

Presenting the Case For
Alimony Reform in Vermont

March 9, 2016

Testimony Before the Vermont State Senate Judiciary Committee

Vermont Alimony Reform

Montpelier, Vermont

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1. Testimony Before the Vermont Senate Judiciary Committee-by Rick Fleming, President Vermont Alimony Reform, March 9, 2016

Good morning, I would like to thank Chairperson Sears and the rest of the Senate Judiciary Committee for inviting me to speak to you this morning. I would especially like to thank Senator Jeanette White. It was a little over a year ago that I reached out to her and shared my personal plight concerning my divorce and court mandated lifetime alimony payments to my ex-spouse. It was through Senator White's guidance and encouragement that I felt the need to form the group Vermont Alimony Reform. My name is Rick Fleming, I am a native of Brattleboro, Vermont, and I am President of Vermont Alimony Reform.

Our grassroots organization is made up of men and women who have been ordered through the Vermont Family Court system to pay alimony to an ex-spouse. Our group came together in November of 2015 with the goal of changing Vermont Law as it relates to divorce and alimony. Our membership is diversely made up of men paying women, women paying men, and women paying women so far. Our common bond is to work together to change Vermont's outdated alimony laws. Many states throughout the United States have or are in the process of updating and modernizing their alimony laws.

Vermont Laws are some of the most draconian and outdated in the United States. Vermont allows alimony to be paid for life (until death of one party). It is called Permanent Alimony. Vermont laws do not allow the payors the ability to ever retire and have their payments ended or lowered without costly returns to Court, even when the retirement is forced. Even then, often there is no change. Vermont laws dictate that payors must give up significant portions of their pensions or social security, even to an ex-spouse who has his or her own pensions and social security. Vermont Law still allows ex-spouses to remarry and receive full alimony payments from their previous spouse. Most importantly, Vermont Laws have no defined guidance for alimony. Judges have complete arbitrary and unbridled discretion in ordering an amount and duration to pay. Vermont's current alimony

laws state that a payor can apply for modification of their payment only when there are significant and unforeseen changes in their financial circumstances; however, there is no actual definition in the law of what this means, creating even more judicial discretion and confusion.

In my own case, for example, I went to Court originally for the sole purpose of determining alimony. Prior to my case, both I and my ex-spouse agreed to split all of our combined marital assets 50/50. We also agreed that when my additional business assets were sold, that any money I received would also be split 50/50. Believe it or not, we went to court for 4 days solely for the purpose of determining alimony. (Our children were over 18 at the time of divorce, so there was no child support to be determined). I included both my personal CPA and my banker in the trial as witnesses. Prior to 2008, I owned and operated a very successful family business in Vermont. However; with the economic downturn of that time, including extreme oil price fluctuation which was out of my control, my business was significantly impacted. My salary, as well as all of my management team's salaries were significantly and permanently reduced in order to fight for economic survival. My Father, who was my Business Partner, had retired, and up until this point had been receiving an annual pension. This ended permanently as well, as mandated by the bank. At the time of my first trial, the Judge who presided over my case speculated that my company's economic downturn was temporary, and that my salary would return to its previous level, which she based my alimony payment upon. Reality proved that that never happened, yet I was ordered to pay \$2,200 per month, with an annual increase for cost of living, to my ex-spouse permanently. Over the next 2 years, as required by the bank, I ended up selling most of my business assets, with all proceeds going directly to the bank to decrease our outstanding debt with them. All proceeds from all sales went directly to the bank. I have not received one penny from those sales. In 2013, after consulting with my attorney, I attempted a modification due to the high percentage of my salary going to pay alimony, I made the decision to go back to court and seek a modification. We both felt that we had a strong argument, since the initial order was based upon speculation upon my salary, since it never returned to where the Judge thought it would be. This time, instead of using the

speculative salary amount, the Court made the decision to base its decision for denying my modification appeal on the idea that my salary did not significantly change enough since the first time I was in Court. Without specific percentages or guidelines, this was very easy for the Judge to do. There is a major disconnect here. Initially, I was held accountable to a speculative salary amount, the next time I went back to Court; it was something different to continue to justify the initial order. This does not happen with Child Support, only Alimony. The Family Court in Windham County rendered a decision that there should be no change in my alimony amount, and again I was stuck with alimony for life, in an amount that is completely unreasonable for me to pay. I currently pay over 50% of my monthly take-home pay to my employed, remarried ex-wife. In addition, unlike her I have almost no assets, and no pension. She has both.

At the time Court's second decision, I made the decision to appeal the lower court's decision all the way to the VT State Supreme Court, where again myself and a new attorney felt we had a very strong case. Both I and my ex-wife were remarried at this time, but her new spouse who had previously worked, now ceased working, allowing her (and him) to remain financially dependent on me for life. To my shock, and that of both of my attorneys, the Supreme Court upheld the lower court's decision.

I was completely devastated by the decision, emotionally, and financially. It was at that time that I became aware of the alimony reform movement in the United States. I met Steven Hitner, President of Massachusetts Alimony Reform at a National Alimony Reform Conference in Washington D.C. It was there that I discovered that many states have, or are in the process of, reforming Alimony Laws to keep trend with modern times.

In February 2015, I was forced to file for personal bankruptcy due to my business failure and the cost of the trials and alimony payments. My current wife has been forced to liquidate some of her personal assets as well and take out several loans in order to help me meet my financial obligations. Financially I have been ruined. If not for the support of my wife, I don't know how I would be able to meet my living expenses.

I do not blame the Judges and I do not blame the attorneys, I believe that we have a bad law. I am here today to ask you to consider a Vermont Alimony Reform Task Force to investigate and to build consensus from all affected parties from a divorce in an attempt to fairly modernize our current alimony laws. The task force should be made up of Legislators, Attorneys, Judges, Payors, Receivers and Members of Vermont Alimony Reform.

The task force model was very successful in our neighboring state of Massachusetts and in 2011 unanimously passed in both Massachusetts's House and Senate their Alimony Reform Bill, which was signed by Governor Deval Patrick.

