

**VERMONT  
ALIMONY  
REFORM**

**IMPACT STORIES  
&  
TESTIMONIES**

**November 6, 2017**

Anne Venturo - 1

11/5/17

Dear Vermont Spousal Maintenance Task Force,

I am writing to you in regards to S112, an Act to create an Alimony Task Force in Vermont. I hope that in sharing my story with you, you may feel compelled to grant a hearing on the issue of alimony in Vermont, and its effects on those who are payors.

It is impossible to discuss how alimony has affected my life without giving you some background. I met my ex-husband in 1989. Six months into our relationship, I realized he had a problem with alcohol. I supported him financially, put up with some outrageous behaviors and ultimately helped him get sober. We were married in 1995. 14 years into our marriage, he began to drink again. He hid empty bottles, denied drinking and drove my children around after drinking. He was fired from his job for verbally abusing coworkers. I wrote his resume, cover letters, conducted his job search and filled out job applications for him. He went through four different jobs in 5 months. He was very disrespectful to me and encouraged my children to do the same. In August of 2013, I could not take it anymore.

When I left, my ex-husband took \$140K from our savings account. I was not allowed access to any of my clothing or belongings until we had a hearing, six weeks later. He alienated my children from me, calling me names and blaming me for the breakup. He filed for divorce first, ensuring he would get the family home, and would often threaten to drag me through the mud in court. He enlisted a very aggressive attorney who disparaged me at every status/case manager conference and court hearing and who poured gasoline on a family in crisis and lit a match with the advise and promises he gave my ex-husband. We tried mediation twice. I had already conceded the family home and most of its contents and had given up any hope of recovering any part of what was removed from our savings account as he said he had to use it for running the household, despite receiving substantial child support for two children (although one was living with me full time). The one issue that thwarted any successful mediation was spousal support. In addition to the money I was already sending to him, he was requesting 1K per month in spousal support. That would mean that half of my salary every month would be sent to him in spousal and child support. I did not see a way in which I could support myself and the child who lived with me on what was left.

After one hearing, I asked him why, when he had a very good job, he was asking for alimony. He told me the he "deserved something." In Vermont, alimony is seen an entitlement. One party in a marriage is entitled to the same standard of living that was present during the marriage. This is an antiquated view of the current family structure. Most couples work outside the home and contribute to the family finances. In addition, how can Vermont Law support the premise that one party is entitled to a standard of living present during the marriage and the other is not? What was one household becomes two. The standard of living for BOTH parties changes.

With twice failed mediation, it became clear that we would need to go before the court for a contested divorce. The trial was horrific. My ex-husband asked for \$1K per month in alimony, the house, part of my retirement, custody of the children, full child support (although one of the children was living full time with me), all his retirement and the remaining cash that he took from our savings. My attorney said we were going to take the high road. I spent hours listening to my ex-husband call me a bad wife and mother and say things about me that simply weren't true. Vermont Law provides the courts with broad judicial discretion in the determination of alimony, which further exacerbates contested divorces. It provides a platform for one (in my case) or both parties to demean and humiliate the other for the sake of getting a better settlement. Vermont is supposed to be a no fault state, but those with axes to grind about their exes are encouraged to take this tactic by their attorneys in hopes that the court will take pity on him/her with little or no corroboration. And it works. During my divorce, I told my attorney that statements made about to the court were simply not true and why it was okay for someone to lie on the stand. He told me everyone lies on the stand. If that is the case, why have a hearing at all? Better yet, why would the court take seriously anything that either party would testify to?

Anne Ventura - A

If there were some consistency and predictability within the law concerning alimony would this have happened? I doubt it. If I was not the only woman in the court room, with four men deciding how I was to live the rest of my life, would this have happened? I'm not sure.

It took almost three years, to get divorced. It cost me \$52K in attorney fees. One of my children still does not speak to me despite repeated efforts to engage her. My ex-husband was granted the house, half of what was left of the cash and his retirement. I received a small amount of cash, part of a retirement account and was ordered to pay alimony. The alimony continues until I retire, at which time my ex-husband will receive part of my pension. My divorce decree does not outline what type of alimony my husband receives and offers not terms for modification. Does that mean that although he has received promotions at work and is clearly able to take care of himself without my financial support, which I must continue to pay him alimony? If he remarries or invites someone to live with him, am I obligated to support him and his new partner? It is also well known in the state of Vermont that it is very difficult to get a spousal support modification and less than ten percent of those who make the costly attempt are ever successful.

I incurred tremendous debt divorcing a man who was emotionally abusive to me for many years. I had to liquidate a retirement account to purchase a two bedroom condo. I am 54 years old, hold a M.Ed. and I live paycheck to paycheck. I am trying to help my older daughter with college (with no help from her father) and she already has a lot of debt. My ex-husband lives in a four bedroom colonial with an in ground pool, drives a 4 year old super cab pickup truck and owns two other vehicles. He has a savings account, was promoted and got a big raise at work. He eats dinner out most nights. It takes him between two and six weeks to cash the monthly alimony check. He receives child support and health insurance from me for a child doesn't speak to me or return a text. I live with periodic threats from him that he is not getting enough money and if I'm not careful, he will bring me back to court and get more. If I say something he does not like or question something that is happening with our children, he responds with foul language and name calling. The abuse continues and I continue to have to send him alimony each month.

The alimony I pay each month does nothing but add insult to injury in a very traumatic series of events. I provide a lifestyle for my ex-husband that I cannot possibly provide for myself or the child who lives with me. I cannot provide for her what her father provides for her sister, which causes friction between them. I have been financially responsible for this man for 28 years and it is very possible I will never be rid of him. Vermont is supposed to be a no fault state, but the ruling in my divorce clearly indicates the judge held me to a higher standard than my ex.

Divorce is about splitting up a family. It is a very sad and difficult time, especially if children are involved. It is not about one person winning and one person being at fault. I do not feel that the courts are sensitive enough to what is truly happening in cases such as these and neither are attorneys, who are only interested in gouging the opposing party while looking for another win.

Thank you for allowing me to share my story. I hope that it may help to shed light on the need to reform antiquated alimony laws in our state in a way that is fair, equitable, has time constraints and allows both individuals and families heal and move on with their lives in a humane and respectful way.

Sincerely,

Anne Camisa Ventura

Essex, Vermont

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# Dean Oulet - 1

I have seen a little bit in the news lately on alimony reform in Vermont and some Vermonters sharing their stories. I write to share my story about alimony. I was 44 years old when my wife (45) and I decided to divorce.

I read in the SevenDaysVT newspaper that Chief Administrative Judge Brian Greason said, "alimony disputes are quite rare in Vermont. Of the 2,380 divorce cases that came through the State's court system last year, only 181 were contested". I believe that he was insinuating that there might not be that much of a problem with alimony. That assumption by looking at simple statistics is just wrong and misleading. I'm here to say that there is a problem with alimony. My divorce would be in the category of "uncontested", but that is only because I was negotiating my settlement out of a position of fear. Fear of what a court might do to me. My lawyer did the best that he could to advise me. He thinks that I "made out pretty good" and that "it could have been worse". At the end of the day, I was ready to go to court and he convinced me to settle. Looking at the guidelines that the courts have and talking to other lawyers, he concluded that settling would be the least risky thing for me to do, and I agree to this day, but it doesn't mean it is right.

With that said, She gets half of my retirement from my work and she used it to buy out my half of our house so she can live in the house. I need to finish paying off the mortgage for her as well so She gets to live in a house with no payments, only taxes to pay. I am stuck giving an extra \$21,000 in retirement (to lessen alimony payments by one year) and my alimony payments are \$1,200 per month for the next 7 years. I need to not only pay alimony, but also find a place to rent. If it wasn't for the EXTREME generosity of friends and family, I would be DESTITUTE. She had worked part time and I have asked her for years to "please work more", with most recently, flat out refusals to do so from her. Alimony is to try to allow the same standard of living for the person that wasn't the "wage earner", but with \$1,200 per month in alimony, her part time work, no mortgage, she will be living a lifestyle with more disposable income than what we had when we were together and I will have less of a standard of living. I've done a budget for her and for me and I can tell you that I will be struggling for those next seven years. I think this is better than those folks that need to pay for life long alimony, but it still stings and is wrong.

I realize that people's lives are very dynamic and trying to have a judge decree a fair settlement between two people that have been together for so long could be tough, but something needs to be done. Look at the history of the Vermont divorce guidelines. They have been changing over the years to give less of a "payout". I think that lazy people should not be given handouts and that those factors need to play a role in divorce proceedings. I think current total living expenses of each divorcing spouse should play a major role (i.e. one gets to live in a house for free while the other needs to pay rent). Because of the lack of cases to follow and understand where a judge might "land" on their decision, folks like me are left wondering what a court might decide. FEAR is what guides our decision to settle or fight in court. My lawyer actually wanted to go to court with this case because it was unique. He was curious what a court might decide. He also recognized the risk, which is why we settled. Part of me wishes that I just sued for divorce when we decided to separate and forego the whole mediation part. Once I realized that she was asking for an unreasonable amount of alimony, it turned into an economic exercise on how to lessen the pain. I had to consider my growing retirement account that would just get split several months later because of the time delays in divorce proceedings, the growing lawyer fees and the unknown of what a court would decide.

I recognize that trying to develop rules for every situation is quite useless. I do feel that building a more defined framework around existing guidelines and lowering the amount of "payout" should be done. An example is: the guidelines look at income disparity. So a \$50,000 dollar disparity affords one spouse a

Dean Oulette - 2

certain amount of income from the other in order to bring their incomes more "even" with each other. That might be fine if one spouse earns \$150,000 and the other \$100,000, they can probably both afford to live normal lives. Take that same disparity and apply to someone earning \$70,000 and the other \$20,000. Even out their incomes to some "reasonable" number (maybe where a court would land??) and you have one earning \$40,000 and the other \$50,000. The \$40,000 doesn't have a house mortgage while the \$50,000 does, fair? I don't think so. And WHY do we think that someone should get paid for YEARS?? They should get enough money to get on their feet and move on. 4 or 5 years tops, no more.

Alimony is a dis-incentive for people to work and to be productive. It is a device that leaves many people feeling extremely bitter. I wonder how many suicides have happened because of it?? I think that people are kidding themselves when they think during a "breakup" that folks kill themselves solely because of the loss of the relationship. I know that I thought of suicide many times during this process and it had everything to do with the thought of paying an unfair amount of alimony. It is still a very hard thing for me to think of. "You mean I need to pay this woman that was mean to me, said nasty untrue things about me to my kids and friends, was lazy and wanted to just do her own thing while I worked, pay her for years while she develops new intimate relationships with other men?" Yeah, that makes me bitter. I feel broken for the next several years. How am I to have close relationships with other women when I think that they could turn on me and cause more financial hardship? Who wants to be with a man that has this debt and his "old ball and chain" attached?

This topic and specific details are rarely discussed and it's probably out of embarrassment and the desire to just "move on" from this horrible time in people's lives. I know that after a while I will need to somewhat forget that I have a lot of money leaving my account each month because it will just eat me up which won't be healthy. I do hope that many others will speak out about their circumstances and that people will listen and make some changes.

## TESTIMONY OF MARTIN FELDMAN

I went through a divorce in 2009, and a post-divorce action in 2014 that were mired in acrimonious conflict and tremendous legal expense causing significant emotional and financial harm to myself, my ex-spouse, and mainly to my children.

