

COMMONWEALTH OF MASSACHUSETTS

NORFOLK DIVISION

PROBATE & FAMILY COURT
DOCKET NO.:

v.	Plaintiff
	Defendant

DEFENDANT’S MEMORANDUM OF LAW:
EARNING POTENTIAL

Courts are cautioned “against relying unduly on the income-earning potential of a wife and mother who has been out of the regular job market for decades.” Frederick v. Frederick, 29 Mass.App.Ct. 329, 334 (1990), citing Zildjian v. Zildjian, 8 Mass. App.Ct. 1, 15-17 (1979). See Goldman v. Goldman, 28 Mass.App.Ct. 603, 610-611 (1990) (in long-term marriage, it is not appropriate to focus on “full time earning capacity of the wife and penalize her making a decision to be at home.” A recipient spouse’s realistic prospects for self-sufficiency must be “considered with care.” Ross v. Ross, 50 Mass.App.Ct. 77, 80 (2000).

Respectfully submitted,
the defendant,

by her attorney:

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