April 27, 2015

Members, The Florida Senate
Senate Office Building
Tallahassee, FL 32301

ALIMONY BILL: League says it is bad for Florida Families...here's why....

Dear Senator,

I am writing on behalf of the League of Women Voters of Florida (LWVF) to express our grave concern and vigorous opposition to the Alimony Bill (SB 1248/HB 943) before you today.

We believe this bill is a recipe for disaster with the potential to harm women and children and force many of Florida’s young to grow up in poverty.

It would reduce the importance of our justice system’s use of considered opinion, critical when making decisions that will have a lasting impact on families.

And remarkably, there has been no economic impact analysis of this bill, which we fear will have grave consequences for Florida.

Reasons the League opposes the bill:

1. **IT WOULD RADICALLY CHANGE AND IMPOSE RIGID PRESUMPTIONS FOR CHILD CUSTODY**: Currently the statute enables judges, after reviewing broad statutory criteria, to consider the best interests of the child. The proposed bill sets a “presumption” of 50/50 time sharing. Child studies have shown that shuttling infants and children back and forth can have long term negative mental and physical health consequences.

   “Presumption” means the court will follow this arrangement in most situations unless circumstances are extraordinary. We believe that rigid formulas like this are destructive to families and careful research must be done before establishing the country’s first precedent in this area. One size does not fit all when it comes to families and divorce.
2. **MAKE SIGNIFICANT CHANGES IN ALIMONY:** Roughly 97% of those who receive alimony are women. U.S. Census data shows that when divorce occurs, women’s incomes decline and men’s increase. Currently alimony is set based on the relative financial circumstances of the individuals. Under current law, judges most often order the income to be shared for some period of time. It is a need and ability to pay standard.

This new bill will instead presume only modest needs for women. It contains presumptive alimony guidelines which will result in lower alimony amounts unless the marriage is very long term. It also calls for downward modification of payments if a spouse’s income increases by 10% (even if the increase is merely a cost of living increase). This trigger will have a much more marked impact on the low wage earner, in the majority of cases, the woman. For example, at a minimum wage of roughly $8, only an 80 cents increase would be necessary to compel a return to court where the alimony recipient will not have the resources to fight a decrease in alimony.

Only after a 25-year marriage is there an equal sharing of income, and this is at high range of the calculation in the bill.

3. **MAKES DOWNWARD MODIFICATION OF ALIMONY AUTOMATIC WITHOUT REGARD TO PAYEES NEEDS UPON PAYORS:** Currently alimony arrangements are modified when one party requests a new hearing based on life changes that are "substantial, material, involuntary, and permanent." The other basis of a modification of alimony occurs at retirement age.

In contrast, under the proposed law when the payor actually retires at 65, a modification is automatic, regardless of what the recipient needs or what the payor can pay. It allows alimony to be eliminated completely. Today, when a retirement occurs, the parties go back to court and a fair payment is agreed upon. The proposed bill also allows the imposition of attorney’s fees against the recipient of alimony if they oppose the modification request “unreasonably,” regardless of their financial circumstances. The bill would also allow the court to abate alimony payments while the action is pending even before the case has been finally decided.

4. **THERE HAS BEEN NO ECONOMIC ANALYSIS OF HB 943:** Our committee of retired family and circuit court judges and divorce lawyers make the point that there has been no economic analysis on the impact this bill will have on women and social welfare services.

To summarize, this bill is bad for women, bad for children and bad for Florida. The Sunshine State has a national reputation of being fair to families. Let’s keep it that way. Any change should be a reasoned change and not one that favors one gender over another without any detailed research for why this is necessary.

Thank you for your courage on so many issues this session and for your leadership on behalf of the people of our state.

Regards,

Deirdre MacNab  
State President  
League of Women Voters of Florida