



General Assembly

January Session, 2001

Amendment

LCO No. 7035

Offered by:
REP. FOX, 144th Dist.

To: Subst. House Bill No. 6126 File No. 277 Cal. No. 209

"AN ACT CONCERNING MODIFICATION OF CERTAIN DIVORCE AGREEMENTS."

1 After line 24, insert the following and renumber the remaining
2 section accordingly:

3 "Sec. 2. Subsection (a) of section 46b-86 of the general statutes is
4 repealed and the following is substituted in lieu thereof:

5 (a) Unless and to the extent that the decree precludes modification,
6 the court may order either party to maintain life insurance for the
7 other party or a minor child of the parties or any final order for the
8 periodic payment of permanent alimony or support or an order for
9 alimony or support pendente lite may at any time thereafter be
10 continued, set aside, altered or modified by said court upon a showing
11 of a substantial change in the circumstances of either party or upon a
12 showing that the final order for child support substantially deviates
13 from the child support guidelines established pursuant to section 46b-
14 215a, unless there was a specific finding on the record that the
15 application of the guidelines would be inequitable or inappropriate.

16 There shall be a rebuttable presumption that any deviation of less than
17 fifteen per cent from the child support guidelines is not substantial and
18 any deviation of fifteen per cent or more from the guidelines is
19 substantial. Modification may be made of such support order without
20 regard to whether the order was issued before, on or after May 9, 1991.
21 In determining whether to modify a child support order based on a
22 substantial deviation from such child support guidelines the court
23 shall consider the division of real and personal property between the
24 parties set forth in the final decree and the benefits accruing to the
25 child as the result of such division. After the date of judgment,
26 modification of any child support order issued before or after July 1,
27 1990, may be made upon a showing of such substantial change of
28 circumstances, whether or not such change of circumstances was
29 contemplated at the time of dissolution. By written agreement,
30 stipulation or by decision of the court, those items or circumstances
31 that were contemplated and are not to be changed may be specified in
32 the written agreement, stipulation or decision of the court. This section
33 shall not apply to assignments under section 46b-81 or to any
34 assignment of the estate or a portion thereof of one party to the other
35 party under prior law. No order for periodic payment of permanent
36 alimony or support may be subject to retroactive modification, except
37 that the court may order modification with respect to any period
38 during which there is a pending motion for modification of an alimony
39 or support order from the date of service of notice of such pending
40 motion upon the opposing party pursuant to section 52-50."