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**2011 Edition**

# Child Support in Connecticut

*A Guide to Resources in the Law Library*

- “. . . the purpose of a child support order is to provide for the care and wellbeing of minor children, and not to equalize the available income of divorced parents . . . .” [Battersby v. Battersby](#), 218 Conn. 467, 473, 590 A.2d 427 (1991).
- **Purposes of guidelines:** The primary purposes of the child support and arrearage guidelines are:
  - (1) To provide uniform procedures for establishing an adequate level of support for children, and for repayment of child support arrearages, subject to the ability of parents to pay.
  - (2) To make awards more equitable by ensuring the consistent treatment of persons in similar circumstances.
  - (3) To improve the efficiency of the court process by promoting settlements and by giving courts and the parties guidance in setting the levels of awards.
  - (4) To conform to applicable federal and state statutory and regulatory mandates. STATE OF CONNECTICUT, COMMISSION FOR CHILD SUPPORT GUIDELINES, [CHILD SUPPORT AND ARREARAGE GUIDELINES](#) (Effective August 1, 2005). *Preamble to Child Support and Arrearage Guidelines* (c)

## Table of Contents

|   |           |
|---|-----------|
| <b>CHILD SUPPORT IN CONNECTICUT</b> .....                                       | <b>1</b>  |
| <b>SECTION 1: DUTY TO SUPPORT CHILDREN</b> .....                                | <b>3</b>  |
| TABLE 1: STATUTORY DUTY TO SUPPORT CHILDREN .....                               | 7         |
| <b>SECTION 2: CHILD SUPPORT GUIDELINES</b> .....                                | <b>8</b>  |
| <b>SECTION 2A: WHEN APPLICABLE</b> .....  | <b>9</b>  |
| <b>SECTION 2B: DEVIATION FROM GUIDELINES</b> .....                              | <b>12</b> |
| <b>SECTION 2C: WHEN NOT APPLICABLE</b> .....                                    | <b>15</b> |
| <b>SECTION 3: CHILD SUPPORT PENDENTE LITE</b> .....                             | <b>17</b> |
| TABLE 2: IV-D TEMPORARY CHILD SUPPORT .....                                     | 20        |
| <b>SECTION 4: MODIFYING CHILD SUPPORT</b> .....                                 | <b>21</b> |
| TABLE 3: REQUEST FOR LEAVE MAY BE APPENDED TO MOTION TO MODIFY .....            | 25        |
| TABLE 4: TURNER V. TURNER .....   | 26        |
| TABLE 5: IV-D CHILD SUPPORT CASES .....   | 27        |
| <b>SECTION 5: FACTORS USED</b> .....  | <b>30</b> |
| TABLE 6: STATUTORY FACTORS IN DETERMINING CHILD SUPPORT .....                   | 32        |
| <b>SECTION 6: ENFORCEMENT</b> .....   | <b>33</b> |
| TABLE 7: CONNECTICUT STATUTES ENFORCING CHILD SUPPORT .....                     | 37        |
| TABLE 8: FEDERAL STATUTES & REGULATIONS ENFORCING CHILD SUPPORT.....            | 38        |
| TABLE 9: HISTORY OF FEDERAL LEGISLATION DEALING WITH CHILD SUPPORT .....        | 40        |
| TABLE 10: AGENCIES INVOLVED IN CHILD SUPPORT .....                              | 41        |
| TABLE 11: CHILD SUPPORT AND PARENTAL AGREEMENTS .....                           | 42        |
| <b>SECTION 7: OUT-OF-STATE CHILD SUPPORT ORDERS IN CONNECTICUT COURTS</b> ..... | <b>44</b> |
| TABLE 12: CONNECTICUT'S LONG ARM STATUTE .....                                  | 47        |
| TABLE 13: ENFORCEMENT OF FOREIGN MATRIMONIAL JUDGMENTS .....                    | 48        |
| TABLE 14: UNIFORM INTERSTATE FAMILY SUPPORT ACT.....                            | 49        |
| <b>SECTION 8: DURATION AND TERMINATION</b> .....                                | <b>52</b> |
| <b>SECTION 9: CHILD SUPPORT AND TAXES</b> .....                                 | <b>56</b> |
| <b>SECTION 10: BANKRUPTCY AND CHILD SUPPORT</b> .....                           | <b>59</b> |
| <b>SECTION 11: TERMINATION OF PARENTAL RIGHTS AND CHILD SUPPORT</b> .....       | <b>63</b> |

## Treated Elsewhere

~ [Alimony in Connecticut](#) ~ [Bankruptcy and the Family](#) ~ [Discovery \(Financial\) in Family Matters](#) ~  
~ [Enforcement of Family and Foreign Matrimonial Judgments](#) ~ [Glossary of Family Law Terms](#) ~  
~ [Rights of Parents Who Live Separately](#) ~

These guides are provided with the understanding that they represent  
only a beginning to research.

