

March 28, 2012

Dear Representative John Hetherington,

I live in Assembly District 125 in New Canaan.

I am writing to you today as one of your constituents who is deeply dismayed by raised House Bill 5509.

This raised HB5509 proposes changes to our State's statues on Alimony that I believe will have serious negative impacts.

This bill is designed to take away a court's discretion to look at the totality of the family circumstances in making an order of alimony. One example of this is that the bill only addresses alimony and does not take into consideration the custody arrangement of the children. If the amount of alimony received by the recipient is not sufficient to provide a home for the children then this factor will become the primary focus on custody arrangements.

I am an example of someone who would have had to give up custody of my children, if the alimony in my judgment was based on the formula in this bill. My x-husband is a CFO for a fortune 500 company. I have not worked in 15+ years because as a family we felt it was best for the children to have me stay home. The children stay with their father 2-3 nights a month. They stay with me the other 27 nights a month. I would estimate my earning potential to be \$40k/yr or less. His earning potential is well into the millions. If this bill would have been passed when I got divorced, I would have felt compelled to give him sole custody (even though I had been the primary caregiver), so that the children did not have to dramatically change their living standards from what he could provide to what I could provide. I do not feel that this bill takes into consideration the children's best interest.

This bill does not discriminate between the person who is paying alimony that has a gross income of \$100,000/yr and the person who has a gross income of several million per year plus additional options worth \$5-\$7m over a seven year time period. I live in Fairfield county and our court system in Stamford is accustomed to seeing incomes in that range and even higher. One main consideration now for alimony orders is that the court must look at the ability of the recipient to become self-sufficient. If you can't become sufficient then alimony should not terminate. To allow it to terminate in these circumstances would result in the recipient potentially becoming a public charge. As a taxpayer, I urge you to put your taxpayers before the alimony payers and lobbyist. Those that can afford to pay the real cost of their own divorce that resulted from decisions they made as a couple, should.

It is one thing to help those that truly are in need of relief and cannot support the first family without the second wife/husband's income; but it is unfair to the middle class taxpayer to pick up the divorce cost from families that receive mega bonuses and stock options in the millions. The middle class person who has not had a raise in five years, who is struggling to keep their home and/or who is barely saving for their own retirement should not be asked to pick up the divorce cost of those families that have the means to absorb it. That is the main reason we need to give our Judges the discretionary ability to judge.

The **retro-active** component to this bill is the most dangerous part of the entire bill. The alimony recipient went to trial or negotiated on good faith and trusted the legal system. This person may have spent a great deal of their assets having a trial and legal fees. They may have willingly given up assets for alimony because they knew their spouse would work past 65 because that was always the family plan. To go back and only have a complete do-over on alimony without looking at the components of the asset's which this person forfeited is unfair and seems unlawful.

This bill is harmful and largely misogynistic as written. This bill does not address the problems with child support or lack of collecting it. This bill is largely in favor of only one side.

In summary, please put on record that I am against raised House bill #5509.

I would like to thank you for your attention to this important matter. I appreciate your long and dedicated service to our community.

Sincerely,

Lori Rutkowski

cc:

Eric D. Coleman, State Senator, Judiciary Chair
Gerald Fox III ,State Representative, Assistant Majority Leader
John Piscopo, Senior Republican Whip
L. Scott Frantz, State Senator
Thelms Klarides, Deputy Republic Leader
William Tong, State Representative Stamford & New Canaan
Meredith Blake – Please post this