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ATTORNEYS AT LAW

General Term Alimony: What is It?

Q: What is General Term Alimony?

A: There are 4 types of alimony under Massachusetts law. 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.

General Term Alimony is the most common type in Massachusetts

Q: How long does General Term Alimony last?

A: It, in large part, depends on how long you have been married. The legislature has determined that how long your alimony will last will be a percentage of the total number of months you were married. The percentages are:

- 0-5 years: 50% of the total number of months you were married
- 5-10 years: 60% of the total number of months you were married
- 10-15 years: 70% of the total number of months you were married
- 15-20 years: 80% of the total number of months you were married
- 20+ years: can be indefinite

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Alimony presumptively terminates when the payor spouse reaches full retirement age, as determined by the Social Security Administration.

Q: Are there any other circumstances that will determine how long General Term Alimony will last?

A: Yes, alimony can be reduced, modified, terminated, or suspended if the recipient spouse cohabitates with a significant other and maintains a common household with this person for a continuous period of at least 3 months.

Alimony can also be reduced, modified, terminated or suspended upon a showing of a material change in circumstances by either spouse.

Q: How do you prove that the recipient spouse is cohabiting with a significant other?

A: Because the Alimony Reform Act is still relatively new, the courts are still interpreting this issue. However, the statute defines cohabitation as:

- sharing a primary residence together with or without others
- oral or written statements or representations made to third parties regarding the relationship of the persons;
- the economic interdependence of the couple or economic dependence of 1 person on the other;
- the persons engaging in conduct and collaborative roles in furtherance of their life together;
- the benefit in the life of either or both of the persons from their relationship;
- the community reputation of the persons as a couple

Q: Is there any time alimony can last longer?

A: Yes, if a couple lives together prior to getting married, then that time that the couple lives together is added on to the length of the marriage, which adds to how long alimony will last.

Q: Are there any other factors considered for General Term Alimony

A: In setting an initial alimony order, or in modifying an existing order, the court may deviate in the amount of alimony to be paid or the length of alimony of the following reasons:

- advanced age; chronic illness; or unusual health circumstances of either party;
- tax considerations applicable to the parties;
- whether the payor spouse is providing health insurance and the cost of health insurance for the recipient spouse;

- whether the payor spouse has been ordered to secure life insurance for the benefit of the recipient spouse and the cost of such insurance;
- sources and amounts of unearned income, including capital gains, interest and dividends, annuity and investment income from assets that were not allocated in the parties divorce;
- a party's inability to provide for that party's own support by reason of physical or mental abuse by the payor; and
- a party's inability to provide for that party's own support by reason of that party's deficiency of property, maintenance or employment opportunity.

Have any further questions about General Term Alimony?

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