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FAQ About Alimony in Massachusetts

Q: Will I have to pay alimony to my spouse? / Q: Will I receive alimony from my spouse?

A: The short answer is it depends. Based upon the Alimony Reform Act of 2011, there are many factors that have to be considered to determine if a spouse will have to pay alimony during or after a divorce.

Q: What are some of the factors that are considered to determine if I will pay/receive alimony?

A: Every case is different in what is considered whether a spouse will pay/receive alimony, but generally, there are some of the factors that are considered:

- Do you have any unemancipated children?
- What is the combined gross income for you and your spouse?
- the length of the marriage;
- age of the parties;
- health of the parties;
- income, employment and employability of both parties, including employability through reasonable diligence and additional training,
- if necessary; economic and non-economic contribution of both parties to the marriage;
- marital lifestyle;
- ability of each party to maintain the marital lifestyle;
- lost economic opportunity as a result of the marriage
- Need of the recipient spouse
- Ability to pay for the payor spouse

Q: How much alimony will I receive/pay?

A: Generally speaking, the alimony order will be 30 to 35 per cent of the difference between the parties' gross incomes established at the time of the order being issued.

Q: Is this amount different if we have children?

A: Yes, if you have any unemancipated children, there will be a child support order as well. Generally speaking, the first \$250,000.00 of the spouses' combined gross income is used to calculate child support. Any income above and beyond \$250,000.00 is used to calculate

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alimony. If combined gross income is not over \$250,000.00, then there may not be an alimony order.

Q: If I do pay/receive alimony, how long with this last?

A: There are 4 types of alimony under Massachusetts law. How long alimony can last depends on what type of alimony is being paid. The four types are:

- General Term Alimony: the periodic payment of support to a recipient spouse who is economically dependent.
- Rehabilitative alimony: the periodic payment of support to a recipient spouse who is expected to become economically self-sufficient by a predicted time, such as, without limitation, reemployment; completion of job training; or receipt of a sum due from the payor spouse under a judgment.
- Reimbursement alimony: the periodic or one-time payment of support to a recipient spouse after a marriage of not more than 5 years to compensate the recipient spouse for economic or noneconomic contribution to the financial resources of the payor spouse, such as enabling the payor spouse to complete an education or job training.
- Transitional alimony: the periodic or one-time payment of support to a recipient spouse after a marriage of not more than 5 years to transition the recipient spouse to an adjusted lifestyle or location as a result of the divorce

Q: How do I know what category of alimony I will pay/receive?

A: The answer to this question depends on the unique facts of every divorce case. There is no straightforward answer to this question. However, General Term Alimony is the most popular type of alimony ordered in Massachusetts.

Q: Is cohabitation a factor in alimony?

A: Yes, if you and your spouse lived together prior to getting married, that will increase the length of the period of alimony to be paid.

Similarly, if the recipient spouse begins cohabitating with a significant other for a period of 3 months or more, that can reduce, suspend, or terminate the alimony order.

Have any further questions about alimony?

Call the attorneys at Amaral & Associates, P.C.