

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.