

# **HOUSE . . . . . No. 4110**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, March 21, 2016.

The committee on the Judiciary to whom was referred the petition (accompanied by bill, House, No. 4034) of John V. Fernandes relative to the payment of support to a recipient spouse who is economically dependent, reports recommending that the accompanying bill (House, No. 4110) ought to pass.

For the committee,

JOHN V. FERNANDES.

**HOUSE . . . . . No. 4110**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act reforming alimony in the Commonwealth.

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

1           SECTION 1. Section 53 of chapter 208 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by inserting after the word “order”, in line 24, the following  
3 words:- ,except in cases where deviation applies pursuant to GL c.208 § 53(e).

4           SECTION 2. Said chapter 208 of the General Laws, as so appearing, is hereby amended  
5 by adding the following section:-

6           Section 56. No existing alimony judgment under sections 48 to 55, inclusive, of chapter  
7 208 where the parties have agreed in writing that the existing alimony judgment is not  
8 modifiable shall be modified by a court without the consent of both parties.

9           SECTION 3. Chapter 124 of the Acts of 2011 is hereby amended by striking out section  
10 4 and inserting in place thereof the following section:-

11           Section 4. (a) As used in this section the following terms shall, unless the context clearly  
12 requires otherwise, have the following meanings:-

13 "Alimony", the payment of support from a spouse, who has the ability to pay, to a spouse  
14 in need of support for a reasonable length of time, under a court order.

15 "Existing alimony judgment", an order of a court to pay alimony entered by a court prior  
16 to March 1, 2012.

17 "General term alimony", the periodic payment of support to a recipient spouse who is  
18 economically dependent.

19 "Payor" a spouse required by order of a court to pay alimony or general term alimony.

20 "Recipient", a spouse receiving by order of a court alimony or general term alimony.

21 (b) Existing alimony judgments shall be general term alimony as that term is defined in  
22 section 48 of chapter 208 of the General Laws.

23 (c) Unless otherwise provided in this section, existing alimony judgments shall terminate  
24 pursuant to the terms of such existing alimony judgment or pursuant to an order of modification  
25 entered by a court.

26 (d) An existing alimony judgment which has exceeded the durational limits established  
27 by said subsection (b) of said section 49 of said chapter 208 may be modified upon the filing of a  
28 complaint for modification and the court shall order modification unless the court finds that  
29 deviation is necessary under section 53(e) of said chapter 208.

30 (e) A payor of alimony paying alimony pursuant to an existing alimony judgment may  
31 file a complaint for modification of the existing alimony judgment if the recipient is determined  
32 to be a cohabitating pursuant to subsection (d) of said section 49 of said chapter 208. A court  
33 considering a complaint for modification of an existing alimony judgment pursuant to this

34 subsection shall consider the recipient's cohabitation a material change in circumstances when  
35 ruling on the complaint for modification.

36 (f) A payor of alimony paying alimony pursuant to an existing alimony judgment may  
37 file a complaint for modification of the existing alimony judgment if the payor has reached full  
38 retirement age pursuant to subsection (f) of said section 49 of said chapter 208. A court  
39 considering a complaint for modification of an existing alimony judgment pursuant to this  
40 subsection shall consider the payor's reaching full retirement age a material change in  
41 circumstances when ruling on the complaint for modification.

42 (g) No existing alimony judgment under this section where the parties have agreed in  
43 writing that the existing alimony judgment is not modifiable shall be modified by a court without  
44 the consent of both parties.