Vermont Alimony Reform's Legislative Goals are:

1. Encourage self-sufficiency for the lower earning spouse in a reasonable amount of time
2. Guidelines for the term of alimony payments based on the length of the marriage
3. Establish guidelines and structure to provide consistency and predictability for litigated cases
4. Encourage mediation vs. litigation
5. Provide guidelines to allow both payors and receivers to prepare for retirement
6. A second spouse's income should never be a factor when a payor remarries
7. All financial obligations terminate automatically upon the recipient's remarriage
8. An alimony obligation terminates when the payor reaches the National FULL Retirement Age (currently 67) the ability to continue working should never be a factor. The current laws so not allow a payor to ever retire

9. Alimony amount based on NEED with a maximum of 30-35% of the difference of the incomes of both parties, for a fixed amount of time

10. Establish specific guidelines to give Family Court Judges direction and guidance, resulting in greater consistency, predictability, and fairness throughout the entire state of Vermont

2. Article by Mike Faher of Vermont Digger

VERMONT GROUP STARTS PUSH FOR ALIMONY CHANGES

FEB. 10, 2016, 6:30 PM BY [MIKE FAHER](#) [9 COMMENTS](#)

BRATTLEBORO — In 2011, after years of work, the Massachusetts Legislature approved a major overhaul of the state’s alimony law. There was not a single dissenting vote, “and it’s very rare that happens,” said Steve Hitner, the man who led the effort.

Now, a group led by Brattleboro businessman Rick Fleming is attempting to use that model to revamp the Vermont law that regulates — or, the group contends, fails to regulate — the ways in which men and women are ordered to compensate their ex-spouses.

Vermont Alimony Reform is made up of those who feel they’ve been wronged by the system. But Fleming says he wants a robust debate, and he’s lobbying for formation of a special committee or task force that includes judges, attorneys and others to examine the issue.

“We really feel that it’s important that the Legislature take a hard look at this and involve all parties,” Fleming said.

It’s bound to be a sensitive topic, since alimony disputes involve highly personal details — from bank accounts to child-rearing arrangements — and sometimes years of acrimonious negotiations between former partners.



Rick Fleming is president of Vermont Alimony Reform. Photo by Mike Faher/VTDigger

Fleming is candid about his own case: He has taken his court-ordered alimony arrangement all the way to the Vermont Supreme Court, arguing that his \$2,200 monthly payments are unfair and should be lowered due to changes in his personal circumstances. The court in 2013 rejected Fleming's arguments and upheld the lower court's alimony judgment.

But there is a line in the court's decision that might sum up Fleming's issue with the system: "As we have repeatedly stated," the court wrote, "there are no fixed standards for determining when changed circumstances exist."

Fleming said his group is not lobbying to abolish alimony; instead, he wants "consistency, predictability and fairness" built into the process.

"There are no existing guidelines, for the most part, for alimony," Fleming said. "If you go to court in Windham County with the same set of circumstances that someone in Burlington (has), you could have a completely different outcome. And we feel that you should be able to go into court and have an understanding of exactly what might happen."

"If there were rules and guidelines, we feel that it would improve the Family Court process," he added.

There's also a sense among those in the reform movement that Vermont alimony law — which provides for lifetime payments like Fleming's — is badly outdated.

"There have been some modifications to the law over the years," Fleming said. "But a lot of this dates back to when women stayed home all the time, and that's just not the case

today. In many, many relationships, both the husband and the wife work. Yet, the alimony laws were written in a time when it was like ‘Leave it to Beaver.’”

Vermont Alimony Reform has a number of goals, including:

- Replacing permanent alimony with shorter terms based on the length of the marriage or on special circumstances.

“We support transitional alimony, which is alimony for a defined period of time to allow someone to get on their feet,” Fleming said. “We also support rehabilitation alimony, where if someone has been out of the workforce for a period of time, alimony would be appropriate to retrain them — perhaps (allow) them to go back to college to develop a new set of skills.”

“But we don’t feel, except for in extreme circumstances, that permanent alimony would be appropriate just based upon the length of a marriage,” he added. “And we certainly think that, if an ex-spouse cohabitates or remarries, that alimony should end.”

- Providing guidelines to allow payers and receivers of alimony to prepare for retirement. “The current laws,” the reform group argues, “do not allow a payer to ever retire” because there is no guarantee that the court will grant an alimony reduction.
- Establishing specific guidelines for Family Court judges in alimony cases. That should include, in Fleming’s view, standards for determining what constitutes a “substantial change” in a payer’s circumstances or income.

“I don’t blame the judges, and I don’t blame the attorneys,” Fleming said. “It’s just a bad law ... and the law needs to be changed.”

Vermont Alimony Reform has posted a list of issues and goals at [its website](#). The site also includes stories illustrating the arguments for why the system should change.

One person featured on the website is Maureen Lynch, who went through a divorce in Caledonia County several years ago and has since moved out of state. Lynch is a registered nurse, but she says she’s living paycheck to paycheck due to her own family obligations and ongoing alimony payments to her former spouse, who she said has retired.

Along with imposing financial pressures, Lynch believes permanent alimony “prevents emotional healing” — essentially ensuring that a “contentious divorce goes on forever.”

“That’s part of the need for people to tell their stories,” Lynch said. “I think legislators aren’t aware of the abuses and the ways in which people are suffering.”

At this point, those stories have not filtered very far into the Statehouse. Vermont Alimony Reform held its first meeting in November and only recently has begun reaching out to legislators.

Sen. Jeanette White, D-Windham, said she has heard from Fleming and understands his concerns. “I think this is a real issue, and part of it is that our laws are antiquated,” she said.

White serves on the Senate Judiciary Committee and said any family law changes would start there, but there’s been no legislation introduced. Nevertheless, she speculated that language calling for formation of a special study committee or an alimony task force could be inserted into a bill sometime during this session.

“I am trying to figure out if there’s a way of doing this, even at this late date,” White said.

The fledgling Vermont effort has gotten some assistance from Hitner, who has been working to spread the Massachusetts reform model far and wide. “Right now, I coach people in a half-dozen states,” said Hitner, who lives in Marlborough, Massachusetts.

