

Alimony Till Death Do Us Part? Nay, Say Some Ex-Spouses

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Alimony dates back centuries. The original idea was that once married, a man is responsible for a woman till death. But that notion has shifted in recent decades, as more women have jobs and their own money. Now, a number of states are considering laws to end lifetime alimony.

During his two-decade marriage, Tom Leustek's wife earned a Ph.D. and landed a job that paid as much as his. He's a college professor in New Jersey.

But she quit to start her own psychology practice, and her salary plummeted. Then they split. Leustek says he was astonished when a judge ordered him to pay lifetime alimony, despite his wife's clear earning potential.

"When the judge told me at one point, 'It's not fair, Mr. Leustek; it's the law,' I decided something had to be done about it," he says.

Leustek heads New Jersey Alimony Reform, one of a dozen groups taking their cue from Massachusetts. A law that went into effect there last year sets up formulas limiting alimony based on the length of a marriage. Leustek says a similar proposal in New Jersey would also end alimony when the payer reaches retirement age.

"Imagine that your income drops significantly but your obligation to pay out doesn't," he says. "And the family judge says, 'Well, come back when you've spent down all of your assets.' Well, this becomes a nightmare retirement for people. In effect, it means that they can never retire."

New Jersey businessman Raymond Posa says it makes no sense in his case. "The theory behind this was fine back in the '50s, when everybody was a housewife and stayed home," says Posa, whose wife left a well-paying job to raise their kids. But after their divorce, she went back to work in a lower-paid position, as a teacher's aide. Posa was ordered to pay lifetime alimony. He finds that unfair, considering women now make up nearly half the workforce.

"It's like you're incapable of getting on your own two feet, and you need to depend on this person for the rest of your life?" Posa says

To be sure, most divorce cases don't involve alimony at all. If spouses earn about the same, there's no need for one to pay the other. And yes, more women are paying alimony, as more of them outearn their husbands.

But Alton Abramowitz, of the American Academy of Matrimonial Lawyers, says there are still plenty of stay-at-home wives who'd have a hard time re-entering the workforce.

He says alimony reform proposals punish those who've sacrificed for a husband's career "either by giving up their own career and taking care of the household and raising kids, or entertaining business associates and friends in order to generate contacts."

And what about the goal of ending alimony at retirement?

"I don't think that's fair, either, because it doesn't take into account that the monied spouse still may have income coming in from investments," Abramowitz says.

Reformers say they seek guidelines and clarity in a process that can feel arbitrary. Abramowitz says judges need discretion to be fair.

Women are also weighing in on this debate, on both sides. There are even Second Wives Clubs — working women who complain that their salaries are subsidizing alimony payments to a husband's first wife.

In Florida, Jan Killilea has formed a counter group: First Wives First.

"I know that Florida Alimony Reform makes that claim that this isn't *Leave it to Beaver* anymore. But if you come to Palm Beach County,

where I happen to live, you do see the moms that have given up careers," she says.

In fact, Killilea is surrounded by them. After more than two decades as a stay-at-home mom, then a divorce, she has gone back to work as a nanny. But she says she couldn't get by without her ex's alimony. Killilea says alimony payers have a point when they invoke the "right to retire." But that cuts both ways.

"If we're expected at 50, 60 and 70 to reinvent ourselves after being out of the workforce for 30 years, I would think that somebody that might be a surgeon, or has a high-risk career, would then reinvent themselves to honor their responsibilities," she says.

Florida's governor recently vetoed alimony legislation, but supporters say they'll try again. In New Jersey, lawmakers expect heated debate when they take up proposed reforms soon.