With clear rules and a formula, like the reformed process in Massachusetts, this could have been avoided. The absence of rules and a formula in Vermont, whether there's a contested hearing or a forced settlement, often lead to acute conflict and unnecessary, often outrageous legal expenses, as cases often must be made to disparage and harm the other side in the interest of a win in or out of court.

Contentious legal conflicts often define alimony as an award or entitlement. Reform needs to refine alimony as interim support and rehabilitation to help people get on with their lives and put divorce behind them. In my case, the final decision was anything but final. It was easily reopened and the acrimony continued, racking up \$200,000 in legal fees and re-doubling the conflict upon my family.

Vermont families need limits, structure, and finality using a predictable and consistent formula, not the inconsistency and unpredictability of broad judiciary discretion.

There is no reason why rules and a formula cannot be the presumptive law with judicial discretion only utilized in exceptional cases. This reform would allow most cases to avoid the conflict and acrimony many Vermont families experience by facilitating peaceful mediated settlements. Vermont's 60 to 80 per cent of pro se cases would also prosper as with new found clarity and availability of maintenance where it has been clouded and vague.

In my situation, the actual outcome of actual alimony may quite possibly have come out the same using a formula — but because we had no other route than the current Vermont alimony system, the transactional expenses of attorney's fees severely impacted the actual alimony award. Further, the conflict that we had to endure and inflict has left lasting scars on our children and ourselves. There is a better way, and it's time that my state come out of the shadows and join the rest of the country.

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November 6, 2017

State of Vermont  
General Assembly  
Spousal Support and Maintenance Task Force for Act 60 and Alimony Guidelines  
Vermont State House  
115 State Street  
Montpelier, VT 05633-5301

RE: Testimony for PUBLIC HEARING on Spousal Support and Maintenance Task Force for Act 60 and Alimony Guidelines

Dear Task Force Members,

Please find my attached testimony for Spousal Support and Maintenance Task Force for Act 60 and Alimony Guidelines in Vermont. This is a significant economic development issue due to the nature of Vermont small businesses.

Feel free to contact me anytime with questions.

All the best,

A handwritten signature in black ink that reads "Sean Cota". The signature is written in a cursive, slightly slanted style.

Sean Cota

## PUBLIC HEARING TESTIMONY

Monday November 6, 2017, 5:30-7:00 PM The Vermont Law School, Debevoise Hall Building 4, Nina Thomas Classroom, South Royalton, VT. Subject: Spousal Support and Maintenance Task Force for Act 60 and Alimony Guidelines

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### Sean Cota Testimony

My name is Sean Cota. My family first came to Vermont in the 1750's. For generations our family has run small Vermont based businesses. In my case, I pay no alimony, as my settlement was a 97.5% to 2.5% equitable division of assets and the loss of my job in exchange for no alimony. I did this to end the five years of divorce proceedings and provide a predictable cash flow for the family business to continue without me.

The unpredictable and constant ability to change alimony without a formulaic nature kills family businesses. This system needs reform, for economic reasons, for the state of Vermont, and the employees of Vermont businesses.

Vermont is a micro business state. Of the 300,000 jobs in Vermont 156,000 work for small businesses.<sup>1</sup> While Vermont's average employer is eight (8) employees, the median employer is three (3.) At the current divorce rate, a divorce will impact 10% of the Vermont households in the next decade.

These family businesses in the best of times, these businesses are difficult to finance, and with a large unknown variable as alimony, they are often unfinanceable.

Almost all small businesses are what is known as a taxable pass-through entity. This means that the business income and taxes for the businesses are personal. As business income is personal income, it is subject to an alimony allocation at the complete discretion of the court.

Small business income is highly variable. The general criteria allowed in Vermont for reopening an alimony case is when a significant change of income has occurred. Case law generally has determined that that is a 10% change. Every time a calculation is done, lawyers and accountants for the individuals, and the businesses need to be hired. In Vermont's small businesses, having income that varies by more 10% from year to year is the majority of businesses. This costs to the median Vermont business of 3 employees is a significant costs that doesn't help the business to grow.

Banks and other entities who lend to Vermont's small businesses, often have loan clauses that requires the owners reduce their compensation when certain business loan ratios are not met. This burden must be borne by the small business owner and their employees, and not the alimony recipient. When these businesses are undercapitalized, or cash flow is impacted, these small businesses fail.

Business requires predictability to succeed. Their banks require it. Small business growth is difficult in the best of times. With Vermont's antiquated alimony system, this large impact on Vermont's small businesses puts these businesses and their employees in jeopardy. Vermont has had pride in its small town Main Street businesses that are core to our identity. If 50% of marriages end in divorce, Vermont can not afford to put at risk 50% of the small business jobs just because there is not a predictable formulaic system of alimony.

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<sup>1</sup> [https://www.bls.gov/oes/current/oes\\_vt.htm](https://www.bls.gov/oes/current/oes_vt.htm) & [https://www.sba.gov/sites/default/files/files/Vermont13\(1\).pdf](https://www.sba.gov/sites/default/files/files/Vermont13(1).pdf)



## Vermont

**77,726** Small Businesses

**17,659** Small Businesses with Employees

**60,067** Small Businesses without Employees (Nonemployers)

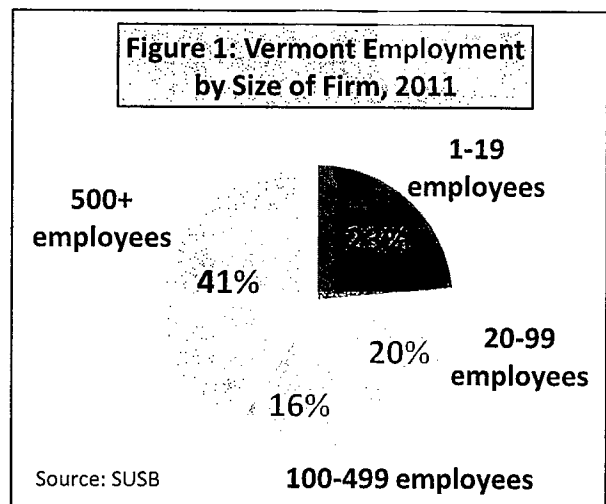
**156,760** Workers Employed by Small Businesses

### State Economy Overall

- Vermont's economy grew at a slower rate than the United States in 2012. Vermont's real gross state product increased by **1.2 percent** compared to **2.5 percent** for U.S. gross domestic product. (Source: BEA)
- The employment situation in Vermont has improved. The unemployment rate in Vermont declined from **5.1 percent** in December 2012 to **4.2 percent** in December 2013. This is below the national average of **6.7 percent**. (Source: BLS)

### Employment

- Vermont's small businesses employed about three-fifths or **156,760** of the state's private workforce in 2011.
- Almost all firms with employees are small. They make up **96.2 percent** of all employers in the state. **Table 3** offers further industry detail on small firms.
- Firms with fewer than 100 employees have the largest share of small business employment. **Figure 1** offers further detail.
- The three industries with the most small business employment were: health care & social assistance, retail trade, and accommodation & food services (**Table 4**).
- In Vermont, small businesses created **1,405** net new jobs in 2011. The biggest gain was in the smallest firm size category of 1-4 employees. (Source: BDS)
- The number of people who were primarily self-employed increased in 2012. For demographic detail on the state's self-employment, see **Figure 2**.
- The state's private-sector employment increased in 2013 by **0.7 percent**, which was below the national average growth rate of **2.1 percent**. (Source: BEA, BLS)



The *Small Business State and Territory Profiles* report on the economic status of small business from 2010 to 2013. They include information on the number of firms, employment, demographics and other topics using the most recently available government data. They are a reference tool for researchers, policymakers, and small entities who are interested in how small firms are performing regionally or nationally. Note that this report defines small businesses as firms with fewer than 500 employees.

## Income and Finance

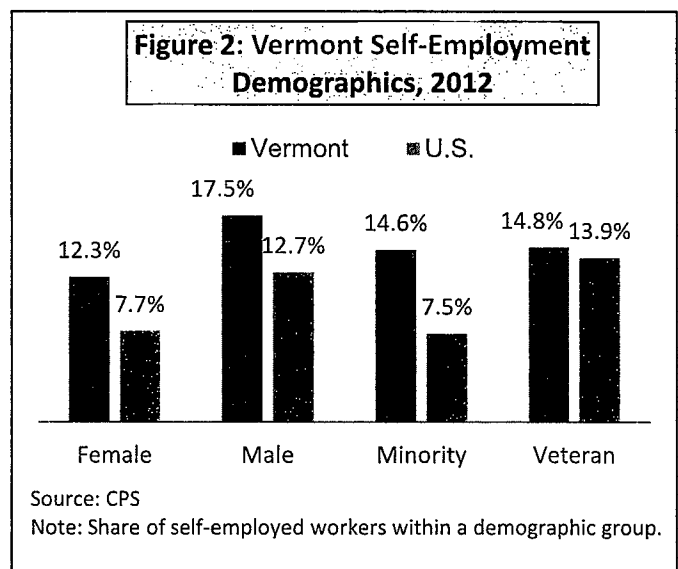
- Most small businesses are sole proprietors. Annual income from sole proprietorships increased **7.6 percent** in the 3<sup>rd</sup> quarter of 2013 and totaled **\$2.3 billion**. (Source: BEA)
- The Federal Deposit Insurance Corporation tracks banks and bank branches and publishes annual data for each state. For more detailed information see [www2.fdic.gov/sod/sodSummary.asp?barItem=3](http://www2.fdic.gov/sod/sodSummary.asp?barItem=3).
- In 2012, **12,953** loans under \$100,000 (and valued at **\$150.9 million**) were issued by Community Reinvestment Act lending institutions in Vermont. (Source: FFIEC)

## Business Owner Demographics

- In 2011, there were an estimated **20,000** woman-owned businesses and **2,000** minority-owned businesses. For additional business demographic information, see **Table 1** and **Figure 2**.

	Number of All Businesses <sup>e</sup>	Share of All Businesses (%) <sup>*</sup>
Male Owned	39,000	49.6
Woman Owned	20,000	26.0
Equally Male and Female Owned	16,000	20.2
Minority Owned	2,000	2.3
Veteran Owned	7,000	9.2

<sup>e</sup> = Advocacy estimate. <sup>\*</sup>2007 SBO. Note: This estimate is based on the share of business owners in the 2007 SBO. This share is multiplied by the total number of businesses in 2011 (employer + nonemployer firms). These shares will not be updated to 2012 until fall 2015. Thus, the 2011 estimates assume the 2011 shares are the same as 2007. For more information, visit [www.sba.gov/sites/default/files/files/vt10.pdf](http://www.sba.gov/sites/default/files/files/vt10.pdf).



## Business Turnover

- **Table 2** gives Vermont's establishment survival rates over an eight-year period, 2002-2010.
- In the 2<sup>nd</sup> quarter of 2013, **1,122** establishments opened and **1,075** closed in the state of Vermont. (Source: BED)
- Business bankruptcies declined in net from 2010 to 2013, signaling a stronger state economy. (Source: U.S. Courts)

	Establishments Opened <sup>*</sup>	Share Surviving Until 2012 (%)
2002	1,319	35.5
2007	1,252	46.6
2010	1,039	65.3

Source: BLS, BED. <sup>\*</sup>Data year ending in March.

