



Substitute House Bill No. 6688

Public Act No. 13-213

AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE AWARD OF ALIMONY AND THE DISPOSITION OF PROPERTY.

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

Section 1. Section 46b-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

[Neither husband nor wife] A spouse shall not acquire by [the] marriage any right to or interest in any property held by the other spouse before or acquired after such marriage, except as to the share of the survivor in the property as provided by sections 45a-436 and 45a-437. [The separate earnings of the wife shall be her sole property. She] Each spouse shall have power to make contracts with [her husband] the other spouse or with third persons, to convey to [her husband] the other spouse or to third persons his or her real and personal estate and to receive conveyances of real and personal estate from [her husband] the other spouse or from third persons as if unmarried. [She] Each spouse may bring suit in his or her own name upon contracts or for torts and he or she may be sued for a breach of contract or for a tort; and his or her property, except such property as is exempt by law, may be taken on attachment and execution, but shall not be taken for the debts of [her husband] the other spouse, except as provided in section

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46b-37. [The husband] Neither spouse shall [not] be liable for [her] the debts of the other spouse contracted before marriage, nor upon [her] the other spouse's contracts made after marriage, except as provided in said section.

Sec. 2. Section 46b-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) At the time of entering a decree annulling or dissolving a marriage or for legal separation pursuant to a complaint under section 46b-45, the Superior Court may assign to either [the husband or wife] spouse all or any part of the estate of the other spouse. The court may pass title to real property to either party or to a third person or may order the sale of such real property, without any act by either [the husband or the wife] spouse, when in the judgment of the court it is the proper mode to carry the decree into effect.

(b) A conveyance made pursuant to the decree shall vest title in the purchaser, and shall bind all persons entitled to life estates and remainder interests in the same manner as a sale ordered by the court pursuant to the provisions of section 52-500. When the decree is recorded on the land records in the town where the real property is situated, it shall effect the transfer of the title of such real property as if it were a deed of the party or parties.

(c) In fixing the nature and value of the property, if any, to be assigned, the court, after [hearing the witnesses, if any, of each party, except as provided in subsection (a) of section 46b-51] considering all the evidence presented by each party, shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, earning capacity, vocational skills, education, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income.

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The court shall also consider the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates.

Sec. 3. Section 46b-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

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

(b) If the court, following a trial or hearing on the merits, enters an order pursuant to subsection (a) of this section, or section 46b-86, as amended by this act, and such order by its terms will terminate only

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upon the death of either party or the remarriage of the alimony recipient, the court shall articulate with specificity the basis for such order.

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

Sec. 4. Section 46b-86 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Unless and to the extent that the decree precludes modification, any final order for the periodic payment of permanent alimony or support, an order for alimony or support pendente lite or an order requiring either party to maintain life insurance for the other party or a minor child of the parties may, at any time thereafter, be continued, set aside, altered or modified by the court upon a showing of a substantial change in the circumstances of either party or upon a showing that the final order for child support substantially deviates from the child support guidelines established pursuant to section 46b-215a, unless there was a specific finding on the record that the application of the guidelines would be inequitable or inappropriate. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after May 9, 1991. In determining whether to modify a child support order based on a substantial deviation from such child support guidelines the court shall consider the division of real and personal property between the parties set forth in the final decree and the benefits accruing to the child as the result of such division. After the date of judgment, modification of any child support order issued before, on or after July

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1, 1990, may be made upon a showing of such substantial change of circumstances, whether or not such change of circumstances was contemplated at the time of dissolution. By written agreement, stipulation or decision of the court, those items or circumstances that were contemplated and are not to be changed may be specified in the written agreement, stipulation or decision of the court. This section shall not apply to assignments under section 46b-81, as amended by this act, or to any assignment of the estate or a portion thereof of one party to the other party under prior law. No order for periodic payment of permanent alimony or support may be subject to retroactive modification, except that the court may order modification with respect to any period during which there is a pending motion for modification of an alimony or support order from the date of service of notice of such pending motion upon the opposing party pursuant to section 52-50. If a court, after hearing, finds that a substantial change in circumstances of either party has occurred, the court shall determine what modification of alimony, if any, is appropriate, considering the criteria set forth in section 46b-82, as amended by this act.

(b) In an action for divorce, dissolution of marriage, legal separation or annulment brought by a [husband or wife] spouse, in which a final judgment has been entered providing for the payment of periodic alimony by one party to the other spouse, the Superior Court may, in its discretion and upon notice and hearing, modify such judgment and suspend, reduce or terminate the payment of periodic alimony upon a showing that the party receiving the periodic alimony is living with another person under circumstances which the court finds should result in the modification, suspension, reduction or termination of alimony because the living arrangements cause such a change of circumstances as to alter the financial needs of that party. In the event that a final judgment incorporates a provision of an agreement in which the parties agree to circumstances, other than as provided in this subsection, under which alimony will be modified, including

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suspension, reduction, or termination of alimony, the court shall enforce the provision of such agreement and enter orders in accordance therewith.

(c) When one of the parties, or a child of the parties, is receiving or has received aid or care from the state under its aid to families with dependent children or temporary family assistance program, HUSKY Plan, Part A, or foster care program as provided in Title IV-E of the Social Security Act, or when one of the parties has applied for child support enforcement services under Title IV-D of the Social Security Act as provided in section 17b-179, such motion to modify shall be filed with the Family Support Magistrate Division for determination in accordance with subsection (m) of section 46b-231.

Sec. 5. (*Effective from passage*) The Connecticut Law Revision Commission shall conduct a study into the fairness and adequacy of state statutes relating to the award of alimony in actions for dissolution of marriage, legal separation or annulment. The commission shall collect empirical data relating to the award of alimony by courts in the state and make recommendations for revisions to state statutes as the commission deems just and equitable. The commission, in developing its recommendations, shall consider, without limitation, the following: The nature of the proceedings in such actions, the comprehensiveness of the existing statutory criteria utilized to determine awards of alimony, statistical data reflecting the comparative financial circumstances of parties to such actions at defined intervals of time subsequent to the entry of judgment, the statutory criteria utilized in other states to make such determinations, and such other considerations as it deems appropriate. On or before February 1, 2014, the commission shall present its recommendations for proposed statutory revisions to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary and to the Chief Court Administrator.

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Sec. 6. Section 46b-8 of the general statutes is repealed. (*Effective October 1, 2013*)

Approved June 25, 2013