



## **Alimony Lawyer**

### **Serving Boston, Massachusetts Area**

Alimony, also known as spousal support, is addressed in Chapter 208, section 34 of the Massachusetts General Laws. The basis for alimony in Massachusetts is purely statutory and grounded in the theory that marriage is a partnership.

Unlike child support, no official guidelines for alimony awards in Massachusetts exist, although this may change in the not too distant future. Changes including the adoption of child support guidelines (less money available for spousal support) and more women engaging in employment have reduced the need for alimony in some cases.

Alimony payments are deductible from the gross income of the payor and taxable as income to the recipient, unless the parties specifically agree to some other allocation of the tax consequences. Speaking with a Boston alimony lawyer is the best option.

Stephen F. McDonough, Esq.  
The Divorce Collaborative LLC

77 Main Street  
Medway, MA 02053  
T: (508) 533-3300  
F: (508) 507-3610  
[steve@divorcecollaborative.com](mailto:steve@divorcecollaborative.com)  
<http://www.divorcecollaborative.com/>

## ***Alimony Factors***

Due to the lack of statutory guidelines, alimony frequently involves a substantial amount of negotiation between a couple and/or their lawyers. If the parties to a divorce are unable to agree, then the issue will be decided by the Court, and it is important to remember that the Court has broad discretion. A Judge must consider the following factors before deciding to award – or not award – spousal support in Massachusetts: the length of the marriage, the conduct of the parties during the marriage, health, age, station, occupation, amount and sources of income, vocational skills, employability, estate (all property to which title is held, regardless of how acquired), the opportunity of each to acquire future capital assets and income, and the liabilities and needs of a person.

Although labeled *discretionary* additional factors that the Court may consider include the contribution to the acquisition, preservation, or appreciation in value of the respective estates of the parties, and the contributions of a spouse as homemaker to the family. These factors can be quite significant in certain cases. Since 1974, alimony is not based upon the gender of the parties; nor is it intended to be a form of punishment.

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## ***Types and Theories of Alimony***

Although determining a proper award of alimony is very fact-specific, there are general principles and theories that provide some guidance when considering spousal support.

***Rehabilitative Alimony*** is used more frequently in short and medium length marriages when one spouse is not immediately financially independent but it is highly likely that support is needed for only a temporary period. An example of this type of alimony would be when a spouse is re-entering the workforce, but has marketable employment skills and experience.

***Reimbursement Alimony*** – This theory rests on the concept that when a spouse assists with improving the earning capacity of the other, such as supporting a spouse during graduate studies with the expectation that the financial situation of the family would be improved. This type of alimony can be considered a type of restitution, but is not always favored by some case law in Massachusetts.

***Permanent Alimony*** – Most common in long term marriages, this form of alimony terminates upon the remarriage of the recipient or upon the death of either party. Normally, the situation where one spouse will never be able to reach the earning capacity of the other and there are not enough assets to divide to make up for this situation would support an award of permanent alimony.

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Another goal of this type of alimony is to balance out the lifestyle of the two spouses after a long-term marriage. An alimony order could be modified if future circumstances equate to a material change in circumstances.

***Lump-Sum Alimony (Alimony in Gross)*** – As the title suggests, this is an alimony award that is paid in a single sum or sometimes a limited number of periodic payments. This category of alimony payments is not frequently used in Massachusetts.

Spousal support is currently a hot topic in Massachusetts. The historical lack of consistency in alimony awards can serve to encourage expensive litigation, while a number of evolving alimony theories including those of the American Law Institute, as well as societal changes are causing practitioners to re-examine the concept of alimony.

Previous efforts to standardize alimony guidelines in Massachusetts have not been widely accepted. Currently, a joint task force of the Massachusetts Bar Association and the Boston Bar Association is exploring the use of alimony guidelines, although it remains to be seen if such a formulaic approach will be embraced by the courts and domestic relations attorneys. As this topic develops, keep an eye out on *my blog* for updates and information.

Contact our [alimony lawyer](#) serving Medway and Boston, Massachusetts.

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