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*Testimony by Representative Themis Klarides
Before the Judiciary Committee
On Senate Bill 6058
February 28, 2007*

Good afternoon Chairman McDonald, Chairman Lawlor, Representative O'Neill, Senator Kissel, and members of the Judiciary Committee. I am Representative Themis Klarides, representing the 114th District. I am here today to speak on HB 6058.

This bill will eliminate unconscionability at the time when enforcement is sought as a basis for nullifying a premarital agreement and to otherwise strengthen the enforceability of premarital agreements. Currently under Connecticut law, Section 46b-36g, a premarital agreement is not enforceable if the party against whom enforcement is sought proves the agreement was unconscionable when it was executed. The burden of proof is on the party who alleges that the agreement is unenforceable.

By taking the unconscionability out of the enforcement process, the burden of proof will now fall upon the parties before enforcement thus strengthening the premarital agreement. Any allegations of unfairness should be addressed before enforcement and not allowed to be decided at enforcement. This elimination will remove any inequality, at the time of enforcement, which may exist between the two parties.

Thank you for the hearing on HB 6058 and I wish to express my support of the bill and the committee's favorable action.

Sincerely,

A handwritten signature in black ink that reads "Themis".

Rep. Themis Klarides