## International Trade

- A total of **1,251** companies exported goods from the state in 2012. Of these, **1,053** or **84.2 percent** were small firms; they generated about a fifth (**18.5 percent**) of the state's total known export value. (Source: ITA)

**Table 3: Number of Vermont Small Firms by Industry, 2011**  
(ranked by number of small employer firms)

Industry	Employer Firms		Nonemployer Firms	Total Small Firms
	With 1-499 Employees	With 1-19 Employees		
Construction	2,693	2,584	9,827	12,520
Retail trade	2,474	2,176	4,406	6,880
Professional, scientific, & tech. svcs.	2,045	1,932	8,761	10,806
Other services (except public admin.)	1,906	1,829	7,003	8,909
Health care & social assistance	1,666	1,412	5,075	6,741
Accommodation & food services	1,641	1,351	1,111	2,752
Admin., supp., waste mgt., remed. svcs.	969	904	4,514	5,483
Manufacturing	895	699	1,796	2,691
Wholesale trade	652	494	896	1,548
Real estate & rental & leasing	616	586	5,380	5,996
Finance & insurance	443	384	1,049	1,492
Arts, entertainment, & recreation	435	394	4,109	4,544
Transportation & warehousing	409	352	1,193	1,602
Educational services	341	269	1,951	2,292
Information	322	259	851	1,173
Forestry, etc. & agriculture support	125	123	2,015	2,140
Unclassified	55	55	0	55
Management of comp. & enterprises	45	11	0	45
Mining	39	33	61	100
Utilities	21	13	69	90
<b>Total</b>	<b>17,659</b>	<b>15,842</b>	<b>60,067</b>	<b>77,726</b>

**Table 4: Employment in Vermont by Industry and Firm Size, 2011**  
(ranked by small firm employment)

Industry	Employment		Small Firm Share of Industry Employment (%)
	Small Firms	Total Firms	
Health care & social assistance	24,180	50,353	48
Retail trade	23,073	39,135	59
Accommodation & food services	19,869	30,443	65
Manufacturing	16,270	30,675	53
Construction	11,573	12,399	93
Professional, scientific, & tech. svcs.	11,045	21,524	51
Other services (except public admin.)	8,707	8,953	97
Wholesale trade	8,324	10,623	78
Educational services	7,706	14,655	53
Finance & insurance	5,280	12,105	44
Admin., supp., waste mgt., remed. svcs.	4,793	6,776	71
Arts, entertainment, & recreation	3,997	6,974	57
Transportation & warehousing	3,706	5,710	65
Information	3,507	5,270	67
Real estate & rental & leasing	2,562	2,906	88
Utilities	718	2,017	36
Management of comp. & enterprises	595	2,807	21
Forestry, etc. & agriculture support	434	434	100
Mining	356	384	93
Unclassified	D	D	D
<b>Total</b>	<b>156,760</b>	<b>264,208</b>	<b>59</b>

Source, Tables 3 and 4: SUSB

See [www.sba.gov/advocacy/847/841921](http://www.sba.gov/advocacy/847/841921) for more detailed data.

Note: Small firms are defined as nonfarm firms having fewer than 500 employees.

(D) Data suppressed to protect the confidentiality of individual firms.

## Abbreviations and Resources

<b>BEA</b>	Bureau of Economic Analysis, U.S. Department of Commerce, <a href="http://www.bea.gov">www.bea.gov</a> .
<b>BED</b>	Business Employment Dynamics, U.S. Department of Labor, Bureau of Labor Statistics, <a href="http://www.bls.gov/bdm">www.bls.gov/bdm</a> .
<b>BDS</b>	Business Dynamics Statistics, U.S. Census Bureau, <a href="http://www.census.gov/ces/dataproducts/bds">www.census.gov/ces/dataproducts/bds</a> .
<b>BLS</b>	Bureau of Labor Statistics, U.S. Department of Labor, <a href="http://www.bls.gov">www.bls.gov</a> .
<b>CPS</b>	Current Population Survey, U.S. Census Bureau, and U.S. Department of Labor, Bureau of Labor Statistics, <a href="http://www.census.gov/cps">www.census.gov/cps</a> .
<b>FDIC</b>	Federal Deposit Insurance Corporation, <a href="http://www.fdic.gov">www.fdic.gov</a> .
<b>FFIEC</b>	Federal Financial Institutions Examination Council, <a href="http://www.ffiec.gov">www.ffiec.gov</a> .
<b>ITA</b>	International Trade Administration, U.S. Department of Commerce, <a href="http://www.trade.gov">www.trade.gov</a> .
<b>SBO</b>	Survey of Business Owners, U.S. Census Bureau, <a href="http://www.census.gov/econ/sbo">www.census.gov/econ/sbo</a> .
<b>SUSB</b>	Statistics of U.S. Businesses, U.S. Census Bureau, <a href="http://www.census.gov/econ/susb">www.census.gov/econ/susb</a> .
<b>U.S. Courts</b>	Administrative Office of the U.S. Courts, <a href="http://www.uscourts.gov">www.uscourts.gov</a> .

My name is Erica. I am 55 years old and live in Shelburne VT.

I went through my divorce in 2016. I was the main provided for our family, since our marriage in 1994. Our son joined our family in 1998. I have worked for the same organization for almost 30 years, and while I thoroughly love my job and have longevity, I knew I would never be bringing in the big bucks working for a not-for-profit. Throughout the years as a family, there were many empty promises from my ex-husband that he would work. Sometimes he would work, usually seasonally, or just long enough to be able to collect unemployment. Often he would get fired for not playing well with others. When I would feel like I had reached my limit, there would be more empty promises. Those who are in similar situations know that you want to believe someone can change – work, stop bullying – and so you stay instead of leaving, afraid of the unknown and how a separation or divorce might affect one's child.

My strength to divorce came towards the end of August 2016. That in itself is a story. The divorce was contentious and emotionally overwhelming for me. Unable to mediate because of his demand for the highest alimony that could be awarded to him, I was forced to go through the tremendous expense of hiring a lawyer to protect myself and my future ability to support myself and son.

The unknown throughout 2016 of whether I would be able to support myself and my college bound son, keep and maintain the house was one of the most difficult times of my life. My ex-husband could demand anything, say anything, access the house whenever he pleased, take whatever he wanted, and drag the process at for as long as he wanted. With the outline given to me, had he been awarded what he felt he was entitled to, there would have been very little left for me. This from someone who barely worked for the last 20 years and was capable of doing so.

If there had been fair laws regarding alimony allotment and length of distributions... Until the other party can get a job, etc. That year would have been so much less scary to face. While maintaining some semblance of order and dealing with this situation, I also had to make secondary plans in case my ex husband was awarded more than I could afford. I will have to pay my ex-husband alimony until he is 65 even though can work, has a college degree, and is capable of getting a better paying job. He chose to be unemployed, unemployable, and underemployed. After 20 years of emotional abuse and his unwillingness to work continually, I finally found the courage to move forward with a divorce and the

chance to be happy again. Now I am faced with a monthly penalty in addition to giving him almost half of my 401k and paying him for a portion of the house (which was paid for by me). Please hear us and make fair equitable laws. Spouses should not have to pay their exs who can and should work. We should be able to move forward in rebuilding our lives and be able to be financially solvent ourselves.

I am an alimony payor who was paying \$50 per day (\$1500 / month) from 2007 thru 2015 and now, as I reach retirement age, am still paying \$33 per day (\$1000 / month). My Ex has been cohabitating with a guy who has a nice house in the country with an automotive repair business on the property. She is still employed by the school system in Vergennes as she has been for probably 20 years. She now has a comfortable lifestyle with their two incomes plus my alimony payment. She had received half of my 401K and half of the value of my house. She also recently sold her deceased father's house worth over \$250,000. Why doesn't she now have to pay me?

I am a college graduate and have worked at an aerospace company in Vergennes for the past 38 years. I am still employed there and doing well. My alimony payment was calculated based on a lot of overtime pay due to business travel supporting FAA activities back at the time of the divorce. This overtime is not guaranteed but I would need it to make ends meet if I wasn't also cohabitating with a very nice lady who helps with the daily expenses. With a rise in the cost of all basic essentials; house, fuel, food, transportation, health care, taxes, etc., I seem to be falling short on being able to use this hard earned money to better the lives of people I care about such as my girlfriend, my two sons and my mother. I do what I can for them.

Gary Steadman Testimony Before the Spousal Maintenance Task Force  
11/06/2017 p2

Something needs to be done to make alimony in Vermont fair for everyone. I can't find anyone that I have talked to that thinks I deserve this.

Gary Steadman  
Addison County



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Vermont Spousal Support and Maintenance Task Force  
Montpelier, Vermont

November 1, 2017

Re: Updating Vermont Divorce laws

Dear Task Force members,

I applaud the 2017 Vermont State Legislature and the Governor setting up this Task Force to review Vermont's divorce laws and update the laws that are currently in place. I understand that there is a public hearing on this on November 6, 2017 but I am not able to attend. I am submitting this note and hope that the Task Force will review my thoughts about the current situation and recommendations for change.

You are aware of the prevalence of divorce in our society as many marriages fail after both short and long term marriages. It is a daunting task to write laws that address how divorces should be handled by the state when there is such a broad spectrum of financial and social situations that present to the state at the time of a dissolution of a marriage. There are certainly many factors that need to be addressed when the law and courts need to develop guidelines for divorce.

After a marriage of 28 years in early 2010 my ex-wife had an affair, and we separated in June, 2010. A divorce agreement could not be reached through mediation and my divorce was completed by a court decree in late 2013.

Divorce can present many emotional, social, and financial challenges for the parties as they move forward in their lives after their marriages fail. I agree that the state should have guidelines on how the marital estate should be divided in an equitable manner after considering many factors. The state should keep in mind that the marriage has ended and that it is not possible to maintain the same "standard of living established during the civil marriage" after a divorce for two new households compared to the one household during the marriage.

There can be real and significant differences both income and expenses of both parties at the time of the divorce and looking towards the future. There are often significant differences between the

education, employment possibilities and earning power of the parties at the time of a divorce. It is certainly advisable that based upon the marital assets and other factors that both parties be entitled to be able to meet their own "reasonable needs" as they move forward after a divorce. Having spousal support(alimony) available for a defined time period for a spouse who may be of advanced age, lacks training and/or experience for gainful employment, or is disabled in situations in which the other spouse is employed is very fair and advisable. However I believe that the current divorce guidelines for alimony/spousal maintenance should be reviewed and updated. I have reviewed the recommendations that have been advanced by the Vermont Alimony Reform group and agree with many of those recommendations.

I believe that the main purpose for alimony in most situations should be to support one of the parties in a divorce to help them get financially reestablished with a plan to become financially independent. It should be granted for a defined period of time to meet one party's reasonable needs as a bridge to financial independence and should not be permanent for long durations except in very exceptional situations.

When a party in a divorce moves ahead with their lives and reestablishes a new partnership through cohabitation or marriage, I believe that any spousal maintenance that is in place at that time should end. The state should set up guidelines similar to other states that define what should happen in this situation. I highly recommend that the party receiving the alimony should be required to report cohabitation/remarriage to both the court and party paying the alimony with provisions such that if this reporting is not done promptly penalties may be applicable.

You are quite familiar with the difficulties inherent in trying to set an amount and duration of alimony. The goal should be set meeting the current and future reasonable needs of the parties and to try to make sure that both parties can move forward to be financially independent with their own skills and abilities rather than meeting the goal of maintaining the "standard of living established during the civil marriage" as is currently set up in the law. There are of course situations that should allow the court to set up unique support situations in the case of lack of education, employment opportunities, disabilities, advanced age, etc that may require long term alimony. The reasonable needs of parties in those situations could be addressed through adjustments in the division of marital net worth at the time of divorce rather than alimony. I believe that alimony should have a maximum amount that is set by the law when comparing the differences in the income and expenses of the parties of the divorce. Other states have set a maximum for alimony and Vermont should consider a similar course of action.