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and to case law hosted on Google Scholar. The online versions are for informational  
purposes only.

# Section 1: Duty to Support Children

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to the duty of parent to support child including child who are adopted or the issue of a subsequently annulled marriage.
- DEFINITIONS:**
- “The independent nature of a child’s right to parental support was recognized by this court long before that right was codified in our statutes.” [Guille v. Guille](#), 196 Conn. 260, 263, 492 A.2d 175 (1985).
  - **Child support order** “does not operate to crystallize or limit the duty of the parent to support his minor child, but merely defines the extent of the duty during the life of the order.” [Roshier v. Superior Court](#), 71 P.2d 918 (1937).
  - **Maintenance.** “Under General Statutes . . . [§] 46b-84, the court is authorized to make orders regarding the maintenance of the minor children of the marriage. The word ‘maintenance’ means ‘the provisions, supplies, or funds needed to live on.’ Webster, Third New International Dictionary. It is synonymous with support . . . Such orders may be in kind as well as in money.” [Valente v. Valente](#), 180 Conn. 528, 532, 429 A.2d 964 (1980).
- STATUTES:**
- CONN. GEN. STAT. (2011)
    - § [46b-37](#)(b). Joint duty of spouses to support family
    - § [46b-56](#). Superior court orders re custody and care
    - § [46b-58](#). Custody, maintenance and education of adopted children
    - § [46b-60](#). Orders re children and alimony in annulment cases
    - § [46b-84](#). Parents’ obligation for maintenance of minor child.
    - § [46b-215](#). Relatives obligated to furnish support, when.
- CASES:**
- [Kalinowski v. Kropelnicki](#), 92 Conn. App. 344, 350, 885 A.2d 194 (2005). “We agree that the defendant has such a duty to support her minor child. ‘The defendant’s duty to support . . . is a continuing obligation, which ordinarily exists even apart from any judgment or decree of support.’ *Atlas Garage & Custom Builders, Inc. v. Hurley*, 167 Conn. 248, 255, 355 A.2d 286 (1974); see also *Pezas v. Pezas*, 151 Conn. 611, 617, 201 A.2d 192 (1964). ‘A parent has both a statutory and common law duty to support his minor children within the reasonable limits of his ability.’ *Weisbaum v. Weisbaum*, 2 Conn. App. 270, 272-73, 477 A.2d 690 (1984).”
  - [Foster v. Foster](#), 84 Conn. App. 311, 322, 853 A.2d 588 (2004). “It is a well established principle that child support is premised upon a parent’s obligation to provide for the care and well being of the minor child. See *Raymond v. Raymond*, 165 Conn. 735, 739, 345 A.2d 48 (1974) (‘[t]he needs of the child, within the limits of the financial abilities of the parent, form the basis for the amount of support required’). Although the trial court is given wide discretion to modify child support on the basis of a substantial change in circumstances, interference with visitation alone is insufficient to warrant a reduction in child support. See *id.* (concluding that ‘duty to support is wholly independent of the right of visitation’). Although we do not condone the

plaintiff's actions in this case, the court may not punish the child, who is the beneficiary of child support, for the sins of her mother. See *id.* Accordingly, because the court incorrectly applied the law regarding a parent's obligation to provide child support, it was an abuse of discretion for the court to have eliminated the defendant's child support obligations on the basis of the plaintiff's chronic interference with visitation. Accordingly, the order eliminating the defendant's child support obligation is vacated."

- [W. v. W.](#), 248 Conn. 487, 497-498, 728 A.2d 1076 (1999). "In the context of parental responsibilities, the duty to support the child is placed fairly on the nonparental party, not solely because of his voluntary assumption of a parental role, but, also because of the misleading course of conduct that induced the child, and the biological parent as the child's guardian, to rely detrimentally on the nonparental party's emotional and financial support of the child."
- [State v. Miranda](#), 245 Conn. 209, 222, 715 A.2d 680 (1998). "It is undisputed that parents have a duty to provide food, shelter and medical aid for their children and to protect them from harm."
- [In Re Bruce R.](#), 234 Conn. 194, 209, 662 A.2d 107 (1995). "Connecticut child support legislation clearly evinces a strong state policy of insuring that minor child receive the support to which they are entitled."
- [Timm v. Timm](#), 195 Conn. 202, 207, 487 A.2d 191 (1985). "It is further recognized that an order for the support of minor children is not based solely on the needs of the children but takes into account what the parents can afford to pay."

