

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-7—sHB 6639

Judiciary Committee

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

SUMMARY: This act sets 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 act 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., that the moving party has insufficient funds to meet minor children's reasonable needs; see below). The chief court administrator must prescribe the form for the affidavit.

If the hearing must be continued to another date, the act requires the court to give it calendar priority and schedule the hearing on a date that facilitates its expeditious resumption and conclusion, absent a written agreement or interim orders that provide for the alimony or support pendente lite. Under the act, 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 act 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 act, 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 provide the funds.

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