



General Assembly

January Session, 2001

Amendment

LCO No. 6466

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. Section 46b-56 of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 (a) In any controversy before the Superior Court as to the custody
6 or care of minor children, and at any time after the return day of any
7 complaint under section 46b-45, the court may at any time make or
8 modify any proper order regarding the education and support of the
9 children and of care, custody and visitation if it has jurisdiction under
10 the provisions of chapter 815o. Subject to the provisions of section 46b-
11 56a, the court may assign the custody of any child to the parents
12 jointly, to either parent or to a third party, according to its best
13 judgment upon the facts of the case and subject to such conditions and
14 limitations as it deems equitable. The court may also make any order
15 granting the right of visitation of any child to a third party, including

16 but not limited to, grandparents.

17 (b) In making or modifying any order with respect to custody or
18 visitation, the court shall (1) be guided by the best interests of the
19 child, giving consideration to the wishes of the child if the child is of
20 sufficient age and capable of forming an intelligent preference,
21 provided in making the initial order the court may take into
22 consideration the causes for dissolution of the marriage or legal
23 separation if such causes are relevant in a determination of the best
24 interests of the child, and (2) consider whether the party satisfactorily
25 completed participation in a parenting education program established
26 pursuant to section 46b-69b.

27 (c) In any proceeding concerning the modification of any order to
28 permit a custodial parent to relocate the residence of the child outside
29 this state, the court shall assess whether the modification sought is in
30 the best interests of the child and no presumption shall be in favor of,
31 nor against, such modification.

32 [(c)] (d) In determining whether a child is in need of support and, if
33 in need, the respective abilities of the parents to provide support, the
34 court shall take into consideration all the factors enumerated in section
35 46b-84.

36 [(d)] (e) When the court is not sitting, any judge of the court may
37 make any order in the cause which the court might make under
38 subsection (a) of this section, including orders of injunction, prior to
39 any action in the cause by the court.

40 [(e)] (f) A parent not granted custody of a minor child shall not be
41 denied the right of access to the academic, medical, hospital or other
42 health records of such minor child unless otherwise ordered by the
43 court for good cause shown.

44 [(f)] (g) Notwithstanding the provisions of subsection (b) of this
45 section, when a motion for modification of custody or visitation is
46 pending before the court or has been decided by the court and the

47 investigation ordered by the court pursuant to section 46b-6
48 recommends psychiatric or psychological therapy for a child, and such
49 therapy would, in the court's opinion, be in the best interests of the
50 child and aid the child's response to a modification, the court may
51 order such therapy and reserve judgment on the motion for
52 modification. "

53 In line 25, after "2001" insert ", except that section 2 shall take effect
54 October 1, 2001."