Changes in the 2011 Massachusetts alimony law included a new formula that ties alimony terms to the length of a marriage. There also are term limits for different classifications of alimony such as rehabilitative, reimbursement and transitional.

The new Massachusetts law mandated that alimony be suspended, reduced or terminated when a recipient maintains a common household with another person for at least three months; also, alimony ends when a recipient remarries.

A host of other changes is detailed at a Massachusetts group’s [website](#). While there have been some complications leading to the need for further legislative tweaks, Hitner said he believes the hard work of an alimony reform task force ensured the Massachusetts statute was updated to reflect the present-day needs of divorced couples.

“Laws have to change with the times,” Hitner said.

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Mike Faher reports and writes for both VTDigger, and The Commons ([Read more](#))



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9 Comments on "Vermont group starts push for alimony changes"



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[Brian D. Cohen](#)



24 days 10 hours ago

Excellent article that begins to address some of the anachronisms and glaring inequity of Vermont law, which besides inconsistent and unfair alimony include child custody policies that allow one parent in a contested child-custody case to reject joint custody (one of only six states that discourage shared custody); a failure to enforce legally binding prenuptial agreements; and lax oversight of Family Court judges and their often wildly unprecedented and errant decisions. It's way past time to establish specific guidelines for Family Court judges to achieve consistency, predictability, and fairness for all parties involved in the divorce process.

15

 |  Reply

Rod West



24 days 10 hours ago

YES. Please let's spend time to modernize our laws.

10



Reply

Judith McLaughlin



24 days 9 hours ago

I think Vermont Alimony Reform will have no problem getting Vermonters to not only join this discussion....but to actively support their mission.

9



Reply

Sue Gallagher



24 days 9 hours ago

I believe serious inconsistencies exist throughout the justice system.

4



Reply

Tony Ketting



24 days 8 hours ago

I think the true feminists would lead the charge to change our antiquated laws that are in all reality overwhelmingly punitive (and often crushing) toward men. Of course that is because women cannot possibly be capable or in a position to support themselves as a man might (sarcasm here). There is little that is fair in the current system.

6



Reply Hide Replies ^

Judith McLaughlin



24 days 7 hours ago

Tony, I went to Vermont Alimony Reform website to learn more.....and found just as many stories about women paying alimony, as men. Entitlement knows no gender!

3



Reply

Craig Miller



24 days 57 minutes ago

“If you go to court in Windham County with the same set of circumstances that someone in Burlington (has), you could have a completely different outcome. And we feel that you should be able to go into court and have an understanding of exactly what might happen.” Therein lies the elephant in the room called Family Court, except the elephant is wearing a robe. Sadly, many who sit in judgement at these civil proceedings lack the proper skill sets and training to make sound judgement’s. This is seen not only in Alimony, but determination of child custody and in abuse... [Read more »](#)

4

 |  Reply

[Karen Kevra](#)



24 days 26 minutes ago

This is long overdue. The unfairness in the system is epic and regressive. Vermont should do better.

6

 |  Reply

[Chuck Reinertsen](#)



23 days 6 hours ago

With more financially successful women paying permanent alimony, it should be pointed out that this is not a husband/wife issue. This is a worker vs. non-worker issue. There is no incentive for the alimony recipient, either man or woman, to get a job, pursue an education, explore a career or remarry. The incentive is there to remain dependent on the worker. There must be exceptions for disability, as defined by Social Security, but 99% of permanent alimony recipients should be allowed to move on with their lives, accepting personal responsibility for themselves. As adults, we are not forced to support our parents, siblings, or even our own children past the age of 18. Why then should a worker support an individual who has the ability to work, just not the desire or incentive? Bring Virginia’s laws up to today’s world. In 40% of households, the woman out earns the man. Current laws are discouraging marriage, opting to simply live together. And who blames them? The consequences of a failed marriage are far too great a risk. Update the alimony laws and people may once again choose to marry.

3. Vermont Alimony Payor Stories

Vermont Alimony Payor Stories

I lived in Vermont my whole life up until my divorce. I operated a very successful business and followed all of the rules and laws that were expected of me. I practiced fairness in the way I lived my life both in my business and at home. Little did I know that this would not matter once I entered the family court system when I filed for divorce.

After 20+ years in an unsuccessful marriage, I made the decision to end my marriage. I reached out to a respected attorney to begin the process. I should have known that I was in for trouble when my attorney told me that I should try and settle the alimony portion of my divorce settlement before I went to court. Her comment to me was that the family court system in Vermont was like the "Wild West". I met with my ex-spouse a couple of times to try and work out an amicable settlement but she was unrealistic in her demands of an alimony amount. The result was that I had to go to family court to try and settle our differences.

My first divorce trial lasted four days. The only issue to be resolved was the amount of the alimony award to my ex-spouse. Between the time we were legally separated and the time of the trial, my business which had once been successful, no longer was. All of my managers, including myself had taken significant pay cuts in our effort to save the business. My father, who had retired from my company, no longer received his retirement pension. We were under the microscope from our bank and all the actions of my company were being monitored. We were in a severe cash crunch and fighting for our survival. All of this was explained to the Court by me, my CPA and my banker. This was completely ignored by the Court. In fact the Court in its decision speculated that my salary would return to its previous level and that my company would recover the significant loss that it had incurred in a mere 18 months. Its reasoning speculated that once my salary returned to its previous level, I had the ability to pay the alimony support level that was ordered.

The Court's final decision was that I was ordered to pay my ex-spouse \$2,200 per month permanently, with an automatic annual cost of living increase until either I had a significant change in my salary or my death, whichever occurred first. It is important to understand that prior to the trial both I and my ex-spouse had agreed to a 50%-50% equitable distribution of our acquired assets of the marriage. We sold the family home, split all joint bank accounts and split my 401-k and her pension. The only outstanding issue was the valuation of my remaining business assets which we agreed to split 50%-50% upon their sale.

For the next three years I paid what the court had ordered. I never missed a payment. My salary never returned to its previous level in spite of the Court's speculation that it would within 18 months. The result was that I was forced to spend down the assets that I had split with my ex-spouse to help pay for my court ordered alimony. I also had to utilize my personal credit cards to help meet my weekly expenses because my income did not support my expenses.