#### **SUPERIOR COURT** (Unpublished)

- [Fox v. Fox](#), No. FA90-0098219, 2002 Ct. Sup. 6090, 6092 (May 3, 2002). "It stands to reason that if child support is the right of the child and the duty of the parent, and if incarceration of the parent does not extinguish the duty to support, then incarceration of the child does not extinguish the right to be supported. This Court finds that in the present case, incarceration of the minor child does not fall within the definition of self-supporting, nor does it eliminate the need or the right of the child to be supported. Therefore, this Court does not have the authority to suspend the order of child support in full prior to the child reaching the age of majority under current Connecticut statutory law and case law."
- [Decamillis v. Hasiotis](#), No. FA00-0630369, 2001 Ct. Sup. 12890, 12892, 2001 WL 11924 (Sep. 5, 2001). "It is implicit in the computation of current support orders that each parent's share must be computed, regardless of who requests the support order. Clearly, if either parent's support obligation is not met by providing direct support to a child in that parent's custody or by satisfactory and appropriate voluntary payments, it is not only the court's fight, but its duty, to set a support order."
- [State v. Gorman](#), No. FA 98-0331769 S, 2000 Ct. Sup. 2938-af, 2938-ah, 2001 WL 359720 (Feb. 2, 2000). "The court finds that there is no prior court order for the payment of child support. The court finds that this support petition brought pursuant to C.G.S. 46b-215 is an appropriate vehicle to

establish a current support and an arrearage order. The court finds that to do same would not violate the prohibition against retroactive modifications of child support. The court finds that it is not bound by any agreement of the parties or by their actions or failure to act through the years.”

**DIGESTS:**

DOWLING’S DIGEST: *Parent and Child* § 5 Liability of Parent. Support.

CONNECTICUT FAMILY LAW CITATIONS:

*CHILD SUPPORT*, alteration, change, or amendment  
—Parents

**WEST KEY NUMBERS:**

*Parent & Child* # 3.1. Support and education of child. Rights, duties and liabilities in general

- Father, duty to support
- Mother, duty to support

*Divorce* # 306. Grounds for award as to support

**ENCYCLOPEDIAS:**

- 59 [AM. JUR. 2D](#) *Parent and Child* (2002).  
Support and maintenance of child, In general; Liability for expenses regarding child
  - § 45. Generally; basis for duty
  - § 46. What law governs
  - § 47. —Uniform Interstate Family Support Act
  - § 48. Charter and extent of parental obligation
  - § 49. Obligations as limited to “necessaries”
  - § 50. Amount; Discretion of court
  - § 51. Termination of obligation by act of child
  - § 52. Shifting burden of support to child
  - § 53. Child-support agreements —between parents
  - § 54. —For support by Third Party
  - § 55. Obligations of respective parents
- 24A [AM. JUR. 2D](#) *Divorce and Separation* (2008)  
§§ 961-1027. Child Support
- Annotation, *Child’s Right Of Action For Loss Of Support, Training, Parental Attention, Or The Like, Against A Third Person Negligently Injuring Parent*, 11 ALR4th 549 (1982).
- Joel E. Smith, Annotation, *Parent’s Obligation To Support Unmarried Minor Child Who Refuses To Live With Parent*, 98 ALR3d 334 (1980).
- J.A. Bryant, Annotation, *Parent For Support Of Child Institutionalizes By Juvenile Court*, 59 ALR3d 636 (1974).

**TEXTS & TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 38. Child Support
  - § 38:1 Duty to support child
  - § 38:2 Statutory duty to support
  - § 38:3 Comparison of “child support” and “alimony”
  - § 38:4 Child to whom duty of support applies

**LAW REVIEWS:**

- Arthur E. Balbirer, *Rights And Obligations Of Custodial And Non-Custodial*

*Parents In Connecticut*, 53 [CONNECTICUT BAR JOURNAL](#) 356 (1979).

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**Table 1: Statutory Duty to Support Children**

