

Dear Judge Devine,

First of all, we want to thank you for your participation in this important and time consuming process as Chair of the Vermont Alimony Reform Task Force.

After reviewing our first Task Force meeting, Rick and I would like to share with you the following thoughts:

As you know, Rick and I are not lawyers or legislators; we are here representing the many people who suffer from an outdated, antiquated law. The Senate Judiciary has charged our Task Force with bringing consistency and predictability, by adding guidelines and structure, to the Vermont Family Court. It took 18 months of meetings for the Massachusetts Alimony Reform Task Force to draft its highly successful legislation. We need to follow their lead and learn from their experience. It is unfortunate that Steve Hitner was not able to share all of the experience that he has had with the Task Force in Massachusetts, which could save Vermont much in the way of time and resources by adopting many of the same laws created by extensive study. If you were to speak to any lawyer or Judge in Massachusetts, they would tell you that their alimony reform is viewed with much success.

Here are some, but not all, of the critical issues we are facing:

1. Duration limits to encourage self-sufficiency and independence for the lower earning spouse.
2. Spousal support should terminate upon the recipient's remarriage or defined cohabitation.
3. A second spouse's income and assets should never be a factor in a spousal support judgement or modification.
4. Current payers with modifiable judgments or agreements should have the right to file for a modification/reconsideration based upon the new guidelines.

5. A spousal support obligation must terminate when the payer reaches the age that they can receive their Full Retirement Social Security Benefit.

6. Guidelines for the term and amount of spousal support be based upon documented financial need with a maximum of 30-35% of the difference between the incomes of both parties at the time of the divorce.

7. Family Court judges must honor all legally valid prenuptial agreements, final stipulations, and/or contracts between the parties.

8. Deviation should only be used in extreme situations and must include a rationale and findings. Any deviation must be supported by clear and convincing evidence. A list of deviation factors must be drafted to provide guidance to a judge.

9. Child support is based on a formulaic process which allows for consistency and predictability. The same should be able to work for alimony.

10. Maintaining the same standard of living established during the marriage should be one of many factors, not a goal, as two households must now operate instead of one.

The citizens of Vermont who face the challenges of divorce need the Task Force to examine the above issues and enact legislation that will provide them with greater consistency and predictability, and allow them to plan for their futures without acrimony and expensive litigation.

While the members of Vermont Alimony Reform understand that many divorces are pro se, people need guidelines and structure to help them through the process requiring the least amount of litigation possible. Without guidelines, the best they can hope for is a random guess at best. Guidelines and structure will alleviate many unnecessary hours in court, legal expense, and anxiety on the part of both parties, as well as the family structure as a whole.

Many states, including neighboring Massachusetts, have reviewed and reformed their antiquated alimony laws to the betterment of their citizens. We need this Task Force to utilize this opportunity to provide the same to the citizens of Vermont.

If you feel it appropriate, please share this with the rest of the group.

Thank you.

Sincerely,

Martin Feldman

Vermont Alimony Reform

Rick Fleming

President, Vermont Alimony Reform