

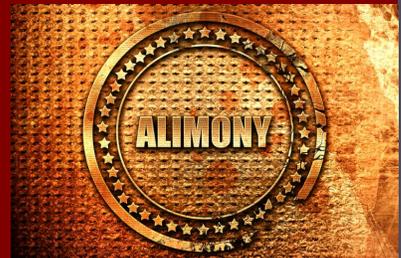


MASS ALIMONY REFORM

Alimony- "The payment of support from an Ex-Spouse with the Ability to Pay to an Ex-Spouse in Need, for a Reasonable Length of Time"

**Mass Alimony Reform
213 Main Street, suite 201
Hudson, Ma 01249**

May 12, 2017



Dear, Jim

The following article is featured on line now and will be in print in the May 14, 2017 Sunday Globe.



Massachusetts needs to divorce its divorce law. The state's reforms were made with good intent, but bad execution. And now there's a chance to fix all that.

**By Louise Sloan
MAY 11, 2017**

You can read the story on line NOW by clicking the link below.

[Sunday Globe Article](#)

**Please read and
Send comments to
magazine@globe.com.**

Your comments count!

And please do not forget!

**Joint Committee on the Judiciary -
Public Hearing Scheduled on**

Monday, May 15, 2017

**The Joint Committee on the Judiciary is the NEXT and most
important step.**

**Insist that the Committee gives H740 a Favorable Vote to
move it forward.**

**Place: The State House
Address: 24 Beacon Street, Boston, Mass.
Time: 1:00 pm - ?????? pm**

Testimony will begin at 1:00 PM in Room 1A and 1B

The earlier you arrive to sign in, the earlier you will be called on to speak. You will be allowed no more than 3 minutes. Please bring 15 copies of your Testimony.

Wear Something Red!

What H 740 Does and Does Not Do.

Does: Allows all payors of alimony the right to File a Complaint to modify based on Cohabitation, Durational Guidelines, and Reaching the age they can Collect their Full Retirement.

Does Not: It is not an automatic Termination of Alimony.

Does: H-740 gives the right to file for modification not any automatic cessation of alimony and certainly not the certainty that it will terminate. But do keep in mind that the bill does say that reaching or having reached the durational limit for alimony under the ARA shall be deemed a material change of circumstance and the judgment shall be modified UNLESS the court finds that deviation from the durational limits is warranted.

Does: So what it really does is shift the burden of proof from the payor to the recipient. In essence relief is to be provided after filing for modification and hearing UNLESS the recipient can meet the burden of showing that continuing some level of alimony is warranted.

Does: If under the deviation factors it should be continued in some amount then it will not be terminated. If the court determines that the recipient has not met the burden of convincing the court that it should continue.

then it will terminate.

Does Not: Reaching the durational limit will not automatically terminate alimony. The recipients will have their "day in court" but their alimony will not just be automatically continuing indefinitely after the durational limit without proving that continuation is warranted. That is what the bill does.

Does Not: Similarly cohabitation does not result in an automatic termination. A complaint for modification must be brought and the court will then determine based on the payor meeting his burden of proof whether the alimony should be reduced, suspended or terminated.

[Click Here for more information](#)

It is extremely important for you to show up, even if you think that the SJC decisions do not effect you.

This is the most important event that you can participate in.

YOUR TESTIMONY

Tell the Committee how the SJC decisions have negatively affected your life, and that you should have equal access to the Law.

- 1. Your Ex-Spouse has been Cohabiting by maintaining a common household with another person for a continuous period of at least three months, as defined in the Alimony Reform Act of 2011.**

2. You have reached or passed your Full Retirement Age, and as written in the Alimony Reform Act of 2011, you should have the right to file a "Complaint to Modify" to Terminate your Alimony.

MORE TALKING POINTS

1. The Alimony Reform Act of 2011 was crafted by a Task Force appointed by the chairs of the Joint Committee on the Judiciary.

2. The participants of the Task Force represented all interested parties including the Boston Bar, the Mass Bar, the Women's Bar, the American Association of Matrimonial Lawyers, The Chief Justice of Probate, and the President of Mass Alimony Reform.

3. The Bill filed had the blessings of all the interested parties and their organizations.

4. There was absolutely zero opposition for the guidelines and wording of the bill. It was made clear by Senator Candaras and others testifying that the bill was available to anyone with a modifiable Judgement and or Agreement.

