



STATE OF CONNECTICUT  
JUDICIAL BRANCH

**EXTERNAL AFFAIRS DIVISION**

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**Testimony of the Honorable Lynda B. Munro  
Chief Administrative Judge for Family Matters  
Judiciary Committee Public Hearing  
March 19, 2012**

**House Bill 5509, An Act Concerning the Payment of  
Alimony and Child Support**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch on **House Bill 5509, *An Act Concerning the Payment of Alimony and Child Support.***

The Judicial Branch has significant concerns with this bill, which would substantially change the way the issue of alimony is approached in Connecticut. It would substitute arbitrary guidelines for judges' discretion to fashion alimony orders tailored to the individual cases before them. It would completely change the way alimony would be approached, considered and calculated. We would respectfully submit that there is no evidence that such a drastic overhaul of Connecticut's alimony laws is needed.

The current statutory language provides adequate guidance to judges considering alimony awards. It lists several factors that the court must take into account when deciding whether to grant alimony, and if so, how much and for how long. These factors include the length of the marriage, the causes of the action, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties, any property assignments made, and, in the case of a parent to whom the custody of minor children has been awarded, the desirability of such parent's securing employment. The discretion to consider these factors is essential to a fair order of alimony.

The proposed bill provides arbitrary guidelines for awarding alimony. The concept that alimony cannot be awarded for more than half the length of the marriage is an example. There is no rational connection between the need for alimony and this formula. Under current law, the

length of the marriage is considered as one of the statutory factors. The bill also imposes a formula for calculating and capping alimony that bears no relationship to either need or ability to pay, and favors people who have income from capital assets for no discernable reason. The bill does allow the court to deviate from these rules if it makes a written finding that deviation is necessary, but the grounds for deviation are not well articulated.

The bill also reaches back and imposes new standards on existing orders. It would allow any existing order of alimony that exceeds half the length of the marriage to be modified without any need to prove a substantial change of circumstances, the current standard for modification. This means that every person paying alimony under an order that provided alimony for more than half the length of the marriage will be eligible to come back to court to seek a modification of that order. This will result in a workload increase that cannot be handled under existing resources. It will create a huge burden on the family court system, including the judges, staff and family services personnel.

It appears that this bill is modeled on a law that recently passed in Massachusetts. I would respectfully note that the situation that prompted the legislative change in Massachusetts was very different than what exists in Connecticut. The Connecticut statute, with its detailed factors to guide judges' discretion, was adopted in 1973 and has worked well. There simply is no need for such a radical change.

In conclusion, the Judicial Branch is opposed to this proposal because it replaces judges' discretion with arbitrary, unworkable rules, and because it will have a significant impact on our family courts that we cannot absorb.

Thank you for your consideration.