



General Assembly

January Session, 2011

**Committee Bill No. 5661**

LCO No. 3302

\*03302HB05661KID\*

Referred to Committee on Select Committee on Children

Introduced by:  
(KID)

**AN ACT CONCERNING COURT INTERVIEWS IN CHILD CUSTODY CASES.**

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

1 Section 1. Section 46b-56 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) In any controversy before the Superior Court as to the custody or  
4 care of minor children, and at any time after the return day of any  
5 complaint under section 46b-45, the court may make or modify any  
6 proper order regarding the custody, care, education, visitation and  
7 support of the children if it has jurisdiction under the provisions of  
8 chapter 815p. Subject to the provisions of section 46b-56a, the court  
9 may assign parental responsibility for raising the child to the parents  
10 jointly, or may award custody to either parent or to a third party,  
11 according to its best judgment upon the facts of the case and subject to  
12 such conditions and limitations as it deems equitable. The court may  
13 also make any order granting the right of visitation of any child to a  
14 third party to the action, including, but not limited to, grandparents.

15 (b) In making or modifying any order as provided in subsection (a)

16 of this section, the rights and responsibilities of both parents shall be  
17 considered and the court shall enter orders accordingly that serve the  
18 best interests of the child and provide the child with the active and  
19 consistent involvement of both parents commensurate with their  
20 abilities and interests. Such orders may include, but shall not be  
21 limited to: (1) Approval of a parental responsibility plan agreed to by  
22 the parents pursuant to section 46b-56a; (2) the award of joint parental  
23 responsibility of a minor child to both parents, which shall include (A)  
24 provisions for residential arrangements with each parent in accordance  
25 with the needs of the child and the parents, and (B) provisions for  
26 consultation between the parents and for the making of major  
27 decisions regarding the child's health, education and religious  
28 upbringing; (3) the award of sole custody to one parent with  
29 appropriate parenting time for the noncustodial parent where sole  
30 custody is in the best interests of the child; or (4) any other custody  
31 arrangements as the court may determine to be in the best interests of  
32 the child.

33 (c) In making or modifying any order as provided in subsections (a)  
34 and (b) of this section, the court shall consider the best interests of the  
35 child, and in doing so may consider, but shall not be limited to, one or  
36 more of the following factors: (1) The temperament and developmental  
37 needs of the child; (2) the capacity and the disposition of the parents to  
38 understand and meet the needs of the child; (3) any relevant and  
39 material information obtained from the child, including the informed  
40 preferences of the child; (4) the wishes of the child's parents as to  
41 custody; (5) the past and current interaction and relationship of the  
42 child with each parent, the child's siblings and any other person who  
43 may significantly affect the best interests of the child; (6) the  
44 willingness and ability of each parent to facilitate and encourage such  
45 continuing parent-child relationship between the child and the other  
46 parent as is appropriate, including compliance with any court orders;  
47 (7) any manipulation by or coercive behavior of the parents in an effort  
48 to involve the child in the parents' dispute; (8) the ability of each  
49 parent to be actively involved in the life of the child; (9) the child's

50 adjustment to his or her home, school and community environments;  
51 (10) the length of time that the child has lived in a stable and  
52 satisfactory environment and the desirability of maintaining continuity  
53 in such environment, provided the court may consider favorably a  
54 parent who voluntarily leaves the child's family home pendent late in  
55 order to alleviate stress in the household; (11) the stability of the child's  
56 existing or proposed residences, or both; (12) the mental and physical  
57 health of all individuals involved, except that a disability of a  
58 proposed custodial parent or other party, in and of itself, shall not be  
59 determinative of custody unless the proposed custodial arrangement is  
60 not in the best interests of the child; (13) the child's cultural  
61 background; (14) the effect on the child of the actions of an abuser, if  
62 any domestic violence has occurred between the parents or between a  
63 parent and another individual or the child; (15) whether the child or a  
64 sibling of the child has been abused or neglected, as defined  
65 respectively in section 46b-120; and (16) whether the party  
66 satisfactorily completed participation in a parenting education  
67 program established pursuant to section 46b-69b. The court is not  
68 required to assign any weight to any of the factors that it considers. To  
69 ascertain the information and preferences described in subdivision (3)  
70 of this subsection, the court shall, upon motion of a party, counsel for  
71 the child, guardian ad litem or upon its own motion, interview in  
72 chambers a child twelve years of age or older who is the subject of  
73 such motion and may interview in chambers a child less than twelve  
74 years of age who is the subject of such motion. For any interview  
75 conducted pursuant to this subsection, the court may permit any or all  
76 of the following to be present: (A) An attorney for a party, (B) counsel  
77 for the child, or (C) a guardian ad litem. Upon motion of a party,  
78 counsel for the child, guardian ad litem or upon its own motion, the  
79 court shall have the interview recorded and made a part of the case  
80 record.

81 (d) Upon the issuance of any order assigning custody of the child to  
82 the Commissioner of Children and Families, or not later than sixty  
83 days after the issuance of such order, the court shall make a

84 determination whether the Department of Children and Families made  
85 reasonable efforts to keep the child with his or her parents prior to the  
86 issuance of such order and, if such efforts were not made, whether  
87 such reasonable efforts were not possible, taking into consideration the  
88 best interests of the child, including the child's health and safety.

89 (e) In determining whether a child is in need of support and, if in  
90 need, the respective abilities of the parents to provide support, the  
91 court shall take into consideration all the factors enumerated in section  
92 46b-84.

93 (f) When the court is not sitting, any judge of the court may make  
94 any order in the cause which the court might make under this section,  
95 including orders of injunction, prior to any action in the cause by the  
96 court.

97 (g) A parent not granted custody of a minor child shall not be  
98 denied the right of access to the academic, medical, hospital or other  
99 health records of such minor child, unless otherwise ordered by the  
100 court for good cause shown.

101 (h) Notwithstanding the provisions of subsections (b) and (c) of this  
102 section, when a motion for modification of custody or visitation is  
103 pending before the court or has been decided by the court and the  
104 investigation ordered by the court pursuant to section 46b-6  
105 recommends psychiatric or psychological therapy for a child, and such  
106 therapy would, in the court's opinion, be in the best interests of the  
107 child and aid the child's response to a modification, the court may  
108 order such therapy and reserve judgment on the motion for  
109 modification.

110 (i) As part of a decision concerning custody or visitation, the court  
111 may order either parent or both of the parents and any child of such  
112 parents to participate in counseling and drug or alcohol screening,  
113 provided such participation is in the best interests of the child.

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| This act shall take effect as follows and shall amend the following sections: |                 |        |
| Section 1   | October 1, 2011 | 46b-56 |

**Statement of Purpose:**

To encourage a child in a child custody case to confidentially express to the judge his or her desires concerning custody issues.

*[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. CARTER, 2nd Dist.

H.B. 5661