

MEMORANDUM

TO: Judiciary Committee
FROM: Attorney Shirley M. Pripstein
On Behalf of Greater Hartford Legal Aid
RE: S.B. 1155 and H.B. 6688

Recommended Committee Action: Approve HB 6688; Reject SB 1155

The Judiciary Committee has before it today two bills, SB 1155 and HB 6688, each of which would make changes to a number of Connecticut's divorce statutes. Some of the sections of the two bills are similar, or exactly the same, but there are significant differences. Most importantly, Section 2(c) of SB 1155 sets forth a formula for the computation of alimony. Use of the formula would not be mandatory, but a judge would be required to state in the memorandum of decision the reasons, or factors, for not using the formula. This requirement would, in effect, make the formula a presumptive standard.

There is additional language that would limit the lower-income spouse to 40% of the total marital income, irrespective of whether the lower-income spouse is also the primary caretaker of the couple's children. This provision is so draconian that the bill could more appropriately be called An Act Concerning the Impoverishment of Women and Children.

A fair formula for alimony would be one that left each family unit at the same percentage of poverty after the payment of alimony and child support. And yes, such a computation would, in many instances, provide the lower-income spouse with 60% to 70% of the total income.

I note that the proposed bill exempts families in which the total income is over one million dollars from the formula. Is fairness only for the very wealthy, or was it the intent of the proponents of this bill that where there are great resources, the lower-income spouse should get even less?

In contrast to SB 1155, HB 6688 would refer review of Connecticut's alimony statutes to the Legislative Program Review and Investigations Committee for the collection of empirical data and a study as to the fairness of Connecticut's current statutory scheme. This is a sensible approach.

Although it is not perfect, HB 6688 is by far the better of the two bills. The Judiciary Committee should reject SB 1155 in favor of HB 6688.

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Greater Hartford Legal Assistance, Inc.

**COMPARISON OF
SB 1155 and HB 6688**

Statute Amended	SB 1155	HB 6688
46b-36	Gender clean-up	Gender clean-up
46b-65 Legal Separation	(1) Gender clean-up (2) Removes second-look discretion	
46b-66 Arbitration	Allows child support to be determined by arbitration (80-86)	
46b-81 Property Distribution	Give court the authority to distribute if personal jurisdiction is acquired after entry of judgment, provided court reserved the jurisdiction to do so	
	Adds tax consequences as a factor to be considered	Adds earning capacity and education as factors to be considered, but not tax consequences
46b-82 Alimony	Adds earning capacity, education and tax consequences as factors to be considered	Adds education, earning capacity, and feasibility of obtaining employment as factors
	Requires articulation of factors considered if alimony is of indefinite duration (ie., until death of a party or remarriage of recipient)	Requires articulation of factors considered if alimony is both non-modifiable and permanent (terminating on death of either party)
	Sets forth a calculation that may be used: 30% of income of higher-income spouse less 20% of income of lower-income spouse, but lower income spouse never to have more than 40% of the total income, and calculation not to be used if total income exceeds one million dollars. Reason for not using the calculation must be articulated.	
46b-86 Modification	Adds provision that child support cannot be non-modifiable	
	Changes criteria for modification of alimony upon cohabitation from “altered financial needs” to “changed financial circumstances”	

	Adds a requirement that the court must follow the terms of the divorce agreement with regard to modification	Adds a requirement that the court must follow the terms of the divorce agreement with regard to modification
NEW		Requires the Legislative Program Review and Investigations Commission to conduct a study of the fairness and adequacy of alimony statutes, and to collect empirical data
46b-8 Contempt & Modification	Repealed	Repealed