

Mass Alimony Reform: [www.massalimonyreform.org](http://www.massalimonyreform.org)

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## **41 Horror Stories Make Case For Alimony Reform**

Dec. 5, 2008 -- The state's leading organization promoting alimony reform has just issued a 26-page report, "The Shame of Massachusetts: Alimony Horror Stories," that presents stories from across the state describing the effects of the state's archaic lifetime alimony laws in no-fault divorces, on 41 people and their families.

Steve Hitner, co-founder and president of Mass Alimony Reform, which issued the report, based on legislative testimony, case summaries, and emails and stories sent to the organization's website, calls it "a chilling document that should convince everyone who reads it of the urgent need for new law that brings Massachusetts into the 21<sup>st</sup> century so it will conform to the rest of the country."

Lifetime alimony is extremely rare throughout the country. Massachusetts is thought to have "the most draconian alimony laws in the country," according to Hitner. Most states, including New York, limit alimony to several years and require ex-spouses to become self-sufficient as soon as possible. In Rhode Island alimony awards are extremely rare, and are limited to short-term, rehabilitative payments.

"Many of these stories in 'The Shame of Massachusetts' reveal a system so desperately in need of reform," he says, "the Governor and the legislature should make alimony reform a major priority. Particularly in this economic downturn, thousands of people who cannot make their alimony payments are in contempt of court and can easily be sent to jail. What will this cost the state? Debtor's prison is illegal, but it exists in Massachusetts for those who cannot afford exorbitant alimony payments that come in no-fault divorces."

Under current no-fault divorce law, in addition to having a pay ex-spouses up to 45 percent of gross income for life, with no automatic right to retire, a divorced man's new wife may be forced, directly or indirectly, to contribute to an ex-wife's alimony payments, even if the new wife has small children of her own or very modest resources. While the laws are gender neutral and some higher-earning women pay alimony to their ex-husbands, 96 percent of alimony payers are men, even though 70 percent of divorces are initiated by women.

Mass Alimony Reform issued the report in response to the draft proposals offered by the Massachusetts and Boston Bar Associations Joint Task Force on Alimony, which were summarized in Mass Lawyers Weekly on Nov. 10 and on the website of Hingham divorce lawyer Scott Stevenson. They recommend eliminating lifetime alimony in short-term marriages, but propose lengthy or lifetime alimony awards for most other marriages, and a host of "deviations" to permit lengthier awards.

The draft proposal also says that judges could consider changing the start date of a marriage to the date of cohabitation, which will have the effect of lengthening alimony awards. The draft does not suggest changing the end date of marriage to the date of separation, which could decrease the duration of alimony.

“It’s wonderful that the bar associations agree with us that alimony laws really need to be changed,” says Hitner. “Unfortunately, their proposals don’t go very far. They will not have the force of law, and they have so many loopholes for recipients, they will continue to force middle-income people to spend their lives hiring divorce lawyers again and again, to renegotiate divorces that happened twenty years before. As far as I can tell, they do not protect second wives from having to pay alimony to their husbands’ ex-wives, which happens nowhere routinely except in Massachusetts. Their proposals are a serious case of the fox guarding the henhouse.”

Among the horror stories is that of a 67-year-old retired man living on a pension who was recently forced to pay ongoing alimony for the first time to a woman he was divorced from 27 years, even though they both waived alimony at the time. He is on the verge of bankruptcy because of this.

Another story involves a businessman fallen on hard times who is currently serving a 90-day jail sentence for not having \$900,000 in back alimony that a judge determined that he owes, in addition to continuing to have to pay \$220,000 a year for life, even though the job he had before being sent to jail paid \$48,000.

Some of the horror stories include testimony delivered to the Joint Committee on the Judiciary on January 24, 2008, when some 20 people testified in favor of a bill that would limit lifetime alimony to half the length of the marriage, with a cap of 12 years, with several clear-cut exceptions for recipients who are, for instance, disabled; and would remove second wives’ income and assets from all alimony calculations, to bring Massachusetts into conformity with nearly every other state in the country.

A revised bill with those goals, endorsed by Mass Alimony Reform, will be introduced when the legislature convenes in January.

A copy of the report, “The Shame of Massachusetts,” is available for download on the website in the PDF, [www.massalimonyreform.org](http://www.massalimonyreform.org).

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