



Greater Hartford Legal Aid

HB 5509 – An Act Concerning the Payment of Alimony and Child Support

Judicial Committee Public Hearing - March 19, 2012
Testimony of Atty. Shirley M. Pripstein

Recommended Committee Action:	REJECT THE BILL
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Connecticut's current alimony statute, C.G.S. 46b-82, sets forth a list of equitable factors for the court to consider in making orders of alimony. The factors listed include the length of the marriage, the age, health, station, occupation, and the amount and sources of income, vocational skills and employability of each party. On the whole, the statute is applied wisely by Connecticut's judges.

There will always be individuals who are unhappy with, or think unfair, the result in a particular divorce case, believing that either too much or too little alimony was awarded, and that judicial discretion should be limited. This bill is an attempt to limit judicial discretion by placing a statutory limit and the amount and duration of alimony that can be awarded.

As we in Connecticut have seen with the Child Support Guidelines, placing restriction on judicial discretion does not ameliorate unhappiness with the result in particular cases. The only thing this bill would achieve, if passed, would be greater uniformity at the cost of extreme unjustness and unfairness in particular cases, and injustice to women in general. Let me give two examples from my own cases:

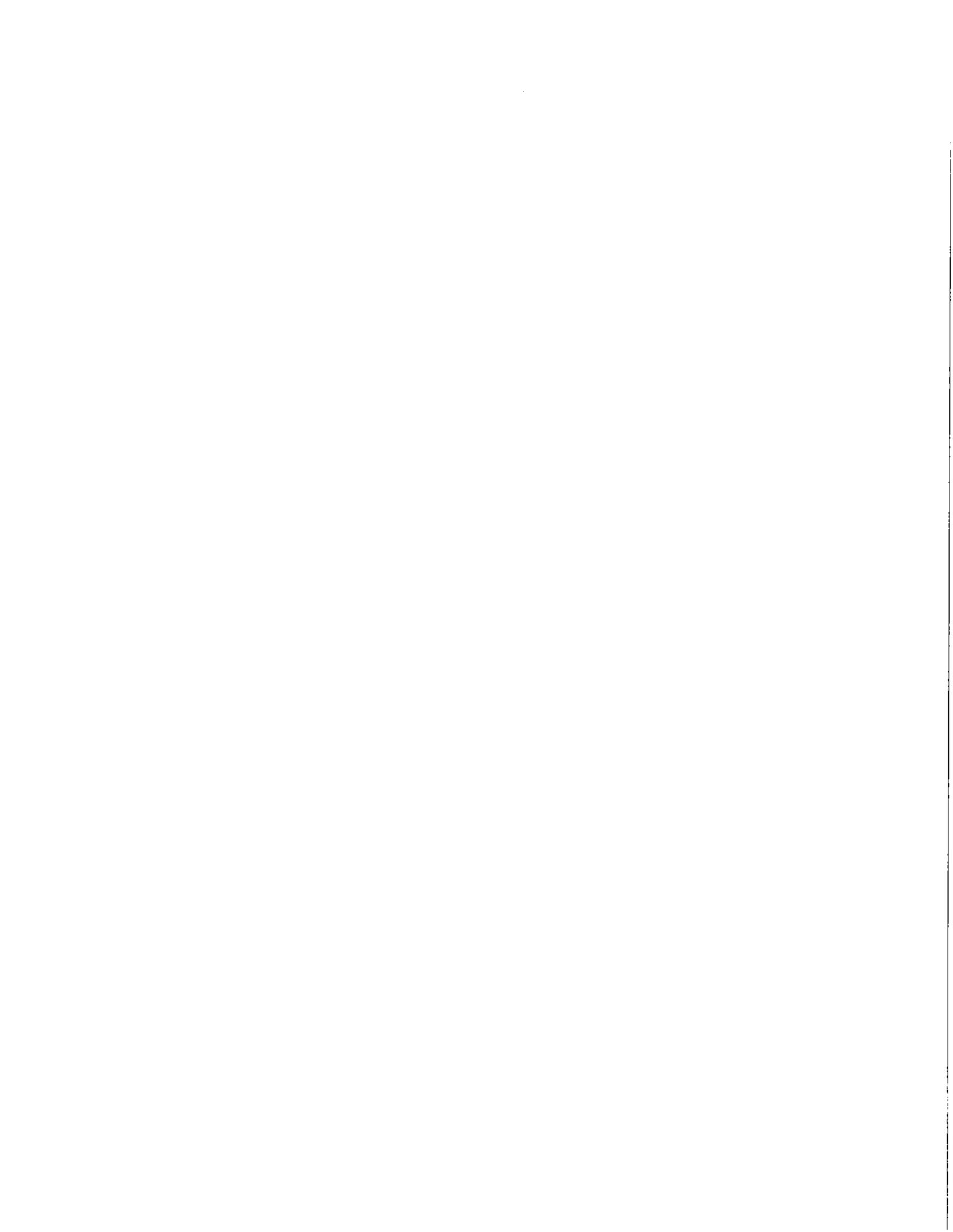
Case one. A long term marriage of over twenty years. Three children all over the age of 17. The husband, who is self-employed, makes approximately \$200 per year. The wife, who left her teaching job early in the marriage and had not worked during the course of the marriage, had a stroke that left her paralyzed on one side of her body and affected her memory and mental functioning. Would not lifetime alimony, which HB 5509 prohibits, be appropriate in this case?

Case two. Again a long term marriage of over twenty years. The wife had had to stop working early in the marriage to take care of two autistic children, at the time of the divorce ages 17 and 12. The children, even the younger one, are frequently involved in altercations at school and get suspended. They appear unlikely to ever be able to live on their own. The husband makes \$100,000 per year. Would not lifetime alimony, which HB 5509 prohibits, be appropriate in this case?

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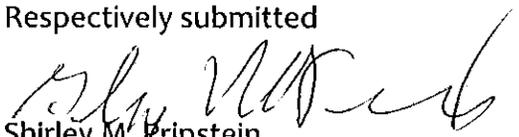
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The point is simply that it is not possible to draft a statute that would do more justice than the statute we already have. The bill should be rejected.

Respectively submitted



Shirley M. Pripstein
Attorney at Law

