

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Rodman v. Rodman

470 Mass. 539 (2015) · No. SJC-11726 · Decided January 30, 2015

SUMMARY

The Massachusetts Supreme Judicial Court held that G. L. c. 208, § 49(f), the Alimony Reform Act's retirement provision, does not apply retroactively to alimony orders entered before March 1, 2012. The court rejected the argument that retroactive application was permissible merely because the parties' separation agreement had merged into the divorce judgment and was generally modifiable. The matter was remanded to the Probate and Family Court for further proceedings.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Duffly, J.; Gants, C.J.; Spina, J.; Cordy, J.; Botsford, J.; Lenk, J.; Hines, J.
JURISDICTION	Massachusetts
DECIDED	January 30, 2015
DOCKET	SJC-11726
DISPOSITION	remanded
PROCEDURAL POSTURE	The former husband sought modification of a divorce judgment to terminate alimony based on his having reached the statutory full retirement age. A Probate and Family Court judge denied his motion and reported a question of law. The Supreme Judicial Court granted direct appellate review.
STANDARD OF REVIEW	Statutory interpretation according to legislative intent, considering the statutory language, enactment purpose, and statutory structure.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; binding precedent in Massachusetts.
PARTIES	George J. Rodman v. Roberta Rodman

TOPICS

- alimony
- divorce
- family law procedure
- statutory interpretation
- legislative intent

PRACTICE AREAS

Family law

Alimony

Divorce

Statutory interpretation

QUESTIONS PRESENTED

1. Whether G. L. c. 208, § 49 (f), applies retroactively to an alimony order in a divorce judgment entered before March 1, 2012.
2. Whether the fact that the parties' alimony agreement merged into the pre-effective-date divorce judgment makes application of the retirement provision prospective rather than retroactive.

HOLDINGS

1. G. L. c. 208, § 49 (f), does not apply retroactively to alimony orders in divorce judgments entered before March 1, 2012.
2. The merger of an alimony agreement into a divorce judgment does not permit retroactive application of the retirement provision.

KEY QUOTATIONS

“We therefore reject George's claim that the retirement provision may apply to modify an alimony agreement that merged in a judgment that entered prior to March 1, 2012.” (549-550)

“General Laws c. 208, § 49 (f), does not apply retroactively to alimony orders in divorce judgments that entered before March 1, 2012.” (550)

FACTUAL BACKGROUND

George and Roberta Rodman were married for thirty-nine years and divorced in 2008. Their separation agreement required George to pay Roberta \$1,539 per week in alimony and provided for termination upon either party's death or Roberta's remarriage; the alimony provision merged into the divorce judgment. George reached full retirement age and sought termination of his alimony obligation under G. L. c. 208, § 49 (f), enacted as part of the 2011 Alimony Reform Act.

PROCEDURAL HISTORY

The parties' 2008 divorce judgment incorporated and merged their separation agreement, including a weekly alimony obligation. After the husband filed a 2013 complaint for modification and moved to terminate alimony under the Alimony Reform Act's retirement provision, the Probate and Family Court denied the motion and reported whether the provision applied retroactively to judgments entered before March 1, 2012. The Supreme Judicial Court answered no and remanded for further proceedings.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was remanded to the Probate and Family Court for further proceedings consistent with the opinion.

CASES CITED

- Commonwealth v. Figueroa, 464 Mass. 365, 368 (2013)
- Harvard Crimson, Inc. v. President & Fellows of Harvard College, 445 Mass. 745, 749 (2006)
- Mailhot v. Travelers Ins. Co., 375 Mass. 342, 348 (1978)
- Chin v. Merriot, ante
- Pierce v. Pierce, 455 Mass. 286, 293 (2009)
- Schuler v. Schuler, 382 Mass. 366, 368 (1981)
- Bercume v. Bercume, 428 Mass. 635, 644 (1999)
- Condon v. Haitsma, 325 Mass. 371, 373 (1950)
- Johnson v. Kindred Healthcare, Inc., 466 Mass. 779, 784 (2014)
- Commonwealth v. Keefner, 461 Mass. 507, 511 (2012)
- Maracich v. Spears, 133 S. Ct. 2191, 2209 (2013)
- Holmes v. Holmes, 467 Mass. 653, 656 (2014)
- Holmes v. Holmes, 467 Mass. 653, 661 n.9 (2014)
- Lalchandani v. Roddy, 86 Mass. App. Ct. 819 (2015)

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