



General Assembly

February Session, 2006

Raised Bill No. 5538

LCO No. 2021

02021_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE ENFORCEMENT OF PREMARITAL AGREEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-36g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) A premarital agreement or [amendment] amended agreement
4 shall [not] be enforceable [if] unless the party against whom
5 enforcement is sought proves that:

6 (1) Such party did not execute the agreement voluntarily; or

7 (2) The agreement was unconscionable when it was executed; [or
8 when enforcement is sought;] or

9 (3) Before execution of the agreement, such party was not provided
10 a fair and reasonable disclosure of the amount, character and value of
11 the property, financial obligations and income of the other party; or

12 (4) Such party was not afforded a reasonable opportunity to consult
13 with independent counsel.

14 (b) In any proceeding to enforce a premarital agreement, the
15 agreement shall be presumed to be fair and reasonable if (1) the
16 provisions of subdivisions (1) to (4), inclusive, of subsection (a) of this
17 section do not apply, and (2) the parties specifically acknowledge in
18 the premarital agreement that the agreement is fair and reasonable.

19 [(b)] (c) If a provision of a premarital agreement modifies or
20 eliminates spousal support and such modification or elimination
21 causes one party to the agreement to be eligible for support under a
22 program of public assistance at the time of separation or marital
23 dissolution, a court, notwithstanding the terms of the agreement, may
24 require the other party to provide support to the extent necessary to
25 avoid such eligibility.

26 [(c)] (d) An issue of unconscionability of a premarital agreement
27 shall be decided by the court as a matter of law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	46b-36g

Statement of Purpose:

To eliminate unconscionability at the time when enforcement is sought as a basis for nullifying a premarital agreement and to otherwise strengthen the enforceability of premarital agreements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]