



General Assembly

January Session, 2007

**Committee Bill No. 6068**

LCO No. 3901

\*03901HB06068JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE ASSIGNMENT OF PROPERTY AND THE  
AWARD OF ALIMONY UPON ANNULMENT, DISSOLUTION OF  
MARRIAGE OR LEGAL SEPARATION.**

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

1 Section 1. Subsection (c) of section 46b-81 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (c) In fixing the nature and value of the property, if any, to be  
5 assigned, the court, after hearing the witnesses, if any, of each party,  
6 except as provided in subsection (a) of section 46b-51, shall consider  
7 the length of the marriage, [the causes for the annulment, dissolution  
8 of the marriage or legal separation,] the age, health, station,  
9 occupation, amount and sources of income, vocational skills,  
10 employability, estate, liabilities and needs of each of the parties and the  
11 opportunity of each for future acquisition of capital assets and income.  
12 The court shall also consider the contribution of each of the parties in  
13 the acquisition, preservation or appreciation in value of their  
14 respective estates.

15 Sec. 2. Section 46b-82 of the general statutes is repealed and the  
16 following is substituted in lieu thereof (*Effective October 1, 2007*):

17 (a) At the time of entering the decree, the Superior Court may order  
18 either of the parties to pay alimony to the other, in addition to or in  
19 lieu of an award pursuant to section 46b-81, as amended by this act.  
20 The order may direct that security be given therefor on such terms as  
21 the court may deem desirable, including an order pursuant to  
22 subsection (b) of this section or an order to either party to contract with  
23 a third party for periodic payments or payments contingent on a life to  
24 the other party. The court may order that a party obtain life insurance  
25 as such security unless such party proves, by a preponderance of the  
26 evidence, that such insurance is not available to such party, such party  
27 is unable to pay the cost of such insurance or such party is  
28 uninsurable. In determining whether alimony shall be awarded, and  
29 the duration and amount of the award, the court shall hear the  
30 witnesses, if any, of each party, except as provided in subsection (a) of  
31 section 46b-51, shall consider the length of the marriage, [the causes for  
32 the annulment, dissolution of the marriage or legal separation,] the  
33 age, health, station, occupation, amount and sources of income,  
34 vocational skills, employability, estate and needs of each of the parties  
35 and the award, if any, which the court may make pursuant to section  
36 46b-81, as amended by this act, and, in the case of a parent to whom  
37 the custody of minor children has been awarded, the desirability of  
38 such parent's securing employment.

39 (b) Any postjudgment procedure afforded by chapter 906 shall be  
40 available to secure the present and future financial interests of a party  
41 in connection with a final order for the periodic payment of alimony.

42 Sec. 3. Subsection (a) of section 46b-83 of the general statutes is  
43 repealed and the following is substituted in lieu thereof (*Effective*  
44 *October 1, 2007*):

45 (a) At any time after the return day of a complaint under section

46 46b-45 or 46b-56 or after the filing of an application under section 46b-  
 47 61, and after hearing, alimony and support pendente lite may be  
 48 awarded to either of the parties from the date of the filing of an  
 49 application therefor with the Superior Court. Full credit shall be given  
 50 for all sums paid to one party by the other from the date of the filing of  
 51 such a motion to the date of rendition of such order. In making an  
 52 order for alimony pendente lite, the court shall consider all factors  
 53 enumerated in section 46b-82, as amended by this act, [except the  
 54 grounds for the complaint or cross complaint,] to be considered with  
 55 respect to a permanent award of alimony. In making an order for  
 56 support pendente lite, the court shall consider all factors enumerated  
 57 in section 46b-84. The court may also award exclusive use of the family  
 58 home or any other dwelling unit which is available for use as a  
 59 residence pendente lite to either of the parties as is just and equitable  
 60 without regard to the respective interests of the parties in the property.

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| This act shall take effect as follows and shall amend the following sections: |                 |           |
| Section 1   | October 1, 2007 | 46b-81(c) |
| Sec. 2  | October 1, 2007 | 46b-82    |
| Sec. 3  | October 1, 2007 | 46b-83(a) |

**Statement of Purpose:**

To eliminate the requirement that the court consider the causes for an annulment, dissolution of marriage or legal separation when making an assignment of property or an award of alimony.

*[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.]*

Co-Sponsors: REP. KLARIDES, 114th Dist.

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