



General Assembly

**Substitute Bill No. 6639**

January Session, 2023



**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 Section 46b-83 of the general statutes is repealed and the  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  
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. Upon the filing of a motion  
8 requesting an initial order of alimony or support pendente lite that is  
9 accompanied by an affidavit, on a form prescribed by the Chief Court  
10 Administrator, by the moving party attesting that (1) the moving party  
11 has insufficient funds to meet the moving party's reasonable needs or  
12 the reasonable needs of the minor children of the parties, (2) the other  
13 party is not providing sufficient funds to the moving party to meet  
14 such reasonable needs, and (3) the moving party reasonably believes  
15 that the other party has sufficient means or earning capacity to so  
16 provide, then such hearing shall be held by the court not later than  
17 sixty days after the date on which such motion requesting an initial  
18 order of alimony or support pendente lite and accompanying affidavit

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

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

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

**JUD**      *Joint Favorable Subst.*