In my situation, I paid completely for my undergraduate and graduate education and training for my career without any financial assistance from my ex-wife. However, my work efforts paid for most of her undergraduate college education leading to her college degree, and all of her post graduate education including paying for classes while she was having her affair and planning her exit from the marriage in the spring of 2010. As noted above, I am still bound to pay a significant amount of alimony monthly until December 2019 as a result of the judge's divorce decree.

There are many ex-couples currently living under court decrees and divorce agreements in Vermont that should be allowed to adjust their alimony arrangements if and when Vermont changes the current laws. This would present challenges to the Family Courts of Vermont but should be allowed as many of those under alimony arrangements may have many years ahead of alimony payments. In my own situation, my ex-spouse has been cohabitating since 2011 and has recently jointly purchased a new home with her new partner, and have now bought a second home in South Bend, Indiana. I am bound by the court divorce decree to pay a significant amount of alimony monthly for over 2 more years until I am 65 years old even while my ex-spouse and her partner have been gainfully employed and cohabitating for the last six+ years as I noted above. It does not seem reasonable that I should be required to continue paying any ex-"spousal support and maintenance".

I believe that each party in a divorce should be able to secure legal counsel to protect their interests in a divorce. However, I believe that there should be some guidelines in the law on how the legal fees for each party should be allotted. The guidelines should emphasize the right to legal counsel but should put responsibility on each party to be responsible for their own legal fees. Perhaps the guidelines should state that the legal fees for each party that exceeds the costs of the other party should be adjusted in the division of the marital net worth that is given to each party. In my situation, my ex-wife's legal fees were over 5 times what I spent and yet she had no incentive to keep these expenses reasonable made me pay for some of her legal fees in addition to my own.

You are quite aware of the overload of the courts in Vermont. In my situation, it took over a year for us to present our case in court (July and August of 2013) once the mediation process failed (around August of 2012) and we decided that we needed to proceed with a court decision. It does not seem to be fair and equitable that my work efforts and additions to my savings for the 40 months between my separation and the final divorce decree by the judge should be considered as part of the marital estate in the same way as the assets and liabilities of the marital estate prior to separation and filing for divorce. I would suggest that the state establish in the law a "date of financial separation" early in the process so that the parties can obtain the values of accounts, debts, appraisals of joint property, etc. so that the court can make an fair and equitable distribution of the marital estate. This "date of financial separation" could be incorporated into the court orders early when the courts sends notice to each party after the application paperwork for divorce is filed with the courts.

I wish to express my gratitude for the time that you took to read this letter and consider the recommendations that I and the Vermont Alimony Reform Group has put forward. I am happy to be available for any questions that the Task Force may have in regards to this letter and my recommendations.

Sincerely,

John M. Ajamie

**Ralph Colin Statement Appearing Before the Alimony Reform Task Force.**  
**11/06/2017**

I wish to thank the Task Force panel for the opportunity to appear before you today.

My name is Ralph Colin. In two months I will be 85 years old. I live alone with my two dogs in East Dorset. I was born and made my home in New York City for my first 62 years and moved up here after retiring from my civilian job in 1995.

Following college graduation in 1954, I was commissioned a Second Lieutenant in the U.S. Air Force and became a pilot. I served on active duty for three years and remained in the Air Force Reserve for another 23 years, retiring in 1980 as a Lt. Colonel. For over thirty years I was an executive in a division of CBS.

I married my wife in 1982. By a previous marriage, she had four children, the two youngest of whom were in their teens at the time we were married. I put them through school and college, one them also through graduate school. When we moved to Vermont, we built a house that was large enough to accommodate frequent visits from her kids and their children. We separated in 2007 and were divorced the following year. My former wife now lives in an over \$1,000,000 home she bought in an affluent community on Florida's West coast.

At the divorce hearing, neither of us ever got to appear before the judge in Family Court in Bennington. He insisted on meeting only with our attorneys in his chambers leaving us to sit alone in an empty court room for an hour and a half after which my lawyer told me that I would have to pay not only a huge, initial lump sum, but also an enormous monthly alimony.

In order to afford the lump sum payment, I had to sell a unique collection of militaria which I had started when I was 12 years old and also several works of fine art which my parents had purchased over a period of many years beginning in the 1930's. I also had to deplete my entire IRA and had to take out a sizable bank loan on which I still am paying interest of over \$2000 per month. Today, between both the monthly spousal support and the interest, it eats up 70% of my ordinary income. Additionally, my property tax also swallows another almost 13% of my income. I have had to sell other assets over the years in order to survive and I've just about run out of any more to sell.

**Ralph Colin Statement Appearing Before the Alimony Reform Task Force.**  
**11/06/2017 pg. 2**

At three separate hearings in Family Court since 2010, I have begged the Court for relief in the alimony. The latest one was in May of last year, but despite the fact that I had recently lost a significant pension, my plea was completely rejected. In only the second appearance in Family Court in 2012 was I successful in receiving even a very modest reduction. I am really hurting.

I live quite modestly these days and have almost no social life. I would like to have been able to travel, but have been unable to afford to do so. In the last few years, I have been barely able to spend even a few days or nights away from my house and I must try to maintain my property well enough so as to be able to sell it.

My house has been on the market since 2007, ten years ago. I have reduced the asking price seven times. It is now priced at a small fraction of what I put into it. Apparently the market in Vermont is very sparse for large homes. It was in 2015 that I received the one and only bona fide offer for the property since 2007. It was a real bottom-feeder offer which, because I was desperate to sell, I accepted, but the prospective buyer apparently changed his mind the next day and without any explanation, walked away. There have been no subsequent offers.

I'd like to mention another point. In most states, in divorce situations, the division of property is limited to those items and assets acquired during the period of the marriage. In Vermont, the division extends to ALL property regardless of when it was acquired which seems to be quite unreasonable. My former wife, who came into the marriage with relatively few hard assets, now owns quality property which had been in my family for several generations and which had considerable sentimental value to me.

I hope that you will give serious consideration to the testimony that I and other witnesses have made before you in these hearings. There are many of us whose lives have been severely compromised such that we are no longer even able to match the quality of living being enjoyed by our former spouses. Perhaps you will understand that efforts need to be made to revise some of the divorce laws in our state to make them more equitable to both parties of a former marriage.

Thank you very much.

John Smith Testimony Spousal Maintenance Task Force 11-06-2017

My Testimony for November 6th meeting

My name is John- Smith and I live in Barnet Vermont. I'm 53 years old, I have an Associates degree from VTC, working at a scale company in St J. since 1986 and am the operator of the McIndoe Falls water system since 2010.

We were married on September 4th 1994 and have 4 daughters, all minors at the time of divorce. Heather is 10 years younger than myself, has one semester of college at LSC, a Travel Agent certificate and worked part time during our marriage.-She filed for divorce in February of 2012 and it became final in July of 2014. In 2012, at the same time I went through divorce, I went through cancer treatments, just surgery, no chemo or radiation, thanks to God. It has not come back and should not, I don't want you to think I'm having problems with this, I am not, but it did add financial difficulty at the time.

I've been paying child support and spousal support since she moved out in July of 2012, 5 plus years now.-Spousal support was \$1300 originally in 2012, changing to \$1450 at the time of divorce in 2014 then to \$1250 after one year in 2015 and will change to \$1100 in Aug of 2019 and continue until I turn 62, another 9 years. Child support is currently 934.65 and I do not think will change until the end of Aug 2020, 3 more years, but this doesn't give me a chance to build up much of a retirement.

I have retirement through work and Heather got half of both my pension, and my 401k. I kept the family house, which I needed to have an appraisal on, taking-out a mortgage taking Heathers name off being rejected twice. At the end of the divorce I had about \$20,000 in lawyer fees, and \$8,000 in debt for a new roof. I was assigned all family credit card debt

Heather received an inheritance in 2013, part being a life insurance policy which we never found out the value of and partial ownership of her grandparents house in Sea Isle City, New Jersey which is on the outer coast. The judge assigned her just \$50,000 value for all of this, the city appraisal of the New Jersey house about \$750,000, which- she did not have to have an appraisal of.

From-2012 to 2014, I was losing \$500 a month, accruing credit card charges which I put everything I could on. In 2014 I borrowed from family enough money to pay off my lawyer.-My car is a 9 year old Toyota Yaris I have had since 2008 and I do not have cable TV, internet or-a home phone-as I am trying to save up enough to pay off my family debts as soon as I can. In the last 2 years I have finally been able to fix some problems with the car and make fixes to the house which have been needed. I-am-working at least 47 hours every week for the last 7 years between the 2 jobs. I seldom have free time or able to get away from the Barnet area for more than a day-

Heather, on the other hand, has had a cell phone through Phil's business since 2011, a home phone and at least internet, had no lawyers debt through divorce and since 2014 has lived in her boyfriend's house in St J which has furnishings from his previous marriage as well as hers. She had a 2007 Chevy Uplander at the time of divorce in 2014 and is on her 2nd Chevy Traverse since then, the latest having a MSRP of \$48,730! Her license plate for both Traverses has been "PHLSGRL". She seems to have no financial problems working part time as a caregiver, getting away to her boyfriends in Boston on long weekends and going on vacations around the country regularly including Martha's Vineyard, the Hershey PA car show, his family's place on Cape Cod and Amelia Island, taking all 4 girls with her to other places including PA where she came from and Florida. Does anybody know where Amelia Island is? Me neither. In court she stated that they enjoyed antiquing together and her house is full of antique things which they have purchased together.

My divorce decree states that if Heather remarries or cohabitates, the spousal support will be reduced to \$500 a month and then to \$0, 5 years after the divorce, so in 2019. When she moved into his house in 2014, I submitted paperwork to remove spousal support but was told by my lawyer it would take depositions from Heather and Phil to remove it. I already had too much debt so I couldn't afford this and withdrew the paperwork from the court. For me, cohabitation needs to have a clearer definition. As I stated she lives in her boyfriend's house in St J, this would not be hard to prove, but he lives in Boston where his glass company with 7 employees is located so they don't actually live together full time. They could easily say and probably prove that Heather pays him rent, but really? It upsets me that I have been paying his mortgage as well as mine for over 3 years now.

If I seem to know too much about him or his financial affairs, it is because he was married to my sister from 1991 thru 2013.

Thank you for this time.

## Alan Newman

23 Lakeview Terrace

Burlington, VT 05401

[Alan@AlchemyandScience.com](mailto:Alan@AlchemyandScience.com)

October 19, 2017

To Whom it May Concern,

While I am not against the concept of alimony, I am strongly in favor of updating Vermont's outdated alimony laws to bring them into closer alignment with the world of 2017.

My story is simple.

I was married for 30 years and had 2 (now adult) children. During that time, I made repeated efforts to "encourage" my ex-wife to build a career, or simply get a job to help with finance during our marriage. I was grossly unsuccessful. While I enjoyed working, there were many periods during our relationship when we certainly could have used some extra money that a second income might have provided.

