

## Testimony in Support of Raised Bill 5524

03/31/14

My name is Frank Maturo from Darien. I have been a part of a group focused on Alimony Reform since the beginning of 2012, and this is my third time testifying in front of the Judiciary Committee. I want to sincerely thank this committee for first, establishing a task force in 2012 which Representatives David Baram and Themis Klarides were part of, and which enabled Bill 6688 to get passed last year. Both of them did a terrific job. That Bill helped bring many of the CT divorce statutes into the 21<sup>st</sup> Century. It also established a Law Revision Commission overseen by Representative O'Neil and chaired by former Supreme Court Justice Ian McLachlan which has put forth Bill 5524 this year. We support this Bill, as it again makes many worthwhile and necessary statutory changes.

First, it codifies that the court needs to take into account the tax consequences of its decisions. One would think that is a no-brainer, but until now that has not been the case. Secondly, it recognizes and establishes that a former spouse has the right to retire at age 65, and therefore not go bankrupt when their working life and earned income ends. A very sensible concept! Shifting the burden of proof allows the opportunity for all the parties involved to reassess and potentially modify alimony, with one person not having a life sentence of working till they die. This is a provision that must be passed, in particular given how long people live in today's day and age. Thirdly, it finally addresses the nonsensical nature of CT's cohabitation statute.

Why is it nonsensical? The definition of Cohabitation in Webster's dictionary is: "to live together as, or as if, a married couple". Today the statute says if two people are living together the alimony payor needs to prove that there is a financial benefit to the person who is cohabitating, otherwise that ex-spouse can still receive alimony payments. Think about that: the marriage has ended, but one can still receive alimony if he or she is living with another person, as long as the new partner doesn't contribute financially to the relationship and their financial needs have not been altered. That makes absolutely no sense, and frankly is ridiculous. For example, one could be living with a person who makes very little money and doesn't contribute to household expenses, or one can have enough assets awarded to them from the divorce that the person he or she lives with doesn't need to spend a dime, and in CT, that means you are not cohabitating under today's statute. Most people would call the partner living with that ex-spouse a "freeloader". And now the payor spouse is supporting both! That is not right, and causes significant hostility to continue which causes more litigation.

This is a no fault state, and we passed same-sex marriage to encourage the formation of families. People move on with their lives. For one spouse to try and prove another party is gaining some type of financial support from their non-married partner is virtually impossible, without significant invasive financial and forensic auditing. Everyone involved, including the children, will be irreparably harmed by that exercise. I know this from personal experience. Therefore, we should support the language which is in this Bill, which if nothing else will at least shift the burden of proof, promote marriage and family, and importantly increase the likelihood of mediation and settlement.

The Law Revision Commission did a very good job. However, outside of the vast experience that Justice McLachlan brought to it, the group consisted of several family lawyers and judges that had varying views about addressing what is so **desperately** needed in today's Family Court, which is guidelines on alimony in duration and/or amount. You can still get wildly different decisions depending on what regional court you are in and judge you get. And yes, I am sorry to say, there are biases in judges. Again, I know from personal experience (and I say that not being in the family court system any longer and with no personal benefit to me on any Bill that gets passed). While this Commission voted not to address guidelines as this time, one can put another group of family lawyers together, and get a completely different decision on whether to take up guidelines and re-look at the statues. That should happen, and people who are not family lawyers should be included in that dialogue.

We need to please stop living with the family stereotype of the past. We live in a world where 80% of couples both work, more women graduate from college and get master's degrees than men, fathers are much more involved in their children's lives, and **both** spouses plan on moving on and finding love after divorce. Pass Bill 5524 and fix the divorce statutes now to make them truly gender neutral and fair for all parties, during what is a difficult family time no matter which spouse wants the divorce. Most significantly, it will be immensely important for any of the children involved. We appreciate the fact that you have listened to our concerns and thoughts over the last several years, and look forward to continuing a respectful and thoughtful conversation on this important topic. Thank you.

Frank Maturo