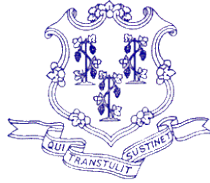


# Connecticut General Assembly



REP. ARTHUR J. O'NEILL, CHAIR  
HON. JULIA L. AURIGEMMA  
WILLIAM R. BREETZ  
SEN. ERIC D. COLEMAN  
PROFESSOR ANNE C. DAILEY  
JON P. FITZGERALD  
REP. DANIEL J. FOX  
BENJAMIN GETTINGER

CONNECTICUT LAW REVISION COMMISSION  
c/o LEGISLATIVE COMMISSIONERS' OFFICE  
ROOM 5500  
LEGISLATIVE OFFICE BUILDING  
HARTFORD, CONNECTICUT 06106-1591  
(860) 240-8410

SEN. JOHN A. KISSEL  
ELEANOR MICHAEL  
NEAL OSSEN  
REP. ROSA REBIMBAS  
JOEL I. RUDIKOFF  
JOSEPH J. SELINGER, JR.  
THOMAS J. WELSH

## Law Revision Commission

Study committee regarding alimony statutes

### MEETING MINUTES

Wednesday January 8, 2014 @ 2:00 p.m.

Room 2A - Legislative Office Building

I. The meeting was called to order at 2:07 p.m. by the Chairman of the study committee, Justice Ian McLachlan (Ret.). Members of the study committee present were: Chairman McLachlan, Attorney Livia Barndollar, Judge Tom Colin, Attorney Gaetano Ferro, Attorney Benjamin Gettinger, Attorney Kate Haakonsen, Attorney Bruce Loudon, Judge Lisa Morgan, and Attorney Shirley Pripstein. Absent from the meeting were Senator Beth Bye, Attorney Barbara Aaron and Attorney Campbell Barrett.

II. Chairman McLachlan offered introductory remarks and then requested that members of the study committee review the minutes from the December 9, 2013 meeting. Members reviewed the minutes and Attorney Barndollar moved that the minutes from the December 9, 2013 meeting be approved. The minutes were approved by a voice vote.

III. Chairman McLachlan initiated a discussion on the results of a questionnaire that had previously been distributed to the members. The questionnaire related to the overall scope of the study. Members agreed that the issue of whether child support should be made non-modifiable would not be made part of the study. The members then discussed whether "tax considerations" should be added to the list of factors in Connecticut General Statutes (CGS) §46b-82(a) that are considered by a court when making a determination as to whether alimony will be awarded. The discussion also centered on whether the terms "net income" and "gross income" should also be added to the list of factors. Chairman McLachlan asked if the study committee members would like to specifically recommend to the Law Revision Commission that the terms "net income", "gross income" and "tax considerations" be added to the list of factors identified in CGS §46b-82(a). Attorney Ferro moved that the terms be added to the list of factors and further discussion ensued. During the course of the discussion it was noted that P.A. 13-213 amended CGS §46b-82. It was also noted that the list of factors found in CGS §46b-82(a) is also set forth in CGS §46b-81 which addresses the court's authority to assign property. Representative Arthur O'Neill, the Chairman of the Law Revision Commission, noted that the study committee could offer recommended statutory changes that are

intended to conform with the study committee's underlying recommendations. The study committee unanimously voted to recommend to the Law Revision Commission that the terms "net income", "gross income" and "tax consequences" be added to the list of factors set forth in CGS §46b-82(a). Further discussion of whether to also recommend to the Law Revision Commission the addition of "net income", "gross income" and "tax consequences" to the provisions of CGS §46b-81 was tabled.

The members then discussed how one's retirement should be treated in the context of a motion to modify alimony. After some discussion, Attorney Bruce Loudon moved that the committee make no recommendation to the Law Revision Commission with respect to retirement being a change of circumstance for purposes of determining modification an alimony award. The motion passed unanimously on a voice vote.

The discussion next centered on the repeal of CGS §46b-8 pursuant to section 6 of PA 13-213. Members noted that the repeal of CGS §46b-8 eliminated the conflict with the provisions of Connecticut Practice Book §25-26(a).

The members then discussed the proper role of the court with respect to alimony orders when converting a decree of legal separation to a decree of dissolution. Judge Morgan agreed to provide the members with Connecticut cases on the issue and the topic was tabled for further discussion.

The members decided there would be no discussion of the issue of whether child support determinations should be subject to arbitration as the issue was outside the study committee's charge under P.A. 13-213.

The discussion next centered on the possible use of guidelines to determine alimony awards. Representative O'Neill noted that Office of Legislative Research was not in position to provide the study committee with empirical data relating to the award of alimony. Chairman McLachlan invited Catherine Bailey of the Connecticut Women's Education and Legal Fund (CWEALF) to inform the members of her efforts to collect data on the award of alimony in the state. Ms. Bailey spoke of CWEALF's efforts to collect data from 2012 dissolution cases occurring in the New Haven and Bridgeport Judicial Districts. There was also discussion as to the level of training provided by the Judicial Branch to newly appointed family court judges. Attorney Haakonsen suggested that the study committee suggest to the Law Revision Commission that the Judicial Branch improve its data collection on the award of alimony. Chairman McLachlan noted that further discussion was needed on the use of guidelines.

The discussion then turned to "durational alimony" and the evolution of thinking on the purpose of alimony. Attorney Haakonsen agreed to reduce to writing a statement on the purpose of alimony that potentially could be included in CGS §46b-82. Attorney Haakonsen's statement will be disseminated to, and considered by, the study committee at its next meeting.

The members agreed to continue discussion of the topics included in the questionnaire at subsequent meetings.

Discussion of whether to hold a public hearing was deferred to a later date.

IV. The next meeting of the study committee was scheduled for Wednesday, January 15, 2014 at 2:30 p.m.

V. There being no further business, the meeting was adjourned at 5:00 p.m.

January 14, 2014