Once we separated (in 2001), I started making alimony payments. My business at that time was not doing well, and I ended up paying my ex more that 75% of my income. When my ex-wife was ready to formalize our separation with a divorce decree 3-4 years later, I continued paying over \$50,000 a year in alimony payments – and continue today because my attorney (at that time) INSISTED there was no reason to address the future as if my income reduced in the future we would go back to the court and get an adjustment.

While this did make some sense to me at that time, I now know this is just not true under current Vermont law.

I am currently 70 years old. I have been paying my ex-wife in excess of \$50,000 a year since 2001, in addition to the fact that she got the house we were living in (worth over \$500,000) and eventually sold stock in the company I was running (that was worth nothing at the time of our divorce) for \$750,000.

While I was earning a decent salary, I was ok paying the alimony. But it would seem to me that in my retirement at age 70, now living on social security, some investment income, and savings, I should be able to either sharply reduce or cancel those alimony payments.

We are no longer living in a world where women are blocked out of the working world and the current Vermont alimony law empowers women to NOT work and to NOT be productive members of our society. I believe it is time to make a law change to allow alimony amounts to be adjusted as life changes.

Sincerely

Alan Newman



Philip Palmer Testimony Spousal Maintenance Task Force 11-06-2017  
Alimony Laws and Permanent Maintenance

In 2011, my wife and I were in the process of a reasonably cooperative divorce, intending to maintain a positive relationship for the sake of our grown children. My career was already in jeopardy due to a corporate takeover, and I was working extraordinary hours on a temporary project. I proposed a property split that would provide a reasonable income for my wife after the divorce, based on our previous standard of living. Although we were both representing ourselves, the court forced the involvement of a lawyer.

In March 2013, I received an insulting settlement proposal where my wife's lawyer, fully aware of my pending job termination, demanded almost all my current after tax earnings as well as a property split that awarded most liquid assets disproportionately to my ex-wife. This proposal from her lawyer, allowed in current law, demanded half my pre-retirement income in permanent alimony. This effectively required me to work for the rest of my life at a salary that was about to evaporate. My portion of our savings would not have covered the payments demanded. I was forced into a contested divorce hearing 5 days after being laid off from my job.

Research into the law and other cases showed that such unrealistic expectations of continuous exponential career growth were not uncommon. The law includes for modifications of spousal maintenance in cases of an "unforeseen substantial change of circumstances" but in practice, modifications are difficult and there is a heavy burden on the payer to prove inability to pay. Appeals and litigation are extremely lengthy and prohibitively expensive. There are cases where lay-off, retirement, bankruptcy and even death have not terminated the obligation to provide for a substantial standard of living for the ex-spouse.

I have a proven history working hard for 40 years, living frugally to be prepared for the inevitable forced retirement. My wife has given up at least four jobs for trivial reasons and has taken relatively easy jobs with considerable leisure time and undemanding schedules.

In the divorce judge confidently assumed that because I was intelligent and hard working, I could resume employment and "always earn substantially more than my ex-wife". With an electronics degree from the 1970's and no re-education funds, restarting a professional career is unrealistic. The substantial portion of all marital assets and retirement funds were granted to my wife leaving me with little capital to invest, start a business or pay for education.

Today, five years after the tragedy, I am living off meager savings with no job prospects and struggling to meet modest expenses. Hundreds of job applications have been fruitless. I moved into a mobile home park to minimize expenses and lived on a pittance for four years. At the age of 60, realistically, I have no chance to regain a reasonable lifestyle and feel abandoned by the system that caused the destruction of my life.

There are several obvious fatal flaws in the current law. By allowing judges unilateral, dictatorial, broad discretionary powers, the constitutional checks and balances required of government are circumvented. There is no effective appeal process and modifications are expensive to litigate. Despite the intent that divorce settlements are "equitable", many cases are clearly unfair, and economically destructive.

#### Conclusions

1. The concept of permanent maintenance of a standard of living after divorce based on peak career gross income is unrealistic.
2. Less ambitious spouses are allowed to live off the hard work of an industrious spouse long after family responsibilities have diminished.
3. If one spouse enjoyed part-time poorly compensated work during the marriage while expecting substantial support from the other then the settlement should reflect financial contribution to the marriage.
4. The assumption of continuously increase in income of the industrious spouse is naive and unrealistic.
5. Spousal marital obligations should terminate at the point of divorce. Obviously child support is required but punitive spousal support is inconsistent in today's equal opportunity environment.
6. The law must prevent double-dipping. Once property is divided, it is inequitable to then use income from capital distributed in the settlement in alimony calculations. For example, a pension should not be both property in the settlement and also an available income source for alimony.
7. Permanent alimony or maintenance is punitive to an industrious spouse. The expectation that an aging worker can maintain peak performance until death is unrealistic and destroys lives.

Anonymous Washington County-Spousal Maintenance Task Force 11-06-17

### How Alimony Inadvertently Effects my Life

Because I am in a relationship with someone who pays extravagant monthly alimony payments, our relationship and my life are severely effected.

As a couple it is not easy to take a vacation. Get a ways must be short (3 days max) and cheap. Like camping. They are few and far between.

Seldom are we able to go out to eat and when we do it is Dutch, the same with a movie night.

Holiday and birthday gifts are kept to a minimum, and often I will make gifts or front the bill for the family gifts of my partner. Thrift shops are a must when it comes to getting clothes and we usually share the experience.

More than the tangible is the intangible, watching my loved one struggle with the stress of constant worry about money, work, his own bills and the inability to help his children. Facing the reality of what may be down the road, like losing a place to live or losing a vehicle. The relentless agony of his day to day fear of losing everything and the physical exertion of his work are beginning to effect his health. The uncompromising laws of Vermont Alimony leave no allowances for sudden illness, surgery or hospital stays. There are often periods of depression and feelings of hopelessness.

Vermont alimony laws should be fair to a point that both parties involved maintain an equal financial status. The belittlement brought on by these laws are reprehensible.

Our relationship sits on a fence for fear if we live together the X will come after my assets, as well.

Chris Phalen, Testimony Spousal Maintenance Task Force, 11/06/17

My name is Chris Phalen. I had been married for 15 years and lived in Jericho VT where we were raising our three children. My Wife at the time was self employed because she liked the freedom and flexibility that went along with that. In addition, she worked with her best friend from high school and truly enjoyed what she did. Both she and I have the same level of education; A bachelors degree from St. Michael's College.

About six years ago she began an affair with someone in our town who was also married with three children. Needless to say this caused the breakup of the two respective families. I know that this fact is irrelevant in the eyes of the law (No Fault) but from a personal stand point for anyone who has to go through this, it is extremely relevant.

My Ex-wife and her boyfriend immediately moved in together and started a new household. My alimony payments equal 25% of my gross income, and child support is \$500 per month. On a net basis this will be somewhere between 40 to 50 percent of my paycheck. My Ex and her boyfriend got engaged about 5 years ago but won't get married because that would end the flow of my income into their household. In addition to half of my net income, she makes about 30k to 40k per year. In addition to that, there is her fiance's income which is probably about 60k. I was struggling to stay afloat in VT and was forced to move to MA because I could make more money there. My two older children are in college now, but my youngest is a freshman in high school. I wanted to be close to him for the next four years. I still go up to VT every other weekend to see him, but because I'm required to financially provide for my ex wife and her fiancee, my son and I aren't able to spend much time together. I used to go to all of his soccer and lacrosse games but now I'm not able to.

I live in a one bedroom apartment in Lowell, MA. My freedom is extremely restricted due to the financial constraint, and I'm not able to rebuild and save for my future. My ex-wife and her fiancee live in a beautiful home in Underhill, VT. They each drive new vehicles, they bought a boat and trailer to spend their summers on the lake. They have a full size camper. They also bought snowmobiles and a trailer for those as well. I've also heard that they are saving to buy a house in FL when my youngest son goes off to college.

Everyone in my former community who knows our story can't believe that this is allowable under the law. It isn't fair and it isn't just but it happens everyday. I feel like I'm being severely punished for someone else's crime. Yet I realize that in many ways I'm lucky because I only have to endure this sentence for 7.5 years. Others are sentenced to lifetime alimony.

Please bring these laws up to date to be more in line with a more contemporary understanding of our societal expectations of equality, and the difference between right and wrong.

**Vermont Spousal Maintenance and Reform Task Force Public Hearing**  
**Monday, November 6th, 5:30-7pm**  
**The Vermont Law School**

I'd like to thank the Task Force for taking the time to hear my concerns.

I would like to speak to one particular aspect of alimony reform: the enforceability of prenuptial agreements. My former spouse and I had a prenuptial agreement, drafted and filed by an attorney, which she contested in court during our divorce. After a hearing, a judge in Windham County Family Court found the prenuptial agreement valid and legally binding and then set it aside on the grounds of "public policy" because we had a child subsequent to marriage. The judge did not cite relevant case law precedent, because there is no such precedent in Vermont or anywhere in the country. She did not find fraud, duress, factual mistake, or unconscionability, the only factors under which a binding contract can be legally nullified. The prenuptial agreement in no way adversely affected our son, his financial welfare, or his ability to inherit from his parents. The judge in effect created new law entirely on her own while ignoring governing statute and ignoring a valid contract. My attorney could not have possibly prepared to defend my interests, as the judgment had no precedent or legal basis.

One prominent Vermont attorney whom I asked for a second opinion said: "She pulled this out of the air." A professor at Vermont Law School found the decision "in error and without precedent or legal justification." The Chair of the Vermont Bar Association Family Law Section said that the decision was "outrageous," "unprecedented," and "an outlier." Having already spent \$45,000 to defend a valid contract, I found I could not afford the length and expense of the appeal process to the Vermont Supreme Court. I was compelled to settle out of court, relinquishing my equity in a \$300,000 property I co-owned outright with my former spouse. I was left in considerable debt, without any savings, and without a place to live. I have since managed to put a small down payment on a home. I will be 88 years old when it is paid for.

Prenuptial agreements keep people out of court. They represent binding contracts between adults who have thoughtfully planned for their own financial future in the unfortunate though very common event of divorce. It is in the interest of the State to enforce legally binding contracts and to require judges to uphold laws determined by the legislature, not invented without legal precedent by the judiciary. Upholding prenuptial agreements will go a long way towards consistent, fair and predictable divorce outcomes.

Brian D. Cohen  
Resident of Windham County, Vermont, from 1985 – 2015

Cassie Morse  
Vermont Alimony Reform Testimony  
Vermont Spousal Maintenance and Reform Task Force Public Hearing  
Monday, Nov. 6, 2017

# A Call for Alimony Reform: One Farm Wife's Story

*Good law – not better guidelines – makes for equal rights*

Good afternoon. My name is Cassie Morse. I'm a member of Vermont Alimony Reform.

I moved to Vermont 18 months ago, and was shocked to discover divorce law to be so unjust in a state that is at the forefront of so many other areas of social justice. Mine is a unique perspective on this issue, as I'm both a payer and a second spouse. I got divorced in the state of Virginia. We took a path of divorce mediation. The outcome was a property settlement and support agreement that was accepted by the court, with a high standard for modification in the future, that is subject to well-defined guidelines for judicial discretion.

