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Statement for the Judiciary Committee
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Regarding

HB 6058 – An Act Concerning the Enforcement of Premarital Agreements

My name is Tom Foley. I submit this testimony as a private citizen who has become a student of the Connecticut divorce and custody determination system as a result of my personal experience with divorce, my passion for the well-being of children, and my service as a Co-Chair of the 2002 Governor's Commission on Divorce, Custody and Children. I strongly support and encourage the Judiciary Committee to approve HB 6058.

Approximately 50% of marriages in the US end in divorce. Connecticut courts handle some 17,000 divorces a year. Premarital agreements save precious court system resources, reduce the financial cost of divorce to the divorcing couple, and usually reduce the time, uncertainty, and emotional costs of divorce. The state and the public benefit from a system that supports the ability of couples who choose to enter into premarital agreements to be able to rely on them. This can't currently be done in Connecticut.

Premarital agreements in Connecticut are subject to a court looking at the agreement at the time of divorce and determining whether it meets an unclear standard of conscionability both at the time it was entered into and at the time of divorce. No such second-guessing applies to commercial agreements in Connecticut. The ability of a court to second-guess a premarital agreement significantly weakens its enforceability and, therefore, its purpose. HB 6058 removes the ability of a court to declare a premarital agreement unconscionable if both parties to the agreement were advised by competent counsel, were provided full disclosure, and both parties declared at the time they entered into the agreement that they believed it was fair and reasonable. Removing this unnecessary uncertainty in Connecticut premarital agreements will help deliver to many

couples and the state the benefits that premarital agreements offer. I strongly urge your committee to support HB 6058.