



House of Representatives

General Assembly

File No. 650

January Session, 2023

Substitute House Bill No. 6639

House of Representatives, April 18, 2023

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ENSURING TIMELY SCHEDULING OF TEMPORARY FINANCIAL SUPPORT HEARINGS IN DIVORCE AND CUSTODY PROCEEDINGS.

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 Section 46b-83 of the general statutes is repealed and the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 January 1, 2024*):

3 (a) At any time after the return day of a complaint under section 46b-
4 45 or 46b-56 or after filing an application under section 46b-61, and after
5 hearing, alimony and support pendente lite may be awarded to either
6 of the parties from the date of the filing of an application therefor with
7 the Superior Court. Upon the filing of a motion requesting an initial
8 order of alimony or support pendente lite that is accompanied by an
9 affidavit, on a form prescribed by the Chief Court Administrator, by the
10 moving party attesting that (1) the moving party has insufficient funds
11 to meet the moving party's reasonable needs or the reasonable needs of
12 the minor children of the parties, (2) the other party is not providing
13 sufficient funds to the moving party to meet such reasonable needs, and

14 (3) the moving party reasonably believes that the other party has
15 sufficient means or earning capacity to so provide, then such hearing
16 shall be held by the court not later than sixty days after the date on
17 which such motion requesting an initial order of alimony or support
18 pendente lite and accompanying affidavit were filed. In the event that
19 such hearing requires a continuance to another date, the court shall give
20 calendar priority to scheduling such hearing on a date that facilitates the
21 expeditious resumption and conclusion of the hearing, absent a written
22 agreement or interim orders that provide for such alimony or support
23 pendente lite. In the event of a delay necessitated by a court closure or
24 emergency experienced by a party, such hearing shall be rescheduled to
25 a date that is not later than fourteen days after the date of the originally
26 scheduled hearing date. Full credit shall be given for all sums paid to
27 one party by the other from the date of the filing of such a motion to the
28 date of rendition of such order. In making an order for alimony
29 pendente lite, the court shall consider all factors enumerated in section
30 46b-82, except the grounds for the complaint or cross complaint, to be
31 considered with respect to a permanent award of alimony. In making
32 an order for support pendente lite, the court shall consider all factors
33 enumerated in section 46b-84. The court may also award exclusive use
34 of the family home or any other dwelling unit which is available for use
35 as a residence pendente lite to either of the parties as is just and equitable
36 without regard to the respective interests of the parties in the property.
37 Any financial order affecting the parties entered pursuant to the
38 provisions of section 46b-15, shall not be considered an initial order of
39 alimony or support pendente lite for purposes of scheduling a hearing
40 under this subsection.

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

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>January 1, 2024</i>	46b-83
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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.

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

This bill requires the court to schedule certain hearings for temporary financial support within sixty days. This does not have a fiscal impact as this is the prevailing current practice of the Judicial Department and any required adjustments can be made without additional cost.

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

OLR Bill Analysis**sHB 6639*****AN ACT ENSURING TIMELY SCHEDULING OF TEMPORARY FINANCIAL SUPPORT HEARINGS IN DIVORCE AND CUSTODY PROCEEDINGS.*****SUMMARY**

This bill establishes a timeframe within which the court must hold a hearing on temporary financial support in divorce, legal separation, annulment, and custody proceedings.

By law, the court may award alimony and support pendente lite (i.e., pending the final case outcome) to either party at any time after (1) the return date of a complaint for divorce, separation, or annulment or (2) an application for custody and care in a case where the parents do not live together. To do so, the court must hold a hearing on the matter.

The bill requires the court to hold the hearing within 60 days after the filing date of (1) a motion requesting an initial order of alimony or support pendente lite and (2) the moving party's accompanying affidavit making specific attestations (e.g., moving party has insufficient funds to meet minor children's reasonable needs; see below). Under the bill, the chief court administrator must prescribe the form for the affidavit.

If the hearing has to be continued to another date, the bill requires the court to give it calendar priority and schedule the hearing on a date that facilitates the hearing's expeditious resumption and conclusion, absent a written agreement or interim orders that provide for the alimony or support pendente lite. Under the bill, if a delay occurs because the court is closed or one of the parties has an emergency, the hearing must be rescheduled to a date within 14 days after the originally scheduled hearing date.

The bill also specifies that a financial order issued by the court as part of a temporary restraining order must not be considered an initial order for alimony or support pendente lite when scheduling the hearing for an initial order of alimony or support pendente lite.

EFFECTIVE DATE: January 1, 2024

ACCOMPANYING AFFIDAVIT

Under the bill, the motion for temporary alimony or support orders must be accompanied by an affidavit by the moving party attesting that the (1) moving party has insufficient funds to meet his or her reasonable needs or the reasonable needs of the minor children of the parties, (2) other party is not providing sufficient funds to the moving party to meet those reasonable needs, and (3) moving party reasonably believes that the other party has sufficient means or earning capacity to so provide.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/31/2023)