



# OLR RESEARCH REPORT

August 26, 2005

2005-R-0656

## **ACTS AFFECTING FAMILY LAW**

By: Susan Price, Principal Legislative Analyst

### **NOTICE TO READERS**

This report provides brief highlights of public acts passed during the 2005 regular and special sessions.

Not all provisions of the acts are included; readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's office, or the General Assembly's website (<http://www.cga.state.ct.us/default.asp>). Complete summaries of all public acts passed in 2005 will be available in the fall when OLR's *Public Act Summary* book is published; some are now available on the OLR website (<http://www.cga.state.ct.us/olr/publicactsummaries.asp>).

Both acts summarized here are effective October 1, 2005.

## **CHILD CUSTODY**

This new law makes several changes in child custody, support, and visitation statutes based on the recommendations of the Governor's Commission on Custody, Divorce, and Children. Existing law requires courts to be guided by the child's best interests and presumes joint custody is appropriate when the parents agree to it. The new law extends this presumption to other matters they agree on. It also delineates factors the court may, and in some cases must, consider when making custody and visitation decisions.

The law also permits divorcing couples to submit disputes, except those involving child support, visitation, or custody, to binding arbitration. It requires advance approval by the court, which must determine that (1) each party voluntarily agreed to arbitrate and (2) the terms of their written arbitration agreement are fair and equitable under the circumstances. Prior law did not provide this option in divorce proceedings.

The law subjects marital arbitrations to the same rules, standards, and limited court review as already apply to other arbitrations.

**(PA 05-258)**

## **CIVIL UNIONS**

This new law authorizes same sex couples to enter into civil unions, granting them the same legal benefits, protections, and responsibilities as married couples. It incorporates civil unions by reference in most statutes that use or define terms indicating a spousal relationship. The act also defines "marriage" as the union of one man and one woman.

It specifies that the rights it extends to civil union partners may derive under statute, administrative regulations or court rules, policy, common law, or any other source of civil law. Family law, including divorce, child custody and visitation, and spousal and child support are among the areas covered.

**(PA 05-10)**

SP:ro