After 3 years I made the decision to return to court to seek a modification to my monthly alimony support payment. Both I and my attorney thought we had a strong argument to return to court. Although I had remarried and adopted a daughter, my ex-spouse had also remarried

and my salary had not returned to its previous level that the Court had speculated and used to justify its initial order. However justice in the Vermont family court system is hard to obtain, especially if the Court has to admit that it was wrong in its initial decision, as was the case by my involuntary, permanently reduced salary. This time the Court chose to overlook that it had speculated about my salary level in its initial decision and instead based its judgment on the fact that there was not enough of a significant change in my salary level to make an adjustment. So initially its decision was based that my salary would return to its previous level and when it didn't it used another part of the law to prevent a justified adjustment. How do you seek justice when the Court has the discretion to do whatever it chooses and is not held accountable for its actions? In its decision the trial Family Court reprimanded me for adopting my daughter. According to the Court, I should have saved the money that it cost for my daughter's adoption to ensure that I had the funds to keep my ex-spouse in her accustomed lifestyle. The fact that my ex-spouse's new husband doesn't have full time work wasn't held against her when we returned to court. It should also be noted that my ex-spouse is a full time teacher with a master's degree from UVM. She clearly could support herself with her salary, her new husband's salary if he chose to work and her teacher's pension going forward.

At the time I received my second decision, my ex-spouse's attorney told my attorney that even he was completely shocked that there wasn't some modification to my alimony amount. After consideration I made the decision to appeal the Court's second decision to the Vermont State Supreme Court. Again, thinking that the Vermont court system was based on justice and fairness, the Supreme Court would reverse the trial Court's decision and that I would obtain justice. That was not the case! The Vermont State Supreme Court backed up the decision of one of their own and the trial Court's decision was upheld.

The cost of both trials and my appeal, monthly alimony payments, along with my business failure has bankrupted me. The cost of the trials and alimony has exceeded \$250,000 over the past 6 years. I was forced to file for bankruptcy protection this past January yet I am still required by the court to pay my ex-spouse each month or I go to jail because I would be in contempt of court if I do not pay my monthly obligation. Alimony is not affected by bankruptcy protection in Vermont.

The Vermont Family Court's decision has greatly impacted my life. I am thankful for the love and support of my wife and my daughter. Without my wife's financial support I would be unable to afford the basic human needs of food and shelter with what I have left over each month if I were living on my own. This has put enormous financial strain on her as well. Knowing what I know today, I don't think that I would have put my present wife through everything she had been through as I have struggled to seek justice in the Vermont Family Court System. There is a bias toward business owners in the divorce process that is detrimental toward second families as they try and move on from a divorce.

Vermont's alimony laws are out of date and impractical in today's society. Vermont's laws have not been modified to keep pace with the changing times of the 21st century. Judicial discretion needs to be addressed by the Vermont Legislature so that every Vermonter has the right to expect a fair, equitable and predictable settlement with an ex-spouse that is based on a set of predetermined guidelines that ensure justice for all. Only then can everyone from a divorce move on with their life and live their life with the ones they choose in peace. Who will advocate for me

in this system? We need alimony reform desperately in Vermont, and action needs to happen now!

Rick Fleming, Windham County, Vermont

I am a female alimony payor whose ex-husband left her for another relationship, and I have to pay him! Vermont is a no-fault state, so this did not matter in court. There are many misconceptions about alimony, including that it is men paying women after leaving them for someone else. I am in complete contradiction to that as he left me for a much younger woman, and I am left paying for their lifestyle forever! I cannot believe this has happened. I have worked hard my whole life and deserve better than this; instead I am left paying \$1000 a month of my hard-earned money to them forever! In the Court's calculations, that amount was based on an additional 15-20 weeks of overtime, which I am not eligible to earn now. The Court made me give him \$16,500 out of my IRA and \$28,000 from our house. In addition, he gets a portion of my pension for life. He is on disability for a supposed bad back, not having worked steadily, but having plenty of energy and stamina to hunt fish and play on my dime! I gain nothing from his SSI monies, why should he get money from my EARNED benefits? I worked hard, paid for all of the health and life insurance, a life insurance policy which he and his new girlfriend will benefit from if I die, which I have to maintain for him. I have no life insurance to cover me, which he was not required to do, yet I have to keep a policy for him. He falsely alleged that I abused him, costing me another \$13,000 to return to Court, to which nothing was done nor proven. He even went so far as to subpoena his family and our neighbors to extort money out of me. I supported him most of life as I sickly saw him sitting around in his underwear until noon every day. He could and should be working, but is deciding to live off of taxpayer money, and when that is not enough, he has me supporting him now in addition forever! He is cohabitating with his girlfriend who is also on SSI, so they are getting a really great deal. They are working the system and me and I am completely outraged! Every day of my life is a living nightmare and the abuse needs to stop! Child support can be modified based on income changes and has time limits. Why does alimony persist forever? We need alimony reform now!

L., Rutland County, VT

I was married in Westminster, Vermont in August of 2001. Prior to our wedding, an attorney drafted a prenuptial agreement that my fiancée and I signed, living by its terms until our separation in May 2012. At that time my wife sued to have the prenuptial agreement overturned. Though in its decision, the Windham County Family Court found the prenuptial agreement to be a legally valid contract arrived at without coercion, and though the Court did not find that applying the terms of the agreement would leave either party under financial duress, it set the agreement aside on the grounds of public policy, citing the mere fact that we had a child together subsequent to our marriage. The prenuptial agreement in no way adversely affected our son, his financial welfare, or his ability to inherit from his parents. Vermont law is clear that the court does not have the power to give property to a child of the marriage, and may only divide property between the parents. The State of Vermont enforces measures to protect the welfare of

a child through child support and maintenance supplement, which were applied on behalf of my son at the time of separation and to which I have consistently abided. Ignoring these guidelines, the Court set aside a valid legal contract, forcing me to settle without the guarantees and protections that agreement clearly outlined.