In 2014, I reconnected with the man of my dreams and we married a year later. The short story is that I visited Vermont for three days and never left. A few months later, I accepted an executive position with a global industrial company headquartered in Pittsburgh, PA, to be closer geographically and financially to our life in Vermont. Shortly afterward, following FaceBook posts about our developing relationship and my new position as a Senior Vice President, Charlie began hearing from his former wife for the first time in over a decade. Charlie is a small farmer who lives primarily on his retirement income after serving 20 years in the U.S. Navy, with particular pride on the USS Montpelier. He served as town manager of Northfield. He leads a simple life raising a few pigs, chickens, and a hoop-house full of vegetables and herbs. He sells his meats and produce at the local farmers' market. He logs, mills wood, mows hay, and drops everything to help friends and neighbors. He repairs and reuses everything until it disintegrates, and even then obtains well-used replacements. Most years, Charlie just breaks even. Then, this high-powered, globe-trotting corporate executive shows up and his financial means change, representing a new source of funding for a former spouse.

Charlie has already explained the details about the court proceedings and the financial impact the process and resulting award to his former spouse had on him. What he does not tell you is the anguish of having his integrity impugned; of this decorated veteran and public servant being accused of not meeting his financial obligations. Nor does he tell you of the anguish of having to subject his wife to his legal morass; of being forced to decide between selling farm land and essential equipment or having to ask his new wife to pay the tens of thousands of dollars in legal fees and the resulting award for something that never should have been possible in the first place: not just a loophole in the law, but a revolving door that sets no limits on how many times a recipient can go back to the court for more money, creating a lifelong threat of financial risk and mental stress.

Divorce in Vermont is a financial life sentence of indeterminate scope. Charlie's lawyer tells us there is nothing stopping this from happening again when he starts collecting Social Security, or any other reason for that matter. I have since left corporate America to work full-time at my husband's side on FARMOR Farm. Of course, it's far more than a farm, it's a lifestyle that enriches us as much as the land we steward. They say that one should work to live, not the other way around. I say one should not have to work only to pay for someone else to live, just because the law a.) does not recognize that a divorce contract in Vermont should be your bond, and b.) leaves so much room for interpretation that lawyers describe it as the Wild West when asked to predict an outcome.

I am hopeful the legislature of this brave little state will make practical changes to the domestic relations law and streamline judicial discretion to achieve equal alimony rights for all Vermonters. I urge you to reform the law, not provide more guidelines in a vain attempt to make obsolete laws work. Reforming Vermont's alimony laws will have no impact on laws relating to marriage or child support, but it will have a profound effect on the quality of many lives in this state with regard to equal rights to retirement, equal presence in the law, and equal access to economic health and prosperity for all. Thank you.

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Tim Kavanagh Testimony before the Spousal Maintenance Task Force- 11/06/2017

My name is Tim Kavanagh, I am grateful to sit in front of you today to tell my strife but disappointed that we are governed by rules that were set in place over a half century ago and never reformed since. Thank you for allowing me to be a voice.

I live in Chittenden County and my divorce was finalized on December 31 of 2016. I received my court orders also in late December and was horrified at the results. I submitted through my lawyer a reconsideration motion the first week of January and received it today April 2017. Thank goodness I'm not supposed to live a life waiting.

Now I join the ranks with my fellow colleagues of Vermont Alimony Reform and offer my voice to you in the hopes that we collectively can turn this ship of antiquated spousal support and maintenance laws. Without such laws, hardworking people like myself and those you are hearing from today are left picking up the tab of outrageous legal bills and a resolve that often favors the lesser.

Such is the case with me. I never meant for divorce to be a part of my life but such is the case. My ex who is the same age as myself and I feel the court unfairly allowed her to be portrayed as a victim. Including, she under oath in a courtroom of the state of Vermont said she had cancer and was not asked to provide documentation of such. She does not nor had cancer as stated. In fact, I am the one going through stage two rectal cancer.

I am now faced with involuntary servitude to pay my ex a great sum until she turns 67 years of age. Additionally even though I have cancer, am ordered to pay an additional COLA of 1.5% each year. My ex on the other hand is not expected to and from the female judge herself, is not capable at 50 years old to make more money than she currently does. Was their gender bias against me for being male, that my ex-wife was never expected to make more money and was automatically believed when she discussed medical records, yet I, the true cancer patient, became the victim of a "circus-like" court system here? We need not place residents of this state into columns of "good" and "bad" as results of court hearings, mediation or however the divorce is finalized. Instead, we must restructure the outdated spousal support and maintenance laws providing fairness to all parties and ensuring that we can live our lives. Thank you.



Bill Wittmer

I too had to leave my families home for over forty years in Vermont due to my unfair divorce. In order to make ends meet and live with my monthly support payments I have had to find employment in the NYC area. My ex got half of my family home which was in my family going back to the 1930's. I was forced to sell and give her half even though she had a condo that I purchased for her prior to our divorce. That was one thing that was very unfair but the biggest injustice is I'm now 66 years old and although my monthly support was cut in half I still have to continue paying this till one of us passes on. Even though she has benefited on her social security benefit from using my income information. I'm sorry that I can't be there but I travel extensively for business and I'm out of the New England area when the testimony is needed.

Good Luck and Thanks  
Bill Wittmer

## Alan Newman

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October 19, 2017

To Whom it May Concern,

While I am not against the concept of alimony, I am strongly in favor of updating Vermont's outdated alimony laws to bring them into closer alignment with the world of 2017.

My story is simple.

I was married for 30 years and had 2 (now adult) children. During that time, I made repeated efforts to "encourage" my ex-wife to build a career, or simply get a job to help with finance during our marriage. I was grossly unsuccessful. While I enjoyed working, there were many periods during our relationship when we certainly could have used some extra money that a second income might have provided.

Once we separated (in 2001), I started making alimony payments. My business at that time was not doing well, and I ended up paying my ex more that 75% of my income. When my ex-wife was ready to formalize our separation with a divorce decree 3-4 years later, I continued paying over \$50,000 a year in alimony payments – and continue today because my attorney (at that time) INSISTED there was no reason to address the future as if my income reduced in the future we would go back to the court and get an adjustment.

While this did make some sense to me at that time, I now know this is just not true under current Vermont law.

I am currently 70 years old. I have been paying my ex-wife in excess of \$50,000 a year since 2001, in addition to the fact that she got the house we were living in (worth over \$500,000) and eventually sold stock in the company I was running (that was worth nothing at the time of our divorce) for \$750,000.

While I was earning a decent salary, I was ok paying the alimony. But it would seem to me that in my retirement at age 70, now living on social security, some investment income, and savings, I should be able to either sharply reduce or cancel those alimony payments.

We are no longer living in a world where women are blocked out of the working world and the current Vermont alimony law empowers women to NOT work and to NOT be productive members of our society. I believe it is time to make a law change to allow alimony amounts to be adjusted as life changes.

Sincerely  
Alan Newman

## **Rick Fleming Testimony before the Spousal Maintenance Task Force 11/6/17**

Good evening, I want to thank the Task Force for the opportunity to speak to you this evening. My name is Rick Fleming and I am a lifetime alimony payor in the State of Vermont. I am also here this evening representing the men and women of Vermont Alimony Reform as I am President and co-founder of this grass roots organization.

Spousal Maintenance reform is very much needed in Vermont. I am not here tonight to lay blame on the judges or lawyers that are involved in the divorce and spousal maintenance process throughout our state. I am here to blame a "bad law" that allows for inconsistencies and inequity to prevail throughout the process. As Senator Jeanette White stated, "our spousal maintenance laws are medieval and are in desperate need of reform to bring them into the 21 century". I agree with her assessment.

As you know, at last month's Task Force meeting in Montpelier, I shared my spousal maintenance story with you. I am not here looking for your sympathy or pity. I and the other members of Vermont Alimony Reform need you to make substantive changes to our existing laws that will bring consistency, predictability and fairness to all individuals involved in the divorce and spousal maintenance process throughout Vermont. If you are in Burlington or Brattleboro, Saint Johnsbury or Bennington as you enter the divorce process you should be able to have a good understanding of what your outcome will be before you go to court. The days of the "Wild, Wild West" in Vermont should be over as it relates to spousal support. More predictable outcomes would lead to more cases being mediated out of court.

In your meetings, the Task Force has been discussing the end of spousal maintenance when the receiving ex-spouse has remarried or is cohabitating with another individual and when the paying spouse reaches retirement age. These two events should trigger the end of spousal maintenance except in extreme circumstances. We should look to our neighbor to the south, Massachusetts. They have been able to address both issues and have done it in a way that is fair to all. I urge the Task Force to add these two new factors to VSA 752 when you make recommendations to the Legislature with your report in December.

The bigger issue before the Task Force as it reviews spousal maintenance concerns judicial discretion and its impact on spousal maintenance awards. The way the law now reads, judicial discretion is presumptive. A trial judge can deviate from the factors outlined in VSA 752 with little or no explanation and issue any award that they want. This leaves little ground for an appeal. I have been to court twice. After the second trial with no relief, I appealed my decision to the Vermont Supreme Court. My appeal was turned down because of broad judicial discretion. Their reasoning was that the trial court must have known what they were doing in making the award. How do we know this without structure and guidelines? Doesn't every other area of the law have structure and guidelines? This was all decided despite the fact that my income was reduced, involuntarily. In fact my ex-wife's attorney was surprised that I didn't receive some reduction in my monthly payment. If the Task Force wants to create consistency and predictability throughout the State, the presumptive use of judicial discretion needs to change. The use of the factors outlined in VSA 752, which include the spousal support matrix should be the standard and should be used presumptively when spousal maintenance is awarded.

There is no one in this room that believes that judicial discretion isn't important in extreme cases and under extenuating circumstances. However, it should come second and its use should only be used when a deviation is warranted. Deviation factors should be developed into the law, to be used when a judge wants to deviate from the factors. All deviations must be in writing and fully explained in their decision. Create a law for the many with consistency and predictability, with deviations as a safety valve for the few. Currently the very opposite is true. The masses have no protection under current law, and to think there is even a resemblance of equal protection under the law would be ludicrous for either the payor OR recipient currently.

Thank you again for the opportunity to speak to you tonight. I hope you will listen carefully to the stories and the impact Vermont's outdated spousal maintenance laws have had on our fellow Vermonters. You have the power to make this stop by recommending comprehensive change to our outdated laws and make divorces more equitable and less acrimonious, and less costly to both the litigants and taxpayers of Vermont.

Amy Fleming Testimony Spousal Maintenance Task Force 11-06-2017

Hello, I am Amy Fleming, co-founder of Vermont Alimony Reform.

Once my husband lost his case to the State Supreme Court, I started doing research, and found that Vermont was ranked by Forbes magazine as one of the worst states to get a divorce in. I also found that Vermont was the ONLY state left that allowed for alimony to continue after a recipient spouse remarried. Most states, in fact, had overhauled their spousal maintenance laws to keep with modern times. Most states that is, except Vermont.

As many folks were hit hard economically with the crash of 2008, my husband was no exception. His family business, which had been successful for years, fell to bankruptcy. The devastation to our family was difficult. The ensuing lifetime alimony payments that were expected and "lifestyle maintenance" of his ex, completely and totally unrealistic. Rick has to work 70 hours a week, and hand over more than 40% of his weekly pay to his educated, professional, working, and REMARRIED, ex-wife. Rick's ex-wife's new husband was working as a contractor when they were engaged. Shortly after marrying her, and knowing alimony payments from Rick could continue to be an income stream for them permanently, he chose to work for himself selling used cars, producing no income. See, the laws in Vermont currently allow a recipient to remain financially dependent on an ex-spouse if their new spouse can't or won't earn income. There are no requirements here on the new family, only a lifetime of financial expectation on the payor. The recipient can retire; yet the payor must continue to toil indefinitely (as will be the case with Rick right now) to provide for the ex-spouse's new family.

