

General Alimony (G. L. c. 208, §49):

General Alimony is defined as a periodic payment of an economically dependent spouse. This is typically what we used to just call alimony. There have been a few changes that changed alimony into general term alimony. General alimony is term limited, based on the percentage of the number of months a couple was married ¹:

<u>Marriage Length</u>	<u>Percentage</u>
0-5 years	M.G.L. c. 208, § 49(b)(1): No more than 50% of the number of months from the date of the marriage to the date of the service
5-10 years	M.G.L. c. 208, § 49(b)(2): No more than 60% of the number of months from the date of the marriage to the date of the service
10-15 years	M.G.L. c. 208, § 49(b)(3): No more than 70% of the number of months from the date of the marriage to the date of the service
15-20 years	M.G.L. c. 208, § 49(b)(4): No more than 80% of the number of months from the date of the marriage to the date of the service
20+ years	M.G.L. c. 208, § 49(b)(c): Discretion to order indefinite

General alimony may be suspended, reduced or terminated upon the cohabitation of the recipient spouse with another person for a continuous period of at least three (3) months. The Alimony Reform Act provides for numerous factors to consider cohabitation in G L. c. 208, § 49(d)(1)(i)-(vi). The burden of proof on establishing the common household is on the payor and if the cohabitation terminates, the recipient may resume receiving alimony, although not extend in duration longer than the original termination date.

General alimony also terminates when the payor attains the full retirement age as provided for in the United States Old-Age, Disability, and Survivors Insurance Act, 42 U.S.C. § 416.

Additionally, the payor's ability to work shall not be a reason to extend alimony after retirement age. While general term alimony can extend past the payor's retirement age, the recipient has the burden of proof in establishing a material change in circumstances, and it must be proved by clear and convincing evidence.

Rehabilitative Alimony (codified as G.L. c. 208, § 50):

¹ The Court has the discretion to increase the duration if the couple had an economic marital partnership during the cohabitation period prior to their marriage.

Rehabilitative alimony is a periodic form of alimony that should not last more than five (5) years. This purpose of this form of alimony is to help a recipient spouse in the short term who is expected to become self supporting by a specific time. Rehabilitative alimony terminates on the death of either party, remarriage of the recipient or a specific event in the future (e.g. completion of job training, schooling or reemployment).

If the recipient has not remarried, rehabilitative alimony may be modified to extend past the term upon a Complaint for Modification for the showing of compelling circumstances on the following factors:

- (1.) Unforeseen events prevent the recipient spouse from being self-supporting at the end of the term with due consideration to the length of the marriage;
- (2.) The court finds that the recipient endeavored to become self-supporting; and
- (3.) The payor has continuing ability to pay and no undue burden.

Rehabilitative alimony may also be modified as to the amount during the term upon a material change in circumstance within the term period.

Reimbursement Alimony (codified as G.L. c. 208, § 51):

Reimbursement alimony is a short term alimony that is granted in matters where the marriage is not more than five (5) years. It can not be modified by either party and may be a one-time payment or periodic in nature. The purpose of reimbursement alimony is to compensate the recipient for economic or noneconomic contribution to the financial resources of the payor spouse, such as enabling the payor spouse to complete an education job training. The income guidelines set forth in G.L. c. 208, § 53 do not specifically apply to this alimony.

Transitional Alimony (codified as G.L. c. 208, § 52):

Transitional alimony is a short term alimony that is granted in matters where the marriage is not more than five (5) years. It can not be modified by either party and may be a one-time payment or periodic in nature. The periodic payments may not exceed three (3) years. The purpose of transitional alimony is to help the recipient adjust to the change in lifestyle or location after divorce.