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DIVORCE

Breadwinning Women Are Driving Alimony Reform

Beth Pinsker / Reuters

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When alimony reform comes to Florida, it may be too late for Tarie MacMillan, a 65-year-old who runs a jewelry business near Tampa.

MacMillan was ordered to pay her ex-husband \$7,000 a month 15 years ago. Even so, she has joined the crusade to lobby state legislators to change the legal obligation to provide financial support to a spouse before or after marital separation or divorce.

Some states have already put curbs on judgments, particularly for marriages of less than 20 years, but most, like Florida, are still in progress or are constantly evolving.

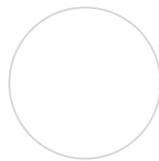
"I thought I was my own island of misery that I had to go through this, but once I got involved I was very impressed. There's a light at the end of the tunnel," she said.



How often do you discuss money with your spouse?

Vote!

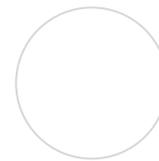
... and see how others have voted



Very
regularly



Only
occasionally



Never



888 Votes

OPINARY.

Alimony, otherwise known as spousal support or maintenance, is an ongoing payment by the higher-earning spouse to the lower-earning one. It has changed and shifted over the 40 years since the Supreme Court ruled that it had to be applied equally to both genders.

Yet it is still heavily weighted toward men paying women. Only 3% of around 400,000 alimony recipients are male, according to the 2010 census, up 0.5% since 2000. Recipients claimed \$9.2 million in payments in 2013 on their tax returns.

Unlike child support, which is common when divorcing couple has kids, alimony awards have always been very rare, going from about 25% of cases in the 1960s to about 10% today, said Judith McMullen, a professor of law at Marquette University. In one study of Wisconsin cases, she found it was only 8.6%.

Now that women are paying alimony more often, they are getting involved in advocating for change.

"It's unfair for men to pay it, and unfair for women to pay it. But women are much more outraged by it," said Ken Neumann, a founder of the Academy of Professional Family Mediators.

A Check Until You Die

Tanya Williams, who has been sending a check to her ex-husband for 13 years, is among those who do not understand the concept of "permanent" alimony - when one spouse pays the other indefinitely - and has joined the cause against it.

"There's no other contract where the liability continues after the contract ends," said the 52-year-old dentist who got divorced in Florida but now lives in North Carolina. "You can't leave your job and say, 'I still have a need so you have to continue to pay me.' "

To address this, states like Massachusetts, Texas and Kansas restrict most cases to helping lower-earning spouses get back on their feet or get further education. The general consensus is that everyone should work, and the only individuals likely to get a longer-term award are those who are disabled or are in retirement.

"We're not a post-gender society," said Mary Kay Kisthardt, a professor of law at the University of Missouri-Kansas City School of Law. But she said the usual argument against alimony is that everyone could be earning, so there is not a need for it.

In New York, for instance, new rules go into effect in January 2016 which further limit alimony based on the duration of the marriage. The rules also restrict the way you can project the future earnings of professionals like doctors, said Caroline Knauss-Brown, a partner at Blank, Rome in New York.

Negotiate It Out

Alimony often gets negotiated out before it gets to the courts, as 90 to 95% of cases settle.

"There is less legal support for it, less social support for it and it's not a big bargaining chip," said McMullen, who envisions alimony getting more and more rare and awarded only in cases of a true disability.

For the 400,000 already in the system, there are always opportunities to petition for modification or try to renegotiate, but the chances are slim.

"You have to wait for them to die, essentially," said Neumann.