With regard to retirement age, we have many payors who are going to be working well past 67 just to try to ever get to retirement themselves when their recipient spouse has long retired. This thought of having to work indefinitely to provide for another borders on some troubling human rights issues that the state ought to consider. Lifetime alimony, in most cases, is wrong.

I have to pay most of our household bills as Rick has to support two grown, able-bodied adults. One Friday, Rick received a text from his ex-wife, asking him to

leave the check in the mailbox (he has to wait until Fridays to get the money to pay his alimony). This was not to provide basic clothing and shelter to a destitute, yet professional, remarried woman. She was headed to Greece and wanted extra spending money for her European vacation. Unjust and unfair, these alimony laws are in need of change.

A disturbing thought is that if the law does change, it shouldn't apply to pre-existing divorces. We are not looking for retroactivity, simply modifiability. The state itself recognized the need to change the laws over 10 years ago with its development of a Family Division Oversight Committee. The fact that it has taken this long should not be taken out on these people. To do that would be akin to providing healthcare for all, but not covering pre-existing conditions; it is completely inhumane.

This group does not need you to feel bad for them; they need you to change it for them. This is not a small group of emotional outliers. These are folks looking for the state to do the right thing and have legislation by the people. I don't care if there was ONE case, male OR female this happened to, they should not be marginalized or minimized. YOU have the power to fix this, and stop allowing the "Russian Roulette" of Alimony Reform in the state of Vermont. "Alimony a la carte, courts pick and chose factors they want to use" doesn't work. This does NOTHING to provide consistency to the people of Vermont, it only confuses the issue.

Whether it is one person affected, or one hundred thousand, I will leave you with a quote of the late great Dr. King, Jr., "An injustice anywhere is a threat to justice everywhere".

Hi my name is Jim Young

I am a self employed carpenter and have been in my own business for 27 years. I grew up working for my father who is a carpenter .

A year prior to my to the start of divorce proceedings the economy had spiraled down and i found myself without work . I had driven tractor trailer in years past and had retained my commercial driver licence so I found a job driving truck to keep our bills paid until the economy recovered. Then my life changed my wife wife was cheating on me while i was working nights driving truck. After 25 years of marriage divorce was inevitable.

During my divorce I was working for a Paving company working 70 hours a week in the summer and got laid off in the winter. The courts ordered me to pay temporary spousal maintenance in the amount of \$1600.00 per month while my ex worked 15-18 hrs per week and lived in the marital home( with her boyfriend) and ordered her to pay all of the expenses that we had even after my attorney's plea to have me to continue to paying the bills like I have always done . I was living with my parents because i couldn't afford to pay a rent and pay spousal maintenance too. In the two years of divorce proceedings I had to file contempt motions 2 times against my ex because she never paid any of the household bills the bank was going to foreclose on the house, property taxes, utilities, and any other bills did not get paid. ruining our credit that I was trying to keep in good standing .

When the divorce was final the courts gave her the marital home and I was given my business assets and a camp / house in the Northeast Kingdom of Vt that we built for weekend family getaway . Spousal maintenance of \$1500.00 a month for 12 years was awarded to my ex because my earning potential was greater than hers, and i didn't have living expenses because I lived with my parents at the time . I listed proposed living expenses but was told it was speculative and not my actual expense.

. Spousal maintenance was based on my 5 paychecks from my seasonal job working 70 hours a week the courts said i could do my carpentry business in the winter months while i'm laid off to make up the income. Try getting construction work in the winter !!!! That's why the state's unemployment rate goes up in the winter months, construction slows down ! While my ex works only 15-18 hrs a week.

It has been 4 years since the divorce was final I have been in court several times for contempt because i am behind on my spousal maintenance because it is unaffordable .

I filed a motion to reduce my spousal maintenance last year because my life and health has changed considerably.

1. I have gone back to my carpentry business because it's my profession.
2. I moved to my camp/ house in the northeast because i had the bills there already and i cant afford rent anywhere ( why should i live with my parents at 52 years old and own my own house)
- 3 .I have been diagnosed with rheumatoid arthritis and osteoarthritis in my hands ,wrist,back ,hip. and I can't work like I am a 25 year old man any more
4. I am in need of a hip replacement .

The courts would not reduce my spousal maintenance because they said it was my decision to return to my carpentry business and move to the northeast kingdom and if I can't do the work that I use to than I need to hire people that can do it for me ! And since I'm in arrears they

increased my spousal maintenance to \$1700.00 a month. ( I have to be in court tomorrow for contempt ) wasting tax dollars and jamming up court!

The laws are unfair and unjust and do not consider the life of the payer just the recipient. If cohabitation changed the alimony judgments ,I wouldn't be working countless hours to support this couple while I am struggling to survive.

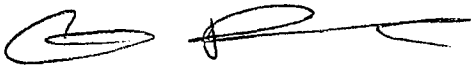


Hello, my name is Charlie. My ex-wife and I met in 1999. We were both previously married. I was married for 7 years with no children, she was married for 20 years with 2 children. She is 10 years my senior. We both had our own houses when we met. I owned mine and she owned hers with her ex husband. In 2001 she settled her divorce by selling her half of her house to her ex husband, and moved in with me with her 2 children. We got married in 2005 and separated in 2013, just about exactly 8 years. In February 2014 she filed for divorce and her and her attorney asked for "temporary" spousal maintenance. I agreed to provide temporary spousal maintenance on advice from my lawyer (who I ended up firing) who said that it would only be for 2-3 months. I had to pay this for 2 years after going to court in September 2015 and not getting a decision until April, 2016. My ex was awarded alimony for 12 more years in the court's decision, with no credit for the 2 years I had already paid. All together, my ex wife is supposed to receive 14 years of alimony for an 8 year marriage with no children. She also was awarded my house with all the furnishings, which I owned with no mortgage prior to meeting her. I had to purchase another home, with a mortgage, and re purchase the furnishings for the house etc, which I am still working on 4 years later.

My ex wife's first marriage, 20 years with 2 children, resulted in NO alimony, half the value of their house and 4 years of child support for one minor child. I cannot understand how a 20 year marriage resulted in no alimony and an 8 year marriage results in 14 years of alimony, 6 years more than the marriage even lasted. This is why I believe the alimony laws in VT need to be changed. From talking to other people that have gotten divorced, there is no consistency in the VT alimony laws and people are at the mercy of the court's decision as to their fate. No one goes into a marriage thinking they are going to get divorced, but the reality of life is that 50% or more of marriages in the USA end up there. It takes two people to make a marriage work and why should one side get penalized for life or longer than their marriage even lasted because things didn't work out. Everyone deserves the right to move on with their life. I own a construction business and this alimony award has put a strain on my business and is taking money that I need to pay expenses, upgrade equipment, pay employees, fund my

own retirement and get my business through the long VT winters. Meanwhile, my ex gets to rely on me supporting her for the next 10 years with no worries. She is healthy, able bodied and able to work and should be able to take care of herself. I could understand if I was ordered to pay 4-5 years of alimony to help her adjust (which my lawyer predicted), but 14 years is a lot of time and money for an 8 year marriage in my opinion. I hope this panel finds this letter useful in forming their decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charlie Record'. The signature is stylized with a large initial 'C' and a long horizontal stroke.

Charlie Record

Chester, VT

To Members of the House Judiciary Committee,

I am writing to you in regards to S112, an Act to create an Alimony Task Force in Vermont. I hope that in sharing my story with you, you may feel compelled to grant a hearing on the issue of alimony in Vermont, and its effects on those who are payors.

It is impossible to discuss how alimony has affected my life without giving you some background. I met my ex-husband in 1989. Six months into our relationship, I realized he had a problem with alcohol. I supported him financially, put up with some outrageous behaviors and ultimately helped him get sober. We were married in 1995. 14 years into our marriage, he began to drink again. He hid empty bottles, denied drinking and drove my children around after drinking. He was fired from his job for verbally abusing coworkers. I filled out job applications for him. He went through four different jobs in 5 months. He was very disrespectful to me and encouraged my children to do the same. In August of 2013, I could not take it anymore.

When I left, my ex-husband took \$140K from our savings account. I was not allowed access to any of my clothing or belongings until we had a hearing, six weeks later. He alienated my children from me, calling me names and blaming me for the breakup. He filed for divorce first, ensuring he would get the family home, and would often threaten to drag me through the mud in court. He enlisted a very aggressive attorney who disparaged me at every status/case manager conference and court hearing. The trial was horrific. My ex-husband asked for \$1K per month in alimony, the house, part of my retirement, custody of the children, full child support (although one of the children was living full time with me), all his retirement and the remaining cash that he took from our savings. I spent hours listening to my ex-husband call me a bad wife and mother and say things about me that simply weren't true. The judge believed it all.

It took almost three years, to get divorced. It cost me \$52K in attorney fees. One of my children still does not speak to me despite repeated efforts to engage her. My ex-husband was granted the house, half of what was left of the cash and his retirement. I received a small amount of cash, part of a retirement account and was ordered to pay alimony. The alimony continues until I retire, at which time my ex-husband will receive part of my pension.

I incurred tremendous debt divorcing a man who was emotionally abusive to me for many years. I had to liquidate a retirement account to purchase a two bedroom condo. I am 53 years old, hold a M.Ed. and I live paycheck to paycheck. I am trying to help my older daughter with college (with no help from her father) and she already has a lot of debt. I drive a nine year old car with 175K miles on it. My ex-husband lives in a four bedroom colonial with an in ground pool, drives a 4 year old super cab pickup truck and owns two other vehicles. He has a savings account, was promoted and got a big raise at work. He eats dinner out most nights. It took him six weeks to cash February's alimony check. He receives child support and health insurance from me for a child doesn't speak to me or return a text. I live with periodic threats from him that he is not getting enough money and if I'm not careful, he will bring me back to court and get more.

The alimony I pay each month does nothing but add insult to injury in a very traumatic series of events. I provide a lifestyle for my ex-husband that I cannot possibly provide for myself or the child who lives with me. I cannot provide for her what her father provides for her sister, which causes friction between them. I have been financially responsible for this man for 28 years and it is very possible I will never be rid of him. Vermont is supposed to be a no fault state, but the ruling in my divorce clearly indicates the judge held me to a higher standard than my ex.

Divorce is about splitting up a family. It is a very sad and difficult time, especially if children are involved. It is not about one person winning and one person being at fault. I do not feel that the courts are sensitive enough to what is truly happening in cases such as these and neither are attorneys, who are only interested in gouging the opposing party while looking for another win.

Thank you for allowing me to share my story. I hope that it may help to shed light on the need to reform antiquated alimony laws in our state in a way that is fair, equitable, has time constraints and allows both individuals and families heal and move on with their lives in a humane and respectful way.

Sincerely,

Anne Camisa Venturo

Essex, Vermont

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My name is Jean Harvey and three years ago, at the age of 55, I got divorced. My husband and I had been together for 25 years at that point – cohabitating for 2 and married for almost 23 years. After 22 years of marriage, John decided he was gay, effectively ending our relationship immediately. Initially, after the shock wore off, we were able to begin to discuss dissolving our union and originally agreed to split everything 50:50. We even went to a mediator together to discuss “how” the process of divorce works and decided at that time to wait a year to file because our youngest son was 17. Avoiding child support calculations seemed prudent with so little time left to wait. However, once negotiations began in earnest, and my husband hired a lawyer, the civility we had sustained thus far, dissolved. Simply stated, I make more money than John, and he wanted it. And his attorney convinced him he deserved it.

