



General Assembly

January Session, 2001

**Amendment**

LCO No. 6503

Offered by:  
REP. FOX, 144<sup>th</sup> 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 Section 46b-84 of the general statutes is repealed and the  
4      following is substituted in lieu thereof:

5      (a) Upon or subsequent to the annulment or dissolution of any  
6      marriage or the entry of a decree of legal separation or divorce, the  
7      parents of a minor child of the marriage, shall maintain the child  
8      according to their respective abilities, if the child is in need of  
9      maintenance.

10      (b) If there is an unmarried child of the marriage who has attained  
11      the age of eighteen, is a full-time high school student and resides with  
12      a parent, the parents shall maintain the child according to their  
13      respective abilities if the child is in need of maintenance until such  
14      time as such child completes the twelfth grade or attains the age of

15 nineteen, whichever first occurs. The provisions of this subsection shall  
16 apply only in cases where the decree of dissolution of marriage, legal  
17 separation or annulment is entered on or after July 1, 1994.

18 (c) At the time at which orders are entered in a proceeding for  
19 dissolution of marriage, the court may award sums of money out of  
20 the property and income of either or both parties or the estate of a  
21 deceased parent, as equity may require, for the educational expenses of  
22 any unmarried child of the parties, whether of minor or majority age,  
23 but has not attained the age of twenty-three. An application for  
24 educational expenses may be made before or after the child has  
25 attained the age of majority or after the death of either parent.

26 [(c)] (d) The court may make appropriate orders of support of any  
27 child with mental retardation, as defined in section 1-1g, or a mental  
28 disability or physical disability, as defined in subdivision (15) of  
29 section 46a-51, who resides with a parent and is principally dependent  
30 upon such parent for maintenance until such child attains the age of  
31 twenty-one. The child support guidelines established pursuant to  
32 section 46b-215a shall not apply to orders entered under this  
33 subsection. The provisions of this subsection shall apply only in cases  
34 where the decree of dissolution of marriage, legal separation or  
35 annulment is entered on or after October 1, 1997, or where the initial  
36 support orders in actions not claiming any such decree are entered on  
37 or after October 1, 1997.

38 [(d)] (e) In determining whether a child is in need of maintenance  
39 and, if in need, the respective abilities of the parents to provide such  
40 maintenance and the amount thereof, the court shall consider the age,  
41 health, station, occupation, earning capacity, amount and sources of  
42 income, estate, vocational skills and employability of each of the  
43 parents, and the age, health, station, occupation, educational status  
44 and expectation, amount and sources of income, vocational skills,  
45 employability, estate and needs of the child.

46 [(e)] (f) At any time at which orders are entered in a proceeding for

47 dissolution of marriage, annulment, legal separation, custody, or  
48 support, whether before, at the time of, or after entry of a decree or  
49 judgment, if health insurance coverage for a child is ordered by the  
50 court to be maintained, the court shall provide in the order that (1) the  
51 signature of the custodial parent or custodian of the insured  
52 dependent shall constitute a valid authorization to the insurer for  
53 purposes of processing an insurance reimbursement payment to the  
54 provider of the medical services, to the custodial parent or to the  
55 custodian, (2) neither parent shall prevent or interfere with the timely  
56 processing of any insurance reimbursement claim and (3) if the parent  
57 receiving an insurance reimbursement payment is not the parent or  
58 custodian who is paying the bill for the services of the medical  
59 provider, the parent receiving such insurance reimbursement payment  
60 shall promptly pay to the parent or custodian paying such bill any  
61 insurance reimbursement for such services. For purposes of  
62 subdivision (1), the custodial parent or custodian is responsible for  
63 providing the insurer with a certified copy of the order of dissolution  
64 or other order requiring maintenance of insurance for a child provided  
65 if such custodial parent or custodian fails to provide the insurer with a  
66 copy of such order, the Commissioner of Social Services may provide  
67 the insurer with a copy of such order. Such insurer may thereafter rely  
68 on such order and is not responsible for inquiring as to the legal  
69 sufficiency of the order. The custodial parent or custodian shall be  
70 responsible for providing the insurer with a certified copy of any order  
71 which materially alters the provision of the original order with respect  
72 to the maintenance of insurance for a child. If presented with an  
73 insurance reimbursement claim signed by the custodial parent or  
74 custodian, such insurer shall reimburse the provider of the medical  
75 services, if payment is to be made to such provider under the policy, or  
76 shall otherwise reimburse the custodial parent or custodian.

