# HOUSE . . . . . No. 4110

The Commonwealth of Massachusetts

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 DOCKET, NO. FILED ON: 3/11/2016

# HOUSE . . . . . No. 4110

## 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:*

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

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

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

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

Section 4. (a) As used in this section the following terms shall, unless the context clearly 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.