

**Testimony Presented by Miranda Lan
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Intern at Vermont Commission on Women
Vermont Spousal Support and Maintenance Taskforce Public Hearing
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My name is Miranda Lan and I'm a student at the University of Vermont and an intern with Vermont Commission on Women. I assisted the Commission in the calls for stories from women on this topic and I'm pleased to report three of the stories we collected.

One of the women we heard from had experienced emotional abuse and physical danger during her 10-year marriage. She is the spousal support payor: \$600 per month for eight years which includes mortgage payment of the marital residence.

Due to stress and ongoing emotional abuse, she lost motivation for excellence in her career and did not pass tenure review at a prestigious Vermont college. Her salary of just under \$100,000 will end next year and she's unsure how to continue to make the spousal support payments. The mortgage is in her name, and she wants to avoid foreclosure; meanwhile, she has to pay for another residence for herself and her children during the half week that they spend with her.

Her greatest concern is meeting future alimony obligations on a reduced salary in a new job. It would be costly in legal fees to change the alimony agreement, which was forced on her the morning of her final divorce trial. She feels forced into paying alimony to an emotionally abusive former spouse.

She feels that emotional abuse and attempts at career sabotage in a marriage should be grounds for denying spousal support to a low wage-earning spouse. This is especially important where the female spouse made significantly more than an under-achieving male spouse during a marriage, while he made documented attempts to sabotage her career, including threatening to disable her car so she couldn't get to work on time.

She said that spousal support should depend on what the requesting spouse really deserves. It should be rare for a female spouse to have to pay alimony to a male spouse, and if there is any reasonable proof of emotional or physical abuse, no spousal support should be paid.

We heard from a woman divorced after a 14-year marriage. She used her trust fund money to support them through medical and law school respectively. When they both graduated, they bought a house with her funds, and sold it for a profit several years later. They repeated this process, using the funds to pay off her husband's loan for school and for his new business.

He now makes \$600,000 per year. She works part time teaching college. She stays at home with the children, and is the one to handle sick, snow, or vacation days, as well as drop-offs and pick-ups. He says his schedule always takes priority because he earns more. She had trouble with his lawyer not wanting to recognize the contributions she had made to his earning potential, by putting through school, paying debts, down payments, etc., and by allowing him to focus on work while she took care of kids. She receives \$100,000 per year in alimony and child support, but it is all categorized as alimony, and so she pays the taxes.

She would like to see a cap on the portion that can be called alimony. She would like a systematic post-divorce review process every 3-5 years to reassess how everything is working. Finally, she'd like the law to specifically consider the contributions the low wage earner has made to the higher wage earner's career and earning potential during the marriage.

From our research, we know her alimony payment is the exception to the average amount: in 2010, nationally, the average spousal maintenance payment was \$8,279 per year.

Lastly, we heard from an attorney who in the past had worked with divorce cases for low income people, most often involving domestic violence. Her observation from this work

was that one reason some women are low-income is that they did not get any spousal support or a fair property division from their marriages. She also stated until quality child care is universally available and affordable, and until women get paid equally with men, she doesn't think there should be limits based on narrow criteria to spousal support.