

## Testimony of Edith F. McClure

RE: Raised bills 6688 (in favor)  
1155 (in opposition)

### ACTS CONCERNING REVISIONS TO STATUTES RELATING TO THE AWARD OF ALIMONY

Members of the Judiciary Committee. I thank you for the opportunity to comment on House Bill 6688 which I support and Senate Bill 1155 which I oppose.

My name is Edith McClure. For over 30 years I was in private practice concentrating in the area of family law. Although now retired, I remain active in the CBA and continue to serve on the Executive Committee of the Family Law Section. I submit the following testimony as an individual, respectfully requesting that the Judiciary Committee approve House Bill 6688 and reject Senate Bill 1155.

Both of these bills would clarify the language in 46b-36 by referring to a spouse rather than referring to husband and wife. Both would expand the factors that the court shall consider in dividing property and awards of alimony by adding education and earning capacity and adding, in regard to alimony, the feasibility of a custodial parent's securing employment. Both bills include a requirement for articulation by a judge when entering a non-modifiable alimony that would terminate upon the death of either party. Both bills provide that if the parties enter into an agreement which was incorporated into the judgment agreeing to the circumstances under which alimony would be modified, the court will enforce the provision. Both bills would repeal 46b-8,

which is in conflict with the Connecticut Superior Civil Rules. I support all of the provisions set forth above.

The most important provision in 6688 but not included in 1155 appears in Sec. 5 of 6688. It would require the Legislative Program Review and Investigations Committee to conduct a study of alimony statutes in other states and collect empirical data relating to awards of alimony. States vary substantially in the approach to alimony. Massachusetts, for instance, prior to the recent passage of a new alimony statute, did not permit time limited alimony while Connecticut by case law and statutory authority, authorizes a judge to set both the amount and duration of alimony,

A comprehensive review by the Legislative Program Review and Investigations Committee, will result in recommendations for statutory changes based on empirical data rather than changes based on individual personal experience etc. and will result in a coordinated comprehensive revision of alimony statutes.

I find that House Bill 6688 addresses the changes that should be made now while providing for an in depth study of any additional revisions.

I recommend that the Judiciary approve House Bill 6688.

In regard to House Bill 1155, I recommend that the Judiciary Committee reject this bill in that it is too far reaching and does not provide for the study required for a reasoned approach to changes in the Alimony Statutes.

Senate Bill 1155 radically changes the method of determining the amount of alimony to be awarded by setting forth a "calculation" which the court "may" use. Although the "calculation" is not a requirement, the inclusion of a formula is in itself an endorsement of its use. The biggest problem is that the formula does not fit all situations. The

inclusion of a limit on alimony at 40% of the combined gross income, for instance, would result, in an unconscionable result under certain circumstances such as a disabled spouse.

Certain other states have adopted alimony guidelines but to date there has been no thorough determination as to the effects of the guidelines on the parties.

Section 6 of Senate Bill 1155 sets forth changes in the "cohabitation statute". The bill would change the language that modification would be permitted if the new living arrangement results in a change in the needs of the alimony recipient to results in a change in the financial circumstances of the recipient. This would be a significant change in the law.

### Summary

Portions of 1155 and included in 6688 have been well thought out and would result in an improvement in the statutory law. I would, however, in anticipation of the referral to the Legislative Program Review and Investigations Committee under House Bill 6688.

I thank you for the opportunity to comment on House bill 6688 and Senate Bill 1155.

Edith F. McClure