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In Age of Dual Incomes, Alimony Payers Prod States to Update Laws



Edward Linsmier for The New York Times

Dr. Bernard Perez, who was married for 20 years, said he had been ordered to pay his former wife 89 percent of his income.

By [LIZETTE ALVAREZ](#)

MIAMI — In the waning days of this year's legislative session, Florida lawmakers and advocacy groups are pushing to overhaul the state's alimony law in a bid to better reflect today's marriages and make the system less burdensome for the alimony payer.

Florida joins a grass-roots movement in a growing number of states that seeks to rewrite alimony laws by curbing lifelong alimony and alleviating the financial distress that some payers — still mostly men — say they face. The activists say the laws in several states, including Florida, unfairly favor women and do not take into account the fact that a majority of women work and nearly a third have college degrees.

The Florida House recently approved [legislation](#) that would make lifelong alimony more difficult to award and less onerous for the payer and, in the case of a remarriage, would place a new spouse's income off-limits in awarding payments. Attention turns to the Senate, where the companion bill is less far-reaching. Florida had already changed some provisions in alimony law two years ago.

Traditionally, alimony was designed to prevent divorced women who did not work and were less educated from falling into poverty. According to this view, the woman's job was to raise children and run the household. Today, with both spouses often working, that situation is far less common. The question now is: What is fair alimony in the 21st century?



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Dr. Jose A. Aleman-Gomez said his former wife had a solid income as a dentist.

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Dr. Perez said his alimony payments had nearly bankrupted him.

“I think that with my parents and certainly their parents, there were far less women in the work force,” said State Representative Ritch Workman, a Melbourne Republican who is sponsoring the House bill. “The concept of a woman, after 15 years being married, to enter the work force and survive on her own was ludicrous. It was an obligation of the ex-husband to support her until she found another husband. I am sure that’s insulting to today’s women that they have to go from one husband to the next to be supported. It is not antiwoman to say that out loud.”

Last year, the legislature in Massachusetts, which had some of the country’s most antiquated alimony laws, passed without opposition a measure to rewrite the laws and make them more equitable, following the recommendations of a special commission. The [changes in Massachusetts](#), which were supported by the state bar association and women’s groups, have spurred alimony payers in other states to organize and begin lobbying lawmakers.

In New Jersey, a [resolution calling for the creation of a similar commission](#) to study the state’s alimony laws has gained momentum. Connecticut lawmakers are drafting an alimony bill, with hearings expected in the next month, lobbyists say.

And in Arkansas, the Carolinas, Oregon, West Virginia and other states, activists are setting up “Alimony Reform” groups, collecting stories about the hardships of long-term alimony payments and presenting them to lawmakers.

Because laws vary greatly from state to state and grant judges broad discretion with few guidelines, alimony judgments diverge wildly, sometimes within the same jurisdiction. In Florida, marriages lasting longer than 20 years typically trigger lifetime alimony payments, but it is also not uncommon for the higher-income earner in shorter marriages to wind up

paying permanent alimony, which can stretch for decades and end only after the payer dies or the former spouse remarries.

For many payers, reducing alimony is difficult, even when circumstances and incomes change. Appeals are often lost. The high cost of legal representation can make it impossible to continue battling in court. Payers say alimony should not deplete retirement funds, discourage women from working or remarrying, or sap the income of a new spouse.

If the standard of living must drop after a divorce, as it often does, the burden should be equally shared, they say. In Florida, that is not always the case.

“It can strangle the person that is paying it,” said Alan Frisher, the founder of [Florida Alimony Reform](#), an organization of 2,000 members, several of whom testified recently at legislative committee hearings. “Oftentimes, we can’t afford to pay that amount of alimony. It can provide a disincentive for the receiver to ever go back to work, to make more money or remarry. I don’t think anybody should have to be an indentured servant for the rest of their lives.”

But Barry Finkel, a family law lawyer in Fort Lauderdale, said the bill would heedlessly chisel at judges’ discretion.

“There certainly is a national trend against long-term alimony,” he said, “but the answer is not to create these roadblocks and hurdles because there is an unhappy payer.”

Cynthia Hawkins DeBose, a law professor at Stetson University in Gulfport, said the bill, and others like it, could remedy some inequities of permanent alimony, like protecting a new spouse’s income and ensuring that an ex-wife does not live in a \$700,000 house while her husband lives in a \$180,000 one. Former spouses, she said, should be permitted to move on and not be tethered forever.

“Over all, I’m mixed about this,” she said. “I don’t think alimony should be welfare for the middle class, but I’m fearful of the tail wagging the dog.”

In Florida, as in most states, the alimony system works mostly as it should. Ninety-five percent of those who divorce settle out of court, and judges often make fair decisions, legal experts say.

David L. Manz, the chairman of the [Florida Bar Family Law Section](#), said his organization opposed the House bill because it was too loosely written and would remove too much

judicial discretion. In remedying the plight of a small number of men, Mr. Manz said, the bill could leave more divorced women vulnerable. He said he was negotiating to change parts of the bill.

Even today, Mr. Manz said, divorce is more likely to hurt women. They are still the ones who typically give up their jobs to focus on raising children. Even when they do not give up jobs, their child-rearing responsibilities can sidetrack their careers. Returning to jobs after long absences is difficult.

“For every guy, there is a wife or former wife who got the short end of the stick,” Mr. Manz said. “Look at the standard of living of most people in a long-term marriage: divorced men’s standard of living goes up, and the women’s goes down. That happens every day.”

“We are not in favor of disenfranchising someone who has given up her career,” he added. “What you are hearing about is a very vocal, persuasive minority.”

The men, and the few women, in Florida Alimony Reform agree they are a minority. But they say the injustice in the system is no less gut-wrenching. They say judges’ attempts to follow the law and maintain, after divorce, the same standard of living a couple shared in marriage is mathematically impossible. Former wives often benefit from this, they say.

Dr. Jose A. Aleman-Gomez, a Cape Coral cardiologist who was married for 21 years, said he must pay \$50,000 a year, or about 25 percent of his salary, to his ex-wife, a practicing dentist with a solid income. And Dr. Bernard R. Perez, a Tampa eye surgeon with throat cancer who was married for 20 years, said he had been ordered to pay his former wife 85 percent of his income; for the last three years, he has lived in his brother’s garage and is near bankruptcy, he said.

Each man was also ordered in court to carry a life insurance policy naming his former wife as sole beneficiary.

The aggrieved men say they are not opposed to alimony. They are opposed to alimony payments with no end in sight. In their view, alimony should be awarded for long enough to allow a former spouse to get an education, find a decent job or rehabilitate a career or, when both spouses agree, until children reach a certain age. The Florida bill would allow exceptions, like older women who cannot easily find decent jobs.

“I am maintaining her standard of living but not mine,” Dr. Aleman-Gomez said of his former wife. He said he was paying off \$70,000 in lawyer’s fees. “A person with a doctorate

degree, with a six-figure income, should not be receiving alimony,” he said. “Alimony is for the people who need it.”