Experts on family law within and outside of Vermont, including a professor at Vermont Law School, found this decision without precedent or legal justification and in error. My only recourse to this judicial overreach would have been to appeal to the Supreme Court of Vermont at a cost of an additional \$25,000 and at least two more years of litigation. Having already borrowed over \$35,000 to defend a valid prenuptial agreement, I was unable to continue to litigate and was compelled to settle at a great disadvantage, losing the home we had jointly owned outright.

I could not have imagined that I would lose my home as a result of a single unelected government official disregarding governing legal statute to undo a valid and legally binding agreement, with no oversight or the realistic possibility of appeal. It is of great concern that Family Courts in Vermont at times operate willfully outside of case law precedent, disregarding legal agreements and demonstrating a pattern of prejudicial decisions.

Thanks,

Brian D. Cohen, Windham County, Vermont

FACTS:

1. I am a woman who was granted sole physical and legal custody of two minor children at the time of my divorce. (2007)
2. The marriage lasted 15 years. We were both employed the entire time with full time jobs.
3. During the 15 years, I was the sole caretaker of the two children (and a step child from my ex- husband's first marriage). This was a court fact.
4. I had a full time job (as a teacher) for the entire length of the marriage, and advanced my degree (obtained a master's in educational administration) and was promoted to a school administrator TWO years before the separation/divorce, resulting in the fact that my increased income was for two years only while we were married.
5. The disparity in our incomes was such that I was ordered to pay alimony for TEN years at a rate of \$1,250/ month. I did not appeal this, as my lawyer at the time told me it would not be worth it.
6. I received child support from the children's father for the past seven years for my son and the support for my daughter ended in 2010. I tried to modify the spousal support order then but was told that college expenses, as "not unexpected, unanticipated change in circumstances" and was not given a hearing.

7. Both children are now over 18, so child support has ended.
8. Spousal support is still in effect until 2017 (meaning that my ex-husband would now be receiving MORE \$ / month because child support has been eliminated).
9. I have stopped paying the alimony because I am now the sole provider of college expenses for both children and the loan payments are more than the alimony. The father of the children does NOT think it is his responsibility to contribute ANY college expenses.
10. I realize I am now in contempt of a court order, but I simply cannot afford to continue to pay for the two children and their father to live. (He is still employed full time)
11. My ex-husband filed a Contempt of court motion and I was given a court date in 9/2014. Both of the children knew about this as they are now adults and their father's lack of monetary help as put them in a very different financial position than they would have been in had he contributed. My daughter insisted on accompanying me to court, and I discouraged this.
12. When I arrived in court, I was asked why I had stopped paying after seven years of paying and never missing one payment. I explained that now I was paying a student loan in the amount of: \$650 and I could not pay both their father and the loan, so I chose the children!
13. I was told by the Court, "Mrs. Couillard, the college expenses are a CHOICE and the alimony is court ordered, so therefore not a choice, so we will need to schedule this for another hearing."
14. I decided I did not want to go back to court, so I tried to negotiate with my ex to pay off this debt in one lump sum. I figured I would be ordered to pay the remaining three years which would have equaled \$45,000 (three years at \$15,000/year).
15. I borrowed \$25,000 from my brother and we both signed a stipulation (written by me, as I could no longer afford a lawyer) that we would agree this would be the final payment.
16. So.....in total I have paid: \$150,000 in alimony! I always allowed both of my children to have any camp/team/lessons/tutoring that was recommended (or they requested) because I never wanted them to go without because their parents were not married. I also have \$77,000 in student loan debt and my son is still attending college.

Lauren K., Burlington, VT

We divorced after 25 years. Our kids were both over 18 years old. My ex worked most of the 25 years and even obtained her master's degree during that time. I only have a GED. The last ten years I made decent money. Unfortunately for me, lucky for her; the unfair alimony laws are excellent for her.

We returned to court for an alimony modification because my pay decreased \$30,000! I was told by the Court that the decrease was not significant! Not only did I get a pay decrease, I had my

lawyer fees of \$12,000, her lawyer fees of \$8,000 and didn't get a modification! My ex-wife actually lied in Court. She was clearly cohabiting at the time and denied it.

Outcome of the divorce:

My ex received half of my retirement, she gets 60% of the proceeds of the homestead (I am ordered to pay the mortgage, taxes and ALL expenses) and after I pay her alimony for 21 years she will get a total of \$640,000!!

My ex has purchased a condo (her boyfriend is still living with her and he too is employed), new car, motorcycle (she does not have a motorcycle license) goes on vacation every year, has her nails and hair done on a regular basis, bought a pure bred puppy but claims she is "BROKE"!

Steve, Windham County, VT

I actually believe that most anyone who has to pay alimony in this current era has a horror story to tell. Alimony is an archaic law that has no place in our current society.

The alimony law was manipulated by my ex-spouse in my divorce. She has a Master's Degree in Education with a lucrative career and decided to stop working at 62, and divorce me. She started collecting social security and a very generous pension, and demanded a huge sum of alimony. She was, to my shock, actually granted alimony. I was told that she had to maintain her current lifestyle. When I asked about my lifestyle there was no answer. She got the house and land and I had to move into an apartment. So I had to work, live in an apartment and pay her money. She got to NOT work, live in my house, and get money for free. I didn't get it. She was perfectly capable of working, she wasn't disabled. She just didn't want to work. She said it herself.

So my daughter, who I support by the way, graduates high school in Vermont and moves away for college so I can finally move away from Vermont to be near my family. It took me longer to find a job than I thought it would. I'm an RN but I'm 60 years old. I sent a motion to the Court just asking that alimony payments be suspended for the 3 months I was out of work and had no income (and no savings). It made sense to me, she has income, and I have no income, so I don't pay her? It's not like I was asking her to pay me, which actually would make a lot of sense if you think about it. Well of course she wants a hearing because of course she doesn't agree. So the Court kindly decides to lower the payments for the months I was out of work, but actually admonishes me for being careless with her support money by being out of work. It's surreal.

