



30 Bank Street
PO Box 350
New Britain
CT 06050-0350
06051 for 30 Bank Street
(860)223-4400
fax (860)223-4488

Testimony of Kate W. Haakonsen, Member, Executive Committee,
Family Law Section of the Connecticut Bar Association

House Bill 5599

**An Act Concerning Assignment of Property and the Award of Alimony
Upon Dissolution of Marriage, Legal Separation or Annulment**

Judiciary Committee

March 10, 2006

Senator McDonald, Representative Lawlor, members of the Judiciary Committee, thank you for the opportunity to comment on House Bill 5599, An Act Concerning Assignment of Property and the Award of Alimony Upon Dissolution of Marriage, Legal Separation or Annulment.

My name is Kate W. Haakonsen. I am an attorney who has practiced in the area of divorce and family law for over 27 years. I am here today to speak on behalf of the Family Law Section of the Connecticut Bar Association to comment on House Bill 5599. The Family Law Section of the CBA consists of over 700 members who have a great interest in bills affecting family law procedures and issues concerning dissolution of marriage. **On behalf of the section, I respectfully request that the Judiciary Committee reject House Bill No. 5599 for the following reasons:**

The effect of House Bill 5599 would be to prohibit the court from considering the causes for an annulment, dissolution of the marriage or legal separation when assigning property under §46b-81 or awarding alimony under §46b-82 of the General Statutes. In lay terms, House Bill 5599 would make what is usually referred to as "fault" irrelevant and presumably inadmissible with regard to alimony or property division in all cases seeking a divorce, annulment or legal separation regardless of the grounds plead. On the other hand a court would now be able to consider the grounds on which the case is filed when awarding temporary alimony under §46b-83.

Under present law, regardless of the grounds alleged in a complaint for dissolution of the marriage or legal separation, either party may present evidence as to the cause of the breakdown and the court may consider such evidence as one factor in awarding alimony and assigning property; such evidence has no affect on whether or not the marriage is dissolved. House Bill 5599 seems confuse "no fault" divorce with the consideration of the cause of the breakdown as a factor in property division and alimony awards. The purpose of no fault divorce was to allow parties to dissolve their marriage without either having to prove that the other was at fault. Under the prior

