



General Assembly

**Substitute Bill No. 6688**

January Session, 2013



**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:

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 Section 46b-36 of the general statutes is repealed and the  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

3 [Neither husband nor wife] A spouse shall not acquire by [the]  
4 marriage any right to or interest in any property held by the other  
5 spouse before or acquired after such marriage, except as to the share of  
6 the survivor in the property as provided by sections 45a-436 and 45a-  
7 437. [The separate earnings of the wife shall be her sole property. She]  
8 Each spouse shall have power to make contracts with [her husband]  
9 the other spouse or with third persons, to convey to [her husband] the  
10 other spouse or to third persons his or her real and personal estate and  
11 to receive conveyances of real and personal estate from [her husband]  
12 the other spouse or from third persons as if unmarried. [She] Each  
13 spouse may bring suit in his or her own name upon contracts or for  
14 torts and he or she may be sued for a breach of contract or for a tort;  
15 and his or her property, except such property as is exempt by law, may  
16 be taken on attachment and execution, but shall not be taken for the  
17 debts of [her husband] the other spouse, except as provided in section  
18 46b-37. [The husband] Neither spouse shall [not] be liable for [her] the  
19 debts of the other spouse contracted before marriage, nor upon [her]

20 the other spouse's contracts made after marriage, except as provided in  
21 said section.

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 Section 46b-81 of the general statutes is repealed and the  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

24 (a) At the time of entering a decree annulling or dissolving a  
25 marriage or for legal separation pursuant to a complaint under section  
26 46b-45, the Superior Court may assign to either [the husband or wife]  
27 spouse all or any part of the estate of the other spouse. The court may  
28 pass title to real property to either party or to a third person or may  
29 order the sale of such real property, without any act by either [the  
30 husband or the wife] spouse, when in the judgment of the court it is  
31 the proper mode to carry the decree into effect.

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

39 (c) In fixing the nature and value of the property, if any, to be  
40 assigned, the court, after [hearing the witnesses, if any, of each party,  
41 except as provided in subsection (a) of section 46b-51] considering all  
42 the evidence presented by each party, shall consider the length of the  
43 marriage, the causes for the annulment, dissolution of the marriage or  
44 legal separation, the age, health, station, occupation, amount and  
45 sources of income, earning capacity, vocational skills, education,  
46 employability, estate, liabilities and needs of each of the parties and the  
47 opportunity of each for future acquisition of capital assets and income.  
48 The court shall also consider the contribution of each of the parties in  
49 the acquisition, preservation or appreciation in value of their  
50 respective estates.

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

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

76 (b) If the court, following a trial or hearing on the merits, enters an  
77 order pursuant to subsection (a) of this section, or section 46b-86, as  
78 amended by this act, and such order by its terms will terminate only  
79 upon the death of either party or the remarriage of the alimony  
80 recipient, the court shall articulate with specificity the basis for such  
81 order.

82 [(b)] (c) Any postjudgment procedure afforded by chapter 906 shall  
83 be available to secure the present and future financial interests of a

84 party in connection with a final order for the periodic payment of  
85 alimony.

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

88 (a) Unless and to the extent that the decree precludes modification,  
89 any final order for the periodic payment of permanent alimony or  
90 support, an order for alimony or support pendente lite or an order  
91 requiring either party to maintain life insurance for the other party or a  
92 minor child of the parties may, at any time thereafter, be continued, set  
93 aside, altered or modified by the court upon a showing of a substantial  
94 change in the circumstances of either party or upon a showing that the  
95 final order for child support substantially deviates from the child  
96 support guidelines established pursuant to section 46b-215a, unless  
97 there was a specific finding on the record that the application of the  
98 guidelines would be inequitable or inappropriate. There shall be a  
99 rebuttable presumption that any deviation of less than fifteen per cent  
100 from the child support guidelines is not substantial and any deviation  
101 of fifteen per cent or more from the guidelines is substantial.  
102 Modification may be made of such support order without regard to  
103 whether the order was issued before, on or after May 9, 1991. In  
104 determining whether to modify a child support order based on a  
105 substantial deviation from such child support guidelines the court  
106 shall consider the division of real and personal property between the  
107 parties set forth in the final decree and the benefits accruing to the  
108 child as the result of such division. After the date of judgment,  
109 modification of any child support order issued before, on or after July  
110 1, 1990, may be made upon a showing of such substantial change of  
111 circumstances, whether or not such change of circumstances was  
112 contemplated at the time of dissolution. By written agreement,  
113 stipulation or decision of the court, those items or circumstances that  
114 were contemplated and are not to be changed may be specified in the  
115 written agreement, stipulation or decision of the court. This section  
116 shall not apply to assignments under section 46b-81, as amended by

117 this act, or to any assignment of the estate or a portion thereof of one  
118 party to the other party under prior law. No order for periodic  
119 payment of permanent alimony or support may be subject to  
120 retroactive modification, except that the court may order modification  
121 with respect to any period during which there is a pending motion for  
122 modification of an alimony or support order from the date of service of  
123 notice of such pending motion upon the opposing party pursuant to  
124 section 52-50. If a court, after hearing, finds that a substantial change in  
125 circumstances of either party has occurred, the court shall determine  
126 what modification of alimony, if any, is appropriate, considering the  
127 criteria set forth in section 46b-82, as amended by this act.

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

145 (c) When one of the parties, or a child of the parties, is receiving or  
146 has received aid or care from the state under its aid to families with  
147 dependent children or temporary family assistance program, HUSKY  
148 Plan, Part A, or foster care program as provided in Title IV-E of the  
149 Social Security Act, or when one of the parties has applied for child

150 support enforcement services under Title IV-D of the Social Security  
 151 Act as provided in section 17b-179, such motion to modify shall be  
 152 filed with the Family Support Magistrate Division for determination in  
 153 accordance with subsection (m) of section 46b-231.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	46b-36
Sec. 2	<i>October 1, 2013</i>	46b-81
Sec. 3	<i>October 1, 2013</i>	46b-82
Sec. 4	<i>October 1, 2013</i>	46b-86
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>October 1, 2013</i>	Repealer section

**JUD**      *Joint Favorable Subst.*