Did John support me while I went through school? Did he sweep the floors, take care of the kids and otherwise take himself out of the job market for years? Heavens no. When I met John, we were BOTH in graduate school – he was getting an MS degree and I had started my PhD. I paid for my education, worked my way through school, was the one who got the job in VT, and aside from 4 months of maternity leave, I NEVER took time off or away from my job when we had 2 children. He worked as well and by the time we were filing for divorce, he was making over \$90,000 (it’s got to be 6 figures by now). He had medical insurance, a retirement fund that was nearly the size of mine, drove a Volvo sedan and insisted he maintain custody of our 32-foot sailboat and the 18-foot motor boat. He also got half my family inheritance which is in itself a tidy little nest egg. But that was not enough. I had to even out our retirement accounts to the tune of \$50,000 AND he wanted alimony. Yes, spousal maintenance. For what, you hopefully are asking? To fill the wine rack I guess and buy gas for the boats. It is true I make more money than John. I got a PhD; he has an MS. But John was certainly capable of taking care of himself with the salary he was making and the benefits he has. I should also mention that John does indeed take care of ONLY himself. He pays nothing for our children and while they are over 18, I’m sure many would appreciate that they tend to not be independent when they magically cross that line. I still pay for many their expenses; medical insurance, security deposits, car insurance, etc.

John will get \$1000/month from me until I am 65. At the time of negotiations, I agreed to this because I was told if I fought it and went to court, I might be ordered to pay MORE. He currently has a live-in partner who I assume shares the bills and helps with the finances, yet I pay \$1000/month for what? Most troubling to me about all this is that after the divorce I was diagnosed with Stage 4 ovarian cancer. I have cancer – always now. I go on and off medications and there is no guarantee that I will even make it to 65. Yet, if I wanted to retire a few years early to enjoy the proverbial “time I have left” or even step down from my administrative position at UVM to have more time to smell the roses, I would have to continue to pay my alimony. And depending on my health, and how much I’m able to work or not work, John could wind up making MORE MONEY THAN ME at some point! Why does he need this money? Why did he ever need it?? Yes, he supported me but I equally supported him and all I got out of this was a divorce.

Thank you for considering alimony reform. I’m sure none of us would disagree that protections need to be in place for men and women who clearly need a fresh start and some help to achieve independence. But people like my ex-husband don’t even come close to needing “spousal maintenance”. Besides, he could always sell a boat.

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After I was served with divorce papers, I quickly learned that divorce in the state of Vermont involves far more than the breakup of a family. Because of the unpredictable nature of Family Court, without clear and fair guidelines, it is required to be a process of vicious attack, shock, and blame. The higher it escalates, the better it is for the "winner". Because no one committed a crime deserving of punishment, the parties must be contentious and adversarial to humiliate and disparage the other, in public, with the goal of portraying the other as the "bad" half of the union, and the one deserving of a sentence of alimony.

The emotional torture I endured, as a result, left me scarred, and drained me of my capacity to function at work and manage the rest of my life. Most egregiously, it left me with no time or emotional reserve to help my young daughter cope with the tragic breakup of her family. And now, after a brief 7 year marriage, I am a 62 year old nurse living paycheck to paycheck. My ex enjoyed retirement at age 62 with a great pension, social security, and continues to receive my alimony. I will never retire. It's hard being a 62 year old nurse.

If I can say one thing to the Vermont legislature, it is that alimony, in my case, has been a court-sanctioned continuation of spousal abuse. Abusers force their partners to hand over every paycheck as a means of exerting control. In my case, the garnishment of every single one of my hard earned paychecks before I even get to see it, for more years now than the relationship even existed, serves exactly the same purpose. I am still under someone else's control. I still feel the ridicule. I continue to suffer both emotionally and physically, and cannot be free of this. And if you are telling yourselves that I am just one odd case, you are wrong. When I bring up alimony among a group of nurses, inevitably there is someone in a similar situation.

I believe that the state of Vermont gains nothing from requiring that divorcing families endure this process. I am especially horrified by the effect it has on the children, stealing away the ability of parents to comfort and guide them when they need them the most. I can only conclude that VT is unaware of the effects of this extremely outdated process that certainly does not serve the needs of it's citizens. I am grateful that you have allowed me to share my concerns with you, and I beg you to ensure that future Vermonters will be protected from this harm by enacting rules that help divorcing families, rather than ruin them. We don't need to be split into "good" and "bad", "winner" and "loser". We need clear, fair rules that are respectful of both parties and allow them to get on with their lives.

County of Divorce: Lamoille

I separated from my now ex-husband in 2014 after almost 10 years of marriage. When we married my husband was 44 years old and I was 32. When we separated, I was awarded sole physical and legal parental rights to our two children, and they spend 100% of overnights with me. We are both college educated, and I also have two graduate degrees. Both of us obtained those degrees prior to the marriage, but I was the higher earning spouse.

I was shocked to find out that my 56-year-old, college educated, employed ex-husband qualified for alimony so that he could maintain the lifestyle a two-income household had afforded us. The guidelines for alimony currently circulated in the court could have resulted in almost half of my take-home income going to my ex-husband for up to 10 years, and the possibility of endless requests for changes, leaving me with no means to take care of my two children or provide for my own needs.

After spending over \$20,000 in legal fees, and seeing no end in sight, I settled in mediation. I gave up over 70% of the joint property as well as three years of child support to do so. This was a direct result of the lack of clarity and fairness in Vermont alimony laws. I urge you to consider updating Vermont's outdated alimony statute to allow for fairness to both spouses.

Therese Johansson  
Jericho

finten72@gmail.com

***This testimony is respectfully submitted to the House Judiciary Committee anonymously; I have a minor child who has a positive relationship with her father, and I do not wish to go public and thus burden her with the knowledge of his actions relative to our divorce proceedings. I am a lifelong Vermonter and I'm willing to speak privately with any Committee member (or anyone else) who would like to verify my story.***

A common misperception exists, that women and children would be harmed if Vermont's alimony statutes are revised to align with those in existence in the vast majority of other states. I wish to state unequivocally that this is absolutely NOT the case. The current draconian and antiquated laws have harmed me, a female (and, by extension, my child as well). I argue strongly that women are NOT the weaker sex, in need of "protection" in the event of a divorce. Vermont's current alimony laws may have had an appropriate place in society back in the days of Ward and June Cleaver, when the standard practice was for husbands to work and wives to stay home. Times have changed, however, and our laws should as well.

I married my now ex-husband when I was 21 and he was 36. We had been together since shortly after I turned 18. At his behest, we entered into a prenuptial agreement which assured equal 50/50 division of marital assets, and further stated that "no spousal maintenance shall be paid to either party at any time for any reason". He insisted on this specific clause, because at the time of our marriage, he made significantly more money than I did.

Over the course of our 13-year marriage, I furthered my education and earned both an undergraduate degree and an MBA, and advanced significantly in my career as a result, culminating with a salary that doubled his. I worked full-time through my schooling, and took on a significant amount of student loans (which I am still paying today). In the meantime, much of my salary went to support his two children from his two prior marriages. We accumulated a fair amount of marital assets (conservatively valued at \$150K) during our time together. My ex-husband also worked full-time during the entire course of the marriage.

I chose to leave my husband for several reasons, none of which excuse the actions he subsequently took. He immediately set out to destroy me, hiring a cutthroat attorney and stating that he would fight to invalidate our prenuptial agreement, his goal to "take me for all I had" and "make me pay" for wronging him. My attorney advised me that it would be a gamble as to whether Vermont's "Wild West" family court system would honor our prenup; I heard many horror stories of this actually happening. Rather than rack up thousands in legal fees to try and claim what was rightfully mine, and protect my financial interests per the terms we had agreed to previously, I opted to settle for an uncontested divorce, granting him virtually all of our marital assets AND requiring me to pay him alimony for 6 years.

Further adding to the absurdity of the situation, is that literally one week after our divorce was final, my ex-husband's girlfriend moved in with him. I have no problems with this in concept, however, the fact that there is now another wage earner in his home means that my alimony payments are subsidizing both of their lives as opposed to helping me rebuild my shattered financial future after walking away from the sizable marital assets. I currently have no legal recourse to address this issue.

It is absolutely absurd that I had to forfeit all I worked my entire adult life to accumulate, because of the power granted to a scorned spouse under Vermont's currently ambiguous alimony laws. There is NO certainty under current statute, with such broad discretion currently granted to judges relative to marital dissolution. It is patently unfair for anyone's financial future to be held hostage based on unclear and unfair laws. Alimony reform is needed in Vermont, and it is needed NOW.

I implore you to move forward with S.112. As a Vermonter and female payor, I assure you that the current unbridled alimony statutes do NOT serve to protect the interests of women and children; they MUST be revised to reflect current times. Thank you for your consideration.

-Female Payor from Washington County, VT

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**



**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**

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**House Judiciary Committee**

**RE: S112 An Act to Create an Alimony Task Force in Vermont**

**Thank you for reading my story:**

**I am the second wife of a Vermont man paying alimony to his first wife. Although I understood my husband was divorced when I married him, I was never prepared for the realization that long-term alimony is a form of cruel, continuous servitude that would induce monthly stress and financial drain on my family.**

**Alimony should not be a lifelong sentence, but rather a transition, to ensure both parties have the ways and means to move on with their lives. In our household alimony is a constant reminder that Vermont lacks reforms more indicative of 21<sup>st</sup> century dual-working households.**

**My husband pays \$30K – a year in alimony. This is ½ of his yearly income. He was told this was to ensure his ex-spouse was able to provide financial security for herself and the two children of the marriage, while she sought employment for her long term self-sustainment. The heartbreak of the issue is that as soon as the divorce was final, and the alimony set, the ex-spouse abandoned her two children, took up residence with someone else, and refused to seek employment.**

**Although I accepted the task of becoming a full-time mother willingly and with much love, it is not lost on me- that in essence- my husband and I are forced to provide for two families. We have the financial burden of providing for our newly joined family, but also we are forced to provide for a woman (and whoever she cohabitates with) who willingly abandoned her marriage, her two children, and her own self-sustainment.**

**I ask that you understand that Vermont is long overdue for alimony reform, and pass what legislation is necessary to begin the reform process.**

I am a Vermonter of 30 years and a second wife. My husband divorced after 25 plus years of marriage and is required to pay spousal support until he turns 65 in 6 years. He has been paying his ex-wife upwards of \$3000 a month for the past 4 years and as the current law stands, will be required to do so for 6 more. In addition to this he pays 70 percent of the expenses for their two children, as well as the lion's share of their college costs. Since the divorce, his ex-wife has remarried and her income and her new husband's income are substantial-comfortably over 6 figures. In the meantime his ex-wife has acquired additional real estate, a number of luxury recreational vehicles, and celebrated an expensive and elaborate wedding a year and a half ago. I have learned through her children that she was offered a promotion and additional hours at her medical job but turned it down. It is likely that she did this because the additional income would cut into the free money she gets through alimony. Let's face it, this is a kind of alimony-welfare abuse. She is capable of working but is voluntarily under-employed. Not only that, but she is in a different situation then she was when the divorced occurred: with her new husband's considerable earnings she should not expect her former husband to continue to support her. And certainly not at this level.

Vermont is a wonderful place to live-progressive, caring, and fair in so many ways but it is time for alimony reform. It is an out-dated unfair systems that is long overdue for a reboot. I urge you to support this new proposed legislation.