



Greater Hartford Legal Aid

Testimony of Atty. Shirley M. Pripstein
Greater Hartford Legal Aid, Inc.

Re: Raised Bill 5524

**An Act Concerning the Recommendations of the Law Revision Commission
With Regard to the Alimony Statutes.**

Judiciary Committee

March 31, 2014

My name is Shirley Pripstein. I am an attorney who has practiced exclusively in the area of divorce and family law for over 33 years. I am a past president of the Family law Section of the CBA. I had the privilege of serving on the Committee of the Law Revision Commission which made the recommendations contained in Raised Bill 5524.

I am speaking today on behalf of the three legal aid programs -- Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Connecticut Legal Services. We represent indigent persons in the family courts throughout the State of Connecticut.

While we generally support H.B. 5524, the legal services community does not support the portion of Section 4(b)(1) found at lines 134 to 139. Those lines would delete the requirement that, for alimony to be modified due to the recipient's cohabitation or "living in a marriage-like" relationship, the change in living situation must also change the financial needs of the recipient. The elimination of this provision from the existing statutes was not a unanimous recommendation by the Law Revision Commission's Committee.

The requirement that cohabitation result in a change in the financial needs of the alimony recipient before alimony is reduced or terminated is very important. Unless the deleted language is restored, it is likely that the very fact of living together in a marriage-like relationship will result in a suspension or termination of alimony, and that such a result would be grossly unfair to the alimony recipient. The alimony payor would be able to go on with his or her life, but the recipient would be frozen in single status. The deleted language should be restored.

I have attached a proposed redraft of the paragraph that restores the deleted sentence and makes the wording of the entire paragraph less awkward.

I would be happy to answer any questions that you may have.

Shirley M. Pripstein
Attorney at Law

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Proposed revision of subsection (b)(1) of H.B. 5524 (lines 127-146):

(b) (1) In an action for divorce, dissolution of marriage, legal separation or annulment [brought by a spouse] in which a final judgment has been entered providing for the payment of periodic alimony by one party to the other spouse, the Superior Court may, in its discretion and upon notice and hearing, modify such judgment and suspend, reduce or terminate the payment of periodic alimony upon a showing that the party receiving the periodic alimony [is] has been living with another person in a marriage-like relationship for six or more months under circumstances which the court finds should result in the modification, suspension, reduction or termination of alimony because the living arrangements cause such a change of circumstances as to alter the financial needs of that party. The burden of proving that the recipient has been living in a marriage-like relationship over a period of six months or more shall be on the party seeking the modification. Once the movant has met that burden, the burden of proving that the payment of periodic alimony should not be modified, suspended, reduced or terminated shall be on the party receiving the periodic alimony. The Superior Court, after considering the evidence presented by each party and the relevant criteria set forth in section 46b-82, as amended by this act, may, in its discretion, modify such judgment and suspend, reduce or terminate the payment of periodic alimony