



General Assembly

February Session, 2006

**Raised Bill No. 430**

LCO No. 2084

\*02084\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING ARBITRATION IN FAMILY MATTERS.***

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

1 Section 1. Section 46b-66 of the 2006 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) In any case under this chapter where the parties have submitted  
5 to the court an agreement concerning the custody, care, education,  
6 visitation, maintenance or support of any of their children or  
7 concerning alimony or the disposition of property, the court shall  
8 inquire into the financial resources and actual needs of the spouses and  
9 their respective fitness to have physical custody of or rights of  
10 visitation with any minor child, in order to determine whether the  
11 agreement of the spouses is fair and equitable under all the  
12 circumstances. If the court finds the agreement fair and equitable, [it]  
13 the agreement shall become part of the court file, and if the agreement  
14 is in writing, [it] the agreement shall be incorporated by reference into  
15 the order or decree of the court. If the court finds the agreement is not  
16 fair and equitable, [it] the court shall make such orders as to finances  
17 and custody as the circumstances require. If the agreement is in

18 writing and provides for the care, education, maintenance or support  
19 of a child beyond the age of eighteen, [it] the agreement may also be  
20 incorporated or otherwise made a part of any such order and shall be  
21 enforceable to the same extent as any other provision of such order or  
22 decree, notwithstanding the provisions of section 1-1d.

23 (b) Agreements providing for the care, education, maintenance or  
24 support of a child beyond the age of eighteen entered into on or after  
25 July 1, 2001, shall be modifiable to the same extent as any other  
26 provision of any order or decree in accordance with section 46b-86.

27 (c) The provisions of chapter 909 shall be applicable to any  
28 agreement to arbitrate in an action for dissolution of marriage under  
29 this chapter, provided (1) an arbitration pursuant to such agreement  
30 may proceed only after the court has made a thorough inquiry and is  
31 satisfied that (A) each party entered into such agreement voluntarily  
32 and without coercion, and (B) such agreement is fair and equitable  
33 under the circumstances, and (2) such agreement and an arbitration  
34 pursuant to such agreement shall not include issues related to child  
35 support, visitation and custody. An arbitration pursuant to such  
36 agreement shall be conducted by an arbitrator who is an attorney  
37 admitted to practice in this state as provided in section 52-408, as  
38 amended by this act. An arbitration award in such action shall be  
39 confirmed, modified or vacated in accordance with the provisions of  
40 said chapter.

41 Sec. 2. Section 52-408 of the 2006 supplement to the general statutes  
42 is repealed and the following is substituted in lieu thereof (*Effective*  
43 *from passage*):

44 (a) An agreement in any written contract, or in a separate writing  
45 executed by the parties to any written contract, to settle by arbitration  
46 any controversy thereafter arising out of such contract, or out of the  
47 failure or refusal to perform the whole or any part [thereof] of the  
48 contract, or a written provision in the articles of association or bylaws  
49 of an association or corporation of which both parties are members to

50 arbitrate any controversy which may arise between them in the future,  
51 or an agreement in writing between two or more persons to submit to  
52 arbitration any controversy existing between them at the time of the  
53 agreement to submit, [or an agreement in writing between the parties  
54 to a marriage to submit to arbitration any controversy between them  
55 with respect to the dissolution of their marriage, except issues related  
56 to child support, visitation and custody,] shall be valid, irrevocable  
57 and enforceable, except when there exists sufficient cause at law or in  
58 equity for the avoidance of written contracts generally.

59 (b) An agreement in writing between the parties to a marriage to  
60 submit to arbitration any controversy between them with respect to the  
61 dissolution of their marriage, except issues related to child support,  
62 visitation and custody, shall be valid, irrevocable and enforceable,  
63 provided the arbitration is conducted by an arbitrator who is an  
64 attorney admitted to practice in this state, except when there exists  
65 sufficient cause at law or in equity for the avoidance of written  
66 contracts generally.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	46b-66
Sec. 2	<i>from passage</i>	52-408

**Statement of Purpose:**

To require that arbitrators in dissolution of marriage matters be attorneys admitted to practice in this state.

*[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.]*