

Thank you for giving me this opportunity to share my thoughts on spousal support and maintenance in Vermont.

Let me give you a little background on myself – I am a Vermonter, born and raised - as were my parents and grandparents. I have lived in Vermont my entire life and was educated in Vermont. I graduated from Vermont Law School in 1984 and was admitted to the Vermont Bar in 1986. I was married for 33 years, and had 4 children. I was divorced in 2013. Currently, I am working as a financial advisor. Many of my clients are divorced, both men and women.

I was married in 1980 and my first son was born during my second year of law school, I was pregnant with my second son when I graduated, and with my third when I was admitted to the Bar. I include this so you will understand how hard I worked towards my career. Law school is difficult under the best of circumstances. When combined with pregnancy and a baby, the difficulty increases enormously.

My husband wanted me to give up my career and to stay home and raise our children. It was one of the hardest decisions I have ever made in my life, but I agreed. At the time, I was working in a small law firm, not making much money, and my 3 sons were in 3 different daycares, with my oldest attending a half day kindergarten. It was difficult, but I had every intention to continue working and building my career. I would never have arrived at this decision had it not been for my complete trust in our marriage. I knew that by becoming a stay at home mom, I was giving up what I had worked so very hard to achieve. As so many other mothers have done, I put what I believed to be in the best interest of my family, ahead of what was in the best interest of myself. I became a stay at home mom, something that I had never expected to become.

I studied contract law here at VLS from Grant Gilmore, a name that many will still remember. A marriage is a contract. Life altering decisions are made from within the security of the marital agreement, such as leaving a career to stay home and raise children. I don't think anyone anticipates their marriage ending in divorce. When one parent (especially the women) makes the good faith decision to be a stay at home parent, - and I cannot emphasize this strongly enough - **their financial status is changed permanently.**

Time spent out of the work force has dire consequences on future earning potential, as well as its effect on Social Security benefits. As you may be aware, Social Security benefits are based on the top 35 years of income. The majority of stay at home parents have many zeros counted in those 35 years, resulting in severely reduced benefits. The average pay gap for women in the United States is 80 cents on every dollar men earn. This is exacerbated by years out of the work force. Lower incomes yield lower Social Security benefits. The average Social Security income for women is \$13,150 annually, and \$17,106 for men. (Social Security Administration 2016)

Nationally, women lag behind men in retirement savings by 34%, according to the national Institute on Retirement Security. (March 2016) This can be attributed to lower incomes and less money available to save. Time spent out of the workforce while caring for children, and elderly parents as well, takes a toll on the retirement outlook for women. Women also have an average life expectancy of 5 years more than men, resulting in higher healthcare costs. The only option for many women is to continue working. Retirement is not an option.

I do not believe that changes should be made to Vermont's alimony laws. I say this based upon my personal experience, and from what I have learned from divorced clients I have worked with. I have

received alimony since my divorce, which was mediated. It is ending before either of us reach full retirement age. I regret giving in on that concession. My income is far less than my ex, as are my social security benefits. That discrepancy in our earnings, is in large part due to the years I spent raising our family, and out of the workforce.

Stricter guidelines limiting spousal support and maintenance is not the answer. Each case should be looked at individually, not run through a formula. I agree with the IRS that alimony is Earned Income. It is not a handout or gift, but income that I most assuredly earned in my 33 years of marriage. Limiting alimony would result in wrongfully taking that earned income away. Spousal support through retirement is the fair solution, and should be awarded in many cases. Negotiating the reduction of alimony following retirement, is always an option. Likewise, cohabitation and remarriage should not result in automatic termination of benefits. It is not the proper role of the court to make someone decide between financial security and personal happiness. The two should not be exclusive. These issues should be looked at on a case by case basis. There are too many variables in play, to not do so.

As long as the inequities in pay between men and women continue, and daycares remain too expensive for many families to afford, women will more often than not, be the parent stepping out of the workforce to raise and care for children. I have been telling you my story, but it is far from unique. Recently, I met with a new client who told me his wife just had their third child. She is leaving her job to become a stay at home mom, due to the high cost of daycare. She is an attorney. I hope their story has a happy ending, but we wouldn't be here tonight if that were always the case.

I appreciate that this task force is attempting to ensure that Vermont law is keeping up with today's society and changes that may have taken place. However, it is my experience as a woman, wife, mother and member of the work force, that sadly things have not changed that much for women in Vermont. In the vast majority of instances we are still the primary care givers to our children and later, to our elderly parents. This results in lower incomes, lower retirement assets and lower Social Security benefits. The financial status of women has not changed to the point that would justify the changes under consideration to Vermont Spousal Support and Maintenance. Women in particular still need the assistance of the law, as it now stands, to find some semblance of financial equality following divorce. I sincerely hope that Vermont will do the right thing.

Trudy Stanley

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