So it's been 7 years since the divorce, the relationship wasn't even 7 years long. I'm still in an apartment, overdrawn a lot of the time with no savings. I'm supporting my daughter alone through college. That's my lifestyle. And I am still paying her alimony. Alimony is about making one person the victim and it has to stop.

Alimony also prevents emotional healing. Every paycheck is an emotional rape when I see that money I need and worked hard for has been wrongly garnished from my pay. The contentious divorce goes on forever and it can never be put behind with the constant reminders. The

negativity this engenders can't help but spill over into the parent child relationships as well. I can't see how the state benefits from participating in this outrageous unfairness.

One final point: the garnishment of my pay for alimony puts me at risk for losing my livelihood. I am forced to live paycheck to paycheck. I have large student loan payments. I live in a state where if I default on a student loan I will lose my RN license. It is imperative that I make all student loan payments. I explained this to the Court and asked that my pay therefore not be garnished. My request was denied. No one should fear the loss of their livelihood because their money is taken from them and given to someone who won't even work. No one should fear losing a license that is important to them.

Thank you for doing this important work.

Maureen, Vermont

Nine years after the VT Family Court System deemed it necessary to pay an ex-spouse \$1200.00/month I am now \$108,000.00 poorer and she is that much richer; for what? Mind you, VT is a no fault State regarding divorce.

Let's back up a little. My marriage of approx. 19 years had gone south to the point that on the last occasion we were in our marital home my ex struck me in the face, drawing blood from both sides of my nose where my eyeglasses had cut in, to which my response was to call the cops and I filed a domestic violence complaint against her sending her to jail for the night. The following Monday she was in court to face the charges only to come out with a restraining order on me? Remember who hit who. The divorce proceedings followed soon after in 2002 I was age 40 and she was 39 and we had three children ages 10,13, and 16. Two months earlier I had given up on a self-employment venture working as a wood craftsman/furniture builder. She continued to babysit for minimal income despite the mental and physical ability to do much more. The divorce proceedings took nearly 2 years and with the help of three different lawyers at the cost of approx. \$12,000.00 the outcome all came down to the Court's discretion. The judgment was for the marital home to be refinanced in her name only with my share of the \$60,000.00 homes equity of \$5000.00 to be paid to me. There was no retirement fund to split. My wages were too garnished for \$1000.00/ month in permanent alimony, on top of \$1,150.00 in total child support/month for my three children. Mind you my new jobs income was about \$4000.00/ month gross. This forced me to have to work as many as three jobs at once to meet all my own obligations plus these court ordered ones. Also the only reason she gave for not being more gainfully employed was that she was too shy! The appeals court upheld these findings.

If that is not bad enough; within a year after the divorce she had remarried which prompted me to file for a modification due to the remarriage and the resulting lack of need for continued support. This was denied by the same Court stating that due to my soon to be new wife's income and my ex's new spouses income basically cancelled each other's out so I thereby did not meet the VT statute for a "substantial unanticipated change" necessary for a modification order to be heard.

Here we are in the year 2015 and these kind of stories are happening more frequently than less and we are finding that the permanent decree often means to the death of either the payor or payee so the payor cannot even look forward to a normal retirement without this ridiculous involuntary servitude obligation threatening even the golden years of life.

Here are some of the many issues of Alimony Reform that should come into review:

1. Excessive alimony judgments for both; amount and duration?

a. permanent vs. rehabilitative

1. Amounts are punitive in nature.

consider that even dependent children do not receive support beyond age 18, why should an adult?

concurrent child support and Alimony in excess of ability to pay

1. VT law allows only \$800.00/ month for the payors' existence which is less than what welfare recipients are allowed.

2. Both parties capable of gainful employment

3. Should end automatically with remarriage of payee

4. The use of the payors' new spouse's income in calculating a need for support is in effect making the new spouse pay the ex-spouses income.

5. Does not automatically end at retirement age along with the cessation of earned income

Keith, Vermont

I divorced my wife of 23 years when the emotional bullying had finally driven me to the point where I contemplated taking my own life. Our divorce became final in the spring of 2011. As part of the final order, I was saddled with the obligation to pay my ex \$600 per month in spousal support. I argued at the time this was not sustainable. I had been working with my father in his business brokerage for 8 years at that point. Business took a decided turn for the worse in 2008, as did the rest of the U.S. economy. I knew I was not going to be able to make a living from the brokerage much longer. I stated such in court, but the court only ever viewed this as me simply walking away from a lucrative enterprise, which is not the case. Following the final decree, I was discouraged by those around me from contesting the final order with the reasoning that it was a futile endeavor. The permissible period of appeal expired. I filed a motion to modify but this was rejected by the Vermont Family Court. It stated, in effect, that the economy was no different in 2012 than it was the previous year when I had earned roughly \$49,000; therefore there was no reason I couldn't do that now. When I ran out of money to operate in the brokerage, I took the first job I could find, which was with Vermont Country Store. This was a seasonal position with a reasonable promise of being hired on permanently. I was not kept on and was laid off in January of 2012. As I was unable to make my required spousal support payments, my ex filed a series of

