

## TESTIMONY IN SUPPORT OF RAISED BILL NO. 5509

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Louis Kiefer. I live in West Hartford, and I'm an attorney specializing in family law for 40 years in Hartford. I have settled or tried some 2000 cases. I'm admitted in three states, have taught and published extensively in law journals. I have represented men and women.

I'm here in strong support of Raised Bill No. 5509, which would make the playing field in alimony decisions more level between payers and recipients. At present it is not level, and my cases give me insight into what's wrong the system and how it can be fixed, while protecting recipients and children.

One of the problems I see repeatedly is alimony payers left with less money, less disposable income, than alimony recipients. Husbands and fathers paying alimony and child support are often ordered to pay attorneys fees for both parties and all debts, and sometimes the mortgage on the family house. The mothers often stay in the house, and men move to an apartment above a garage.

In some cases, recipients do not work and are not expected to. In some cases, they work but payers don't get reductions for the amount of their incomes. Section 1(d) Line 42 in Bill 5009 offers guidelines to compute the amount of alimony, relative to the parties' incomes, and allows judges to make allowances for the special circumstances. This provision is critically important.

Another routine problem is that payers have no meaningful right to retire, as the rest of us do. Often alimony is awarded indefinitely. In order for it to end, the payer must return to court, but he must wait until after he has retired and his income has dropped. This involves a new court action, which can cost many thousands of dollars. And it's after years of alimony that have reduced his pension, savings, and standard of living. Section 2 (b) (6) e line 127 allows payers and recipients to plan on and *count on* retiring.

Another chronic problem is gender bias. In the case of *Wainwright vs. Wainwright* (1997), a 30-year old woman in a 3-year-long marriage was awarded lifetime alimony from a husband with a salary of only \$48K. The

judge's reason was because she claimed to have chronic fatigue syndrome. Two years ago, a man in a 14-year long marriage was awarded two years of alimony at \$1000 a month, non-modifiable, from a wife making a 6-figure salary (Fritz v. Fritz), while he had no regular income. In another case, a man in a 27-year marriage, Glasberg v. Glasberg (2002), was given 8 years of alimony, beginning at \$150 a week, declining to \$75 a week, even though he had psychiatric problems that prevented him working in more than menial jobs. There is also the McMallen case – 4-year marriage; lifetime alimony.

These imbalances just scratch the surface of the need for our laws to be updated as Raised Bill No. 5509 proposes.

I am happy to answer your questions.