



# House of Representatives

General Assembly

**File No. 570**

February Session, 2018

Substitute House Bill No. 5577

*House of Representatives, April 18, 2018*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE SCHEDULING OF COURT HEARINGS  
FOR CERTAIN FAMILY RELATIONS MATTERS.***

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

1 Section 1. Section 46b-83 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) At any time after the return day of a complaint under section  
4 46b-45 or 46b-56 or after filing an application under section 46b-61, and  
5 after hearing, alimony and support pendente lite may be awarded to  
6 either of the parties from the date of the filing of an application  
7 therefor with the Superior Court. Such hearing shall be held by the  
8 court not later than ninety days after the date of filing a motion  
9 requesting alimony or support pendente lite, unless otherwise agreed  
10 to, in writing, by the parties, or otherwise ordered by the court. No  
11 such hearing date shall be extended by agreement of the parties more  
12 than one hundred fifty days after the date of filing of such motion  
13 absent a written agreement that provides for such alimony or support  
14 pendente lite, or unless by order of the court. In the event of a delay

15 necessitated by a court closure or emergency of the parties, such  
 16 hearing shall be rescheduled as soon as court resources allow. Full  
 17 credit shall be given for all sums paid to one party by the other from  
 18 the date of the filing of such a motion to the date of rendition of [such]  
 19 an order. In making an order for alimony pendente lite, the court shall  
 20 consider all factors enumerated in section 46b-82, except the grounds  
 21 for the complaint or cross complaint, to be considered with respect to a  
 22 permanent award of alimony. In making an order for support  
 23 pendente lite, the court shall consider all factors enumerated in section  
 24 46b-84. The court may also award exclusive use of the family home or  
 25 any other dwelling unit which is available for use as a residence  
 26 pendente lite to either of the parties as is just and equitable without  
 27 regard to the respective interests of the parties in the property.

28 (b) In any proceeding brought under section 46b-45, 46b-56 or 46b-  
 29 61 involving a minor child, if one of the parents residing in the family  
 30 home leaves such home voluntarily and not subject to court order, and  
 31 if the court finds that the voluntary leaving of the family home by such  
 32 parent served the best interests of the child, the court may consider  
 33 such voluntary leaving as a factor when making or modifying any  
 34 order pursuant to section 46b-56.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	46b-83

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes a procedural change, requiring certain types of alimony or child support cases to be heard within a specified time period and does not result in a fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis**

**sHB 5577**

***AN ACT CONCERNING THE SCHEDULING OF COURT HEARINGS FOR CERTAIN FAMILY RELATIONS MATTERS.***

**SUMMARY**

This bill requires the court to hear alimony or child support pendente lite motions within 90 days after the filing of such a motion, unless the parties otherwise agree in writing or the court otherwise orders it. (“Pendente lite” is an award which is in effect while the parties await trial.) By law, the court may award alimony and child support pendente lite to either party in the case from the date an application is filed with the Superior Court.

Under the bill, the parties may not agree to extend the hearing date more than 150 days after the filing of the motion, unless the parties have a written agreement that provides for the alimony or support pendente lite or the court orders it.

In the event of a delay due to court closure or emergency of the parties, the bill requires the court to reschedule the hearing as soon as court resources allow.

Under existing law, unchanged by the bill, full credit must be given for all sums paid to one party by the other from the date the motion was filed to the date an order is rendered.

The bill also makes a technical change.

EFFECTIVE DATE: October 1, 2018

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 28 Nay 13 (04/04/2018)