5. The Chief Justice created a form with a schedule of when pre-enactment of the Alimony Reform Act could file for a modification.

6. According to the late Supreme Justice Scalia, "Judges should be following the law, not interpreting the law".

If you think you are safe, you are not!

For those of you who have already ended your alimony, non passage of H 740 could lead to a re-in-statement of

your alimony.

- SOME IMPORTANT DEFINITIONS AND FACTS -

- 1. RETROACTIVE - (especially of legislation) - Taking effect from a date in the past.**
- 2. MODIFICATION - make changes to something to improve it or make it less.**
- 3. PREPONDERANCE OF THE EVIDENCE - based on the more convincing evidence and its probable truth or accuracy**
- 4. DEVIATION - to do something that is different or to be different from what is usual or expected.**
- 5. THE INTENT OF THE ARA was to allow all modifiable Judgments or Agreements the ability to File for a Modification.**
- 6. MODIFIABLE AGREEMENT - Anyone agreeing to a Modifiable Agreement knew that it could be modified based on a "Material or Substantial Change in Circumstance"**
- 7. INTEREST OF JUSTICE - the cause of fairness and equality used when a judge has discretion to making a ruling in a particular situation.**
- 8. IN CONCLUSION- H 740 re-affirms the original intent of the ARA of 2011. It is not automatic, it only allows a Payer the ability to file for a Modification to:**
 - a. Reduce.**
 - b. Suspend**
 - c. or Terminate.**

A Judge has the Judicial Discretion to Deviate from the guidelines, in the Interests of Justice, as long as there is a Preponderance of the Evidence from the Payee warranting a Deviation.

Remember, "If you let up you lose, and we are not losing because we are not letting up"

Your financial support is greatly appreciated!

[Please Click Here to Help with Financial Support.](#)



Feel free to call me or e-mail me with any questions.

Stephen K. Hitner, President, Mass Alimony Reform

**Divorce Coach, Consultant, and Mediator
Member, 2011 Alimony Reform Task Force
Member, Massachusetts Council on Family Mediation**

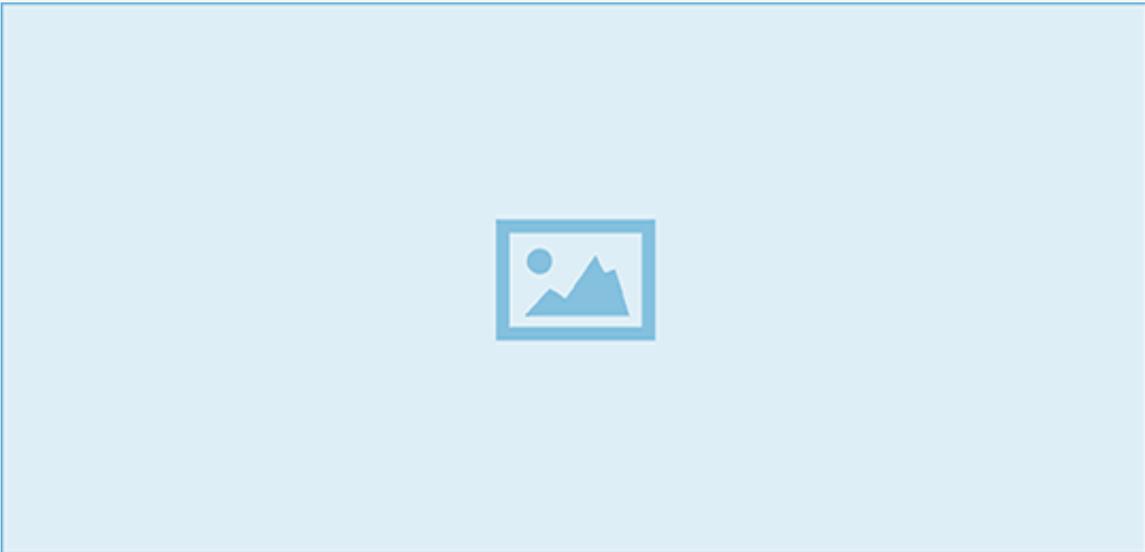
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STAY CONNECTED:



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Sent by steveh@massalimonyreform.org in collaboration with

