

# Legal Assistance Resource Center

## ❖ of Connecticut, Inc. ❖

363 Main St., Suite 301 ❖ Hartford, Connecticut 06106  
(860) 616-4472 ❖ cell (860) 836-6355 ❖ RPodolsky@LARCC.org

### **H.B. 5524 -- Alimony**

Judiciary Committee public hearing -- March 31, 2014  
Testimony of Raphael L. Podolsky

**Recommended Committee action: AMENDMENT OF SECTION 2(b)(1)**

This bill is the product of a study committee convened by the Law Revision Commission to review the alimony statutes in response to Section 5 of P.A. 13-213. We ask the Judiciary Committee to make one change in the study committee's recommendations. In particular, we ask that the existing language that is bracketed out in lines 135-139 of the bill NOT be repealed. The brackets, in other words, should be removed (with appropriate transitional rewording to accommodate the new language in lines 139-143).

Cohabitation occurs in a wide range of circumstances, some more permanent or long-term than others, some more "marriage-like" than others. Cohabitation by the recipient of alimony may also change that person's financial situation -- often but not always resulting in less need for support by a former spouse. When cohabitation alters financial circumstances, the law permits the court to modify, suspend, reduce, or terminate periodic alimony, as it could do for any other change of circumstances that result in a change in financial circumstances. When the alimony recipient's financial needs are not reduced by cohabitation, however, and particularly where the recipient must continue to fully support himself or herself, the fact of cohabitation will not ordinarily have changed the calculus on which the alimony order was issued. Absent a change in financial circumstances, the order should not be modified. Alimony is paid to the less financially able former spouse, i.e., the spouse who is in a weaker financial position. The termination or reduction of alimony due to cohabitation, in the absence of an improvement in the recipient's financial circumstances, seriously limits the ability of the less affluent spouse to move forward with his or her life. The policy behind the existing statute is a good one and should not be changed.