77 [(f)] (g) After the granting of a decree annulling or dissolving the  
78 marriage or ordering a legal separation, and upon complaint or motion  
79 with order and summons made to the Superior Court by either parent  
80 or by the Commissioner of Administrative Services in any case arising

81 under subsection (a) or (b) of this section, the court shall inquire into  
82 the child's need of maintenance and the respective abilities of the  
83 parents to supply maintenance. The court shall make and enforce the  
84 decree for the maintenance of the child as it considers just, and may  
85 direct security to be given therefor, including an order to either party  
86 to contract with a third party for periodic payments or payments  
87 contingent on a life to the other party. The court shall include in each  
88 support order a provision for the health care coverage of the child  
89 which provision may include an order for either parent to name any  
90 child who is subject to the provisions of subsection (a) or (b) of this  
91 section as a beneficiary of any medical or dental insurance or benefit  
92 plan carried by such parent or available to such parent on a group  
93 basis through an employer or a union. If such insurance coverage is  
94 unavailable at reasonable cost, the provision for health care coverage  
95 may include an order for either parent to apply for and maintain  
96 coverage on behalf of the child under the HUSKY Plan, Part B. The  
97 noncustodial parent shall be ordered to apply for the HUSKY Plan,  
98 Part B only if such parent is found to have sufficient ability to pay the  
99 appropriate premium. In any IV-D support case in which the  
100 noncustodial parent is found to have insufficient ability to provide  
101 medical insurance coverage and the custodial party is the HUSKY  
102 Plan, Part A or Part B applicant, the provision for health care coverage  
103 may include an order for the noncustodial parent to pay such amount  
104 as is specified by the court or family support magistrate to the state or  
105 the custodial party, as their interests may appear, to offset the cost of  
106 any insurance payable under the HUSKY Plan, Part A or Part B. In no  
107 event may such order include payment to offset the cost of any such  
108 premium if such payment would reduce the amount of current  
109 support required under the child support guidelines.

110 [(g)] (h) Whenever an obligor is before the court in proceedings to  
111 establish, modify or enforce a support order, and such order is not  
112 secured by an income withholding order, the court may require the  
113 obligor to execute a bond or post other security sufficient to perform  
114 such order for support, provided the court finds that such a bond is

115 available for purchase within the financial means of the obligor. Upon  
116 failure of such obligor to comply with such support order, the court  
117 may order the bond or the security forfeited and the proceeds thereof  
118 paid to the state in TANF cases or to the obligee in non-TANF cases. In  
119 any IV-D case in which the obligor is found by the court to owe past-  
120 due support, the court may issue an order for the periodic payment of  
121 such support or, if such obligor is not incapacitated, order such obligor  
122 to participate in work activities which may include, but shall not be  
123 limited to, job search, training, work experience and participation in  
124 the job training and retraining program established by the Labor  
125 Commissioner pursuant to section 31-3t.

126 [(h)] (i) In IV-D support cases, as defined in subdivision (13) of  
127 subsection (b) of section 46b-231, a copy of any support order  
128 established or modified pursuant to this section or, in the case of a  
129 motion for modification of an existing support order, a notice of  
130 determination that there should be no change in the amount of the  
131 support order, shall be provided to each party and the state case  
132 registry within fourteen days after issuance of such order or  
133 determination."