be incapable, physically or  
42 mentally, of any employment.
- 43 (e) Except as provided in (d) above, alimony may be increased  
44 each year by the same percentage as any increase during the  
45 prior year in the Consumer Product Index, as published by the  
46 United States Department of Labor, provided that the income,  
47 both earned and unearned, of the supporting party has  
48 increased by twice such percentage increase in such Index.
- 49 (f) The ability of the supporting party to pay alimony, taking into  
50 account the supporting party's earned and unearned income,  
51 assets (not producing income), standard of living, and the  
52 impact, if any, on such income should the supporting party  
53 have custody (sole physical or joint physical) of one or more  
54 children of the marriage.
- 55 (g) The duration of the marriage.
- 56 (h) The age and health of the parties.
- 57 (i) The extent, if any, to which the supported party contributed to  
58 the attainment by the supporting party of an education,  
59 training or license.