motions (these have averaged about 3 per year) for which I had to appear before the Court again to show why I should not be held in contempt. I successfully demonstrated that I had not paid due to circumstances beyond my control. I am a 51 year old fat, bald man competing for the few jobs that become available with hundreds of other applicants; the odds are most definitely stacked against me, in my experience. As I was self-employed for several years then employed seasonally, I was not eligible for unemployment compensation, so I have had no income whatsoever. My wife and I have survived on what she's brought home and some support from her parents. On one occasion in 2012, I missed a court date, which was an honest mistake on my part. I was summoned back to court to answer to a contempt charge at which the Court repeatedly threatened to have me incarcerated. The Court ended up imposing a penalty of \$2,000, due in 3 weeks, which was applied to my spousal support arrears. I felt quite guilty about missing the date and was concerned about the possibility of being incarcerated. I begged my father-in-law for the money, which he lent me, so I paid the penalty and the matter was settled. With the exception of about 7 weeks last March & April, I have been unemployed for most of the past two years, despite my best efforts to secure employment. During that time, I've appeared before the same Court roughly 6 times. Each time, I was grilled extensively about every aspect of my life and my job search and continues to maintain that I could still be earning a lucrative living as a broker. Each of these appearances has lasted approximately 45 minutes. Every time I have appeared before the Court, I am starting from scratch with regard to its questions; I am not certain if notes are taken or the case reviewed before my appearances because every time I am asked the same questions and I have to explain every aspect of my situation over and over again. Then, each time, the Court makes snap ill-informed decisions based on situations that it has no knowledge or understanding of, drawing on various industry expertise that it does not possess and my situation gets progressively worse. At my last appearance, September 6th, my ex made the argument that I've racked up approximately \$8,500 in arrears and when he ordered me to cough up \$2,000 within 3 weeks, I came up with it. I had filed motions to both modify my spousal support and to have at least a portion of the arrears forgiven. I had also filed a motion regarding a tax penalty I was hit with for 2009, the year my ex and I split. For that year, I had made an interim support agreement with my ex until the final decree, which didn't occur until 2011. Thus, I deducted amounts I paid to her from my adjusted income. The IRS declared that an illegitimate deduction and I was hit with a bill for \$2,500 in back taxes, interest and penalties. Since my ex enjoyed those funds, tax free, I filed a motion to have that amount deducted from my arrears. I argued that it would be a painless way for my ex to meet her part of that obligation. The Court denied that as well as my request to have my support payments lowered and my request to have at least some of the arrears forgiven. The Court maintained that all my motions were baseless. Additionally, my ex requested that the Court order me to pay her at least 10% of the arrears within 7 days. The Court sided with her and ordered me to pay her \$840.00 within 14 days, by Friday, September 20. I told the Court then and there that I had no way to come up with that money. I informed the Court that I had employment lined up with Vermont Country Store once again, which I begin on September 23rd.

However, these two are absolutely certain they can force me to cough it up under pressure. So I fully anticipate being summoned back once again to answer to a contempt charge.

The part of this situation that angers me the most is that no one will cut me any slack at all anywhere along the line, no matter how bad my situation gets. However, if things turn around for me and I start earning some money and even start improving my situation, my ex can and

most certainly will file a motion to have her support increased, beyond anything she was ever "accustomed" to, and I can't help but believe that the Court will grant it. I find this whole process barbaric in 2015. Our divorce was a no-fault divorce, yet I have been convicted and am being punished as the bad guy.

I have discussed this situation at length with my wife and family and I am quite willing to make a civil protest in my case, even if it means being incarcerated temporarily. I am quite willing to stand up to this and any other Court.

Greg Henry, Rutland County, VT

4. Vermont Second Spouses & Partners Stories

Time To End Alimony Payments By Second Spouses

The Vermont 2nd Spouses & Partners Club is an opportunity for all 2nd spouses and partners to gain support and encouragement and to change the current alimony statute of lifetime alimony in the State of Vermont. We are hard-working women or men who support our spouse who has been ordered by the Vermont family courts to pay life time alimony to their ex-spouse, a person we never married.

The second spouses club is an opportunity to share your story with others and let the public know how paying alimony to the former spouses affects your marriage.

I am married to a wonderful man who has been sentenced to lifetime alimony. This means that I too have been sentenced to lifetime alimony. Instead of looking to a bright future, planning our retirement and being able to assist our children and grandchildren when they need it, we are working to provide a free meal ticket to a grown adult. The state has brought this person into our marriage and our life is not our own.

It is time to let your voices be heard so that we can make a change for ourselves and future generations. Please join us now!

The probability that we may fail in the struggle ought not to deter us from the support of a cause we believe to be just. - Abraham Lincoln

You can make a difference. If you are tired of the intrusion of the family court system in your life relative to lifetime alimony, we want to hear from you.

If you want to learn more, please contact Amy Fleming at 802-490-8534 or [Click To Email Us](#)

Second Spouses and Partners Alimony Stories

I am writing this to share with other families the complete travesty that is going on behind closed doors in the Vermont Family Courtrooms. I am a second wife to a lifetime alimony payor from Vermont. Every person that I have told my story to is in complete shock and disbelief as to what goes on in Vermont with respect to alimony. It is so horrific that I believe our Forefathers would literally be rolling around in their graves if they knew what is happening in the Courts there.

I write about my story, the story of my family, but I would be remiss without sharing that countless others have contacted me with their own Alimony horror stories and have asked for my help. Family Court leads to more suicides than all other forms of court combined. Why? These lifetime alimony payors – men, and in increasingly more cases, women, believe there is no way out of the lifetime sentence imposed on them in a civil case.

My husband is the most outstanding human being I have ever known. He is kind, fair to everyone, and has worked hard his whole life. He is guilty of one thing: a failed marriage. At the time of my husband's divorce, his children were grown adults. The financial penalty imposed on him for his entire lifetime is not to care for children; it is to provide "maintenance" to his remarried ex-wife in her new life.

In most states (and particularly "no-fault" states such as VT) distribution of assets occurs, and folks are able to move and enjoy life. Vermont, which is one of the most progressive of states socially (one of the first to legalize same-sex marriage) has some of the most archaic Family Laws in the Nation, which are nothing short of Draconian in nature.

Alimony, when awarded, should have a specific purpose, such as rehabilitative (to help one re-establish a career) or transitional (to assist for a period of time to help the recipient spouse to transition to a life on their own). Alimony should not be arbitrary, punitive, or capricious, but designed on an established and predictable set of guidelines. Why is alimony designed to allow a recipient spouse to "live the lifestyle they were accustomed to during the marriage" forever and literally force the paying ex-spouse into poverty? When two people were married and living together and now are not, how is one person supposed to be able to maintain the other at the previous level and still have anything to live on? That simply does not make logical sense. My husband was forced to modify his lifestyle drastically because he has been forced to by the facts and the balance sheet of reality. Why is this not expected of his ex-wife? Why is the law so one-sided?

