

## Massachusetts Alimony Reform and Cohabitation: What does it mean for me?

Under the new Massachusetts Alimony Reform Act, which became effective in March 2012, if a spouse who receives alimony begins to cohabit with another person, then alimony may be modified or terminated under the new law. This is a departure from the previous Massachusetts alimony law, which did not allow for termination or modification based upon cohabitation.

In cases involving General term alimony, a payor spouse may modify or terminate his or her alimony obligation if the recipient spouse has been cohabitating with another person for a continuous period of at least 3 months. Cohabitation is defined as persons who maintain a common household when they share a primary residence together with or without others.

It must be noted, however, that the payor spouse has the burden of proving that the recipient spouse is cohabitating with another person. To prove this, the payor spouse may show any of the following:

1. oral or written statements or representations made to third parties regarding the relationship of the persons;
2. the economic interdependence of the couple or economic dependence of 1 person on the other;
3. the persons engaging in conduct and collaborative roles in furtherance of their life together;
4. the benefit in the life of either or both of the persons from their relationship;
5. the community reputation of the persons as a couple; or
6. other relevant and material factors.

However, it is important to note that if an alimony obligation is modified or terminated due to cohabitation, the alimony obligation may be reinstated upon the recipient spouse terminating the cohabitating relationship.