

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Chin v. Merriot

470 Mass. 527 (2015) · No. SJC-11715 · Decided January 30, 2015

SUMMARY

The Massachusetts Supreme Judicial Court held that the retirement and cohabitation provisions of the Alimony Reform Act of 2011 apply prospectively and do not provide a basis for terminating an alimony order entered before the Act's effective date. The court concluded that such a preexisting alimony judgment remains governed by the prior material-change-in-circumstances standard, except for the Act's durational-limit provisions. The court affirmed dismissal of Chester Chin's complaint for modification.

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-11715
DISPOSITION	affirmed
PROCEDURAL POSTURE	Chin appealed from dismissal of his complaint for modification of a merged alimony provision in a divorce judgment. The Supreme Judicial Court granted Chin's application for direct appellate review.
STANDARD OF REVIEW	Questions of statutory interpretation are reviewed de novo. A modification judgment concerning alimony is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the Massachusetts Supreme Judicial Court
PARTIES	Chester Chin v. Edith E. Merriot

TOPICS

- alimony
- statutory interpretation
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

family law

alimony

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether the Alimony Reform Act of 2011 applies to a merged alimony provision in a divorce judgment entered before the Act's effective date.
2. Whether the Act's retirement and cohabitation provisions provide a basis for terminating a preexisting alimony obligation without proof of a material change in circumstances.
3. Whether the Probate and Family Court abused its discretion in dismissing Chin's modification complaint.

HOLDINGS

1. The Alimony Reform Act applies prospectively to the alimony obligation at issue because the divorce judgment was entered before March 1, 2012.
2. General Laws c. 208, § 49(d) and (f), do not independently authorize termination or modification of an alimony judgment entered before March 1, 2012, absent a material change in circumstances under the law applicable when the judgment entered.
3. A preexisting alimony judgment remains subject to the material-change-in-circumstances standard applicable before enactment of the Alimony Reform Act, and Chin failed to satisfy that standard.

KEY QUOTATIONS

“By emphasizing the limitations on prospective application of the alimony reform act in three separate provisions in the uncodified sections of the act, the Legislature could not have expressed its intent more clearly: only a claim for modification based on durational limits may, but will not always, apply retroactively to existing alimony judgments.” (at 527-528)

“It follows, therefore, that the provisions of G. L. c. 208, § 49 (d) and (f), do not warrant relief in the absence of a material change of circumstances.” (at 528)

FACTUAL BACKGROUND

Chin and Merriot were married in Massachusetts in 1998 and divorced after approximately twelve years of marriage. Their separation agreement, merged into the August 2011 divorce judgment, required Chin to pay Merriot \$650 per month in alimony until either party's death or Merriot's remarriage. After the Alimony Reform Act became effective, Chin had reached full retirement age and Merriot had continuously maintained a common household with another person for more than three months, but the trial judge found no other material change in circumstances warranting modification.

PROCEDURAL HISTORY

The parties' divorce judgment nisi entered in the Probate and Family Court in August 2011 and incorporated and merged a separation-agreement provision requiring Chin to pay Merriot \$650 per month in alimony until the

death of either party or Merriot's remarriage. After the Alimony Reform Act of 2011 took effect on March 1, 2012, Chin sought termination based on his reaching full retirement age and Merriot's cohabitation. After trial, the Probate and Family Court ruled that the Act's retirement and cohabitation provisions did not apply retroactively and dismissed the complaint because Chin had not shown a material change in circumstances under prior law.

DISPOSITION

affirmed

CASES CITED

- Holmes v. Holmes, 467 Mass. 653, 656 (2014)
- Sheehan v. Weaver, 467 Mass. 734, 737 (2014)
- Commonwealth v. Figueroa, 464 Mass. 365, 368 (2013)
- Harvard Crimson, Inc. v. President & Fellows of Harvard College, 445 Mass. 745, 749 (2006)
- Johnson v. Kindred Healthcare, Inc., 466 Mass. 779, 784 (2014)
- Commonwealth v. Keefner, 461 Mass. 507, 511 (2012)
- Abramski v. United States, 134 S. Ct. 2259, 2267 (2014)
- Maracich v. Spears, 133 S. Ct. 2191, 2209 (2013)
- Murphy v. Department of Correction, 429 Mass. 736, 737-738 (1999)
- Commissioner of Banks v. Chase Securities Corp., 298 Mass. 285, 309 (1937)
- Commonwealth v. Abrahams, 85 Mass. App. Ct. 150, 153-154 (2014)
- Franchise Tax Board v. Superior Court, 221 Cal. App. 4th 647, 661-662 (2013)
- Commonwealth v. Semegen, 72 Mass. App. Ct. 478, 480 (2008)
- Commissioner of Correction v. Superior Court Department of the Trial Court for the County of Worcester, 446 Mass. 123, 126 (2006)
- Commonwealth v. Hampe, 419 Mass. 514, 518 (1995)
- Pierce v. Pierce, 455 Mass. 286, 293 (2009)
- Schuler v. Schuler, 382 Mass. 366, 368 (1981)
- Robbins v. Robbins, 343 Mass. 247, 249 (1961)
- Hinds v. Hinds, 329 Mass. 190, 191-192 (1952)
- O'Brien v. O'Brien, 325 Mass. 573, 576 (1950)
- Whitney v. Whitney, 325 Mass. 28, 31-32 (1949)
- Heins v. Ledis, 422 Mass. 477, 483 (1996)
- Stansel v. Stansel, 385 Mass. 510, 515 (1982)
- Hay v. Cloutier, 389 Mass. 248, 253 (1983)
- Hanscom v. Malden & Melrose Gas Light Co., 220 Mass. 1, 3 (1914)
- Bush v. Bush, 402 Mass. 406, 412 n.9 (1988)

- Gottsegen v. Gottsegen, 397 Mass. 617, 625 (1986)
- Heistand v. Heistand, 384 Mass. 20, 26-27 (1981)

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