My husband's ex-wife remarried just over a year after we did, to a man who was working full-time when they met, and shortly thereafter, stopped earning income. Under current law, if a recipient spouse remarries and the combined income does not meet the ex-spouse's basic needs, the responsibility resides with the ex-spouse. We are NOT talking about child support here, the children are grown. This is JUST alimony! My husband's ex-wife took a voluntary reduction in pay, and her new husband stopped working and earning a paycheck, allowing them to remain dependent on my husband. Now my husband has to support two full-bodied, capable adults off of his severely reduced earnings that are not even part of our family! Why is this the case? What if my husband's ex-wife leaves her current spouse, and decides to marry another? Does he or she get to stop working so we can support them too? Why does she need her salary, the financial support of an ex-husband forever and to be married to meet her basic needs?

The most unbelievable statement of fact in my husband's modification of alimony support appeal, in addition to the Court not recognizing my husband's change in financial circumstances, was the comment made by the Court regarding the adoption of our daughter. My husband testified that we used some of his savings (of which his ex-wife already was given half of) to adopt a child, and that she had some medical issues which we had to pay for out of pocket. The Court replied with the statement that although it is normal for a newly married couple to want children, he (Mr. Fleming) should have kept the money in his savings to maintain his ex-wife's previously accustomed to lifestyle rather than adopt a child. He should've, according to the Court, recognized his financial support obligation to his (remarried) ex-wife, rather than have proceeded with the adoption. The Court allowed his ex-wife to state that she absolutely needed the money for things such as spa treatments and personal gifts, but we weren't allowed to adopt a child? This is not only "double-dipping", but under whose authority is the Court able to determine future life choices for either party? Alimony should be based on earned income and

basic life necessities, not savings which have been previously split amongst the parties equally, nor life's extravagances.

The Court also admitted paperwork into the trial stating that the ex-wife's new husband did not earn any income, without requiring proper documentation, and further, allowed my husband's ex-wife to submit as one of her monthly expenses, payment for health insurance policy for her new husband. We were not to adopt a child, an innocent being that needed a loving home, yet my husband's ex-wife could support a grown and able man? Where is the justification for this? How can we be assured that there was no bias when we were told we shouldn't have adopted our daughter, yet my husband's ex-wife can almost fully support her new husband and have allowable expenses by the court to care for him, a grown adult's needs?

My husband and I both work long full-time hours, have had to borrow out of both of our savings, take loans, use credit cards, and even borrow from family to be able to support our family, and we still have not seen justice. With this judgment, he can never retire, for he has to continue to toil in order to support his ex-wife and her new husband until death. When will this financial noose that is unhealthy and tethering to all parties be eliminated? Permanent lifetime alimony is damaging to all parties and needs to stop NOW!

Amy Fleming, case in Windham County, VT

I have watched my husband's health bounce around for the last three years. I am sure a lot of it is contributed to stress. He works six days a week, often times seven and he works anywhere from 8 to 12 hours each day. His pay is strictly commission. It doesn't matter how much he makes each month, he is still required to pay his ex-wife \$2750 for alimony, \$200 for her lawyer fees and is solely responsible for their marital homestead and all expenses (which has been on the market for three years).

Unfortunately, my husband has to make the money he is making in order to pay his court ordered alimony, so he is unable to change careers to be able to only work a normal 40 hour week.

My husband attempted a modification, due to a pay decrease. The attempt only cost him additional funds due to lawyer fees and the modification was not awarded. Why are we only required to support our children until they are 18 but adult ex's receive alimony, often times for 20+ years?

Ginger, Windham County, Vermont

5. Vermont's Current Alimony Laws

Vermont's Current Alimony Laws:

- Are amongst the most Draconian and outdated in the United States
- Allow for alimony to be paid for life, it is called ***permanent alimony***
- Do not allow payors the ability to ever retire and have their payments ended or lowered without costly returns to Court; even when the retirement is forced
- Dictate that payors must give up significant percentages of their pensions or social security, even to an ex who has his or her own pensions and social security
- Ex-spouses can remarry and still receive alimony payments from their previous spouse
- Have no defined formula. Judges have arbitrary and unbridled discretion in ordering an amount and duration to pay
- The current alimony laws state that a payor can apply for modification of payment only when there are significant, unforeseen changes in their financial circumstance; however, there is no actual definition of what this means creating more judicial discretion and confusion

The Legislative Goals of Vermont Alimony Reform are to achieve a constitutionally acceptable reform of Vermont's outdated alimony laws through changes in legislation by the Vermont House of Representatives and Vermont Senate. These changes can only begin to be accomplished through the formation of a Legislative Committee that includes all participants in the Family Court process of alimony. These include Legislators, Judges, Lawyers, and Payors. It is only through open dialogue and transparency that we can all work together to bring consistency, predictability, and fairness to the Family Court system as it refers to alimony.

6. Vermont Alimony Reform's Legislative Goals

Legislative Goals:

- Encourage self-sufficiency for the lower earning spouse in a reasonable amount of time.
- Guidelines for the term of alimony payments based on the length of the marriage.
- Establish guidelines and structure to provide consistency and predictability for litigated cases.
- Encourage mediation vs. litigation.
- Provide guidelines to allow both payors and receivers to prepare for their retirement.
- A second spouse's income should never be a factor when a payor remarries.
- All financial obligations terminate automatically upon the recipient's remarriage.
- An Alimony obligation terminates when the payor reaches the National FULL Retirement Age, (currently 67) the ability to continue working should not be a factor. The current laws do not allow a payor to ever retire.
- Alimony amount based on NEED with a maximum of 30-35% of the difference of the incomes of both parties.
- Establish specific guidelines to give Family Court Judges direction and guidance, resulting in greater consistency, predictability and fairness throughout the entire state of Vermont.
- Co-habitation of the receiving spouse for a period of three months should terminate an alimony obligation. A clear definition of co-habitation written in the law.
- The right for existing alimony payors, with modifiable judgements or agreements to file for a modification based on the new guidelines.
- Alimony awards based on need and ability to pay rather than as an entitlement.
- Several classifications of alimony to better fit the needs of people in divorce, including but not limited to, Rehabitational, Reimbursement, Transitional, and General Term Alimony.
- Any other reform to encourage and provide for people in divorce to move on with their lives as peacefully and amicably as possible.

7. Contact Information

For More Information, please contact:

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