|                                  |  |
|----------------------------------|--|
| <p>§ <a href="#">46b-56</a></p>  | <ul style="list-style-type: none"> <li>In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under section 46b-45, the court may at any time <b>make or modify any proper order regarding the education and support of the children</b> and of care, custody and visitation if it has jurisdiction under the provisions of chapter 815o.</li> </ul>  |
| <p>§ <a href="#">46b-58</a></p>  | <ul style="list-style-type: none"> <li>The authority of the Superior Court to make and enforce orders and decrees as to the custody, maintenance and education of minor children in any controversy before the court between husband and wife brought under the provisions of this chapter is extended to children <b>adopted</b> by both parties and to any natural child of one of the parties who has been adopted by the other.</li> </ul>   |
| <p>§ <a href="#">46b-60</a></p>  | <ul style="list-style-type: none"> <li>In connection with any petition for <b>annulment</b> under this chapter, the Superior Court may make such order regarding any child of the marriage and concerning alimony as it might make in an action for dissolution of marriage. The issue of any void or voidable marriage shall be deemed legitimate. Any child born before, on or after October 1, 1976, whose birth occurred prior to the marriage of his parents shall be deemed a child of the marriage.</li> </ul>  |
| <p>§ <a href="#">46b-61</a></p>  | <ul style="list-style-type: none"> <li>In all cases in which the parents of a minor child live separately, the superior court for the judicial district where the parties or one of them resides may, on the [complaint] application of either party and after notice given to the other, make any order as to the custody, care, education, visitation and support of any minor child of the parties, subject to the provisions of sections 46b-54, 46b-56, 46b-57 and 46b-66. Proceedings to obtain such orders shall be commenced by service of an application, a summons and an order to show cause.</li> </ul>  |
| <p>§ <a href="#">46b-84</a></p>  | <ul style="list-style-type: none"> <li>Upon or subsequent to the annulment or dissolution of any marriage [civil union see 2005 CONN. ACTS 10 § 15] or the entry of a decree of legal separation or divorce, the parents of a minor child of the marriage, shall maintain the child according to their respective abilities, if the child is in need of maintenance.</li> </ul>  |
| <p>§ <a href="#">46b-215</a></p> | <p>(a)(1) The Superior Court or a family support magistrate shall have authority to make and enforce orders for payment of support against any person who neglects or refuses to furnish necessary support to such person's spouse or a child under the age of eighteen or as otherwise provided in this subsection, according to such person's ability to furnish such support, notwithstanding the provisions of section 46b-37. If such child is unmarried, a full-time high school student and residing with the custodial parent, such support shall continue according to the parents' respective abilities, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever first occurs.</p> <p>(4) For purposes of this section, the term "child" shall include one born out of wedlock whose father has acknowledged in writing paternity of such child or has been adjudged the father by a court of competent jurisdiction, or a child who was born before marriage whose parents afterwards intermarry.</p> |

# Section 2: Child Support Guidelines

*A Guide to Resources in the Law Library*

“‘Child support and arrearage guidelines’ means the rules, principles, schedule and worksheet established under sections 46b-215a-1, 46b-215a-2b, 46b-215a-3, 46b-215a-4a and 46b-215a-5b of the Regulations of Connecticut State Agencies for the determination of an appropriate child support award, to be used when initially establishing or modifying both temporary and permanent orders.” CONN. AGENCIES REGS. § [46b-215a-1\(5\)](#) [amended August 1, 2005].

**Purposes of guidelines:** The primary purposes of the child support and arrearage guidelines are:

- (1) To provide uniform procedures for establishing an adequate level of support for children, and for repayment of child support arrearages, subject to the ability of parents to pay.
- (2) To make awards more equitable by ensuring the consistent treatment of persons in similar circumstances.
- (3) To improve the efficiency of the court process by promoting settlements and by giving courts and the parties guidance in setting the levels of awards.
- (4) To conform to applicable federal and state statutory and regulatory mandates. STATE OF CONNECTICUT, COMMISSION FOR CHILD SUPPORT GUIDELINES, [CHILD SUPPORT AND ARREARAGE GUIDELINES](#) (Effective August 1, 2005). Preamble to Child Support and Arrearage Guidelines (c)

**Income Shares Model:** “The Income Shares Model presumes that the child should receive the same proportion of parental income as he or she would have received if the parents lived together. Underlying the income shares model, therefore, is the policy that the parents should bear any additional expenses resulting from the maintenance of two separate households instead of one, since it is not the child’s decision that the parents divorce, separate, or otherwise live separately.” Ibid. (d)

# Section 2a: When Applicable

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to the [CHILD SUPPORT AND ARREARAGE GUIDELINES](#) (eff. August 1, 2005) including applicability and instructions on using.
- DEFINITIONS:**
- **Applicability.** “This section shall be used to determine the current support, health care coverage and child care contribution components of all child support awards within the state, subject to section 46b-215a-3 of the Regulations of Connecticut State Agencies. When the parents' combined net weekly income exceeds \$4,000, child support awards shall be determined on a case-by-case basis, and the current support prescribed at the \$4,000 net weekly income level shall be the minimum presumptive amount.” CONN. AGENCIES REGS. § [46b-215a-2b](#) (2005). *Emphasis added.*
- STATUTES:**
- CONN. GEN. STAT. (2011)  
§ [46b-215b](#). Guidelines to be used in determination of amount of support and payment on arrearages and past due support.
- REGULATIONS:**
- CONN. AGENCIES REGS. (7/05).  
§§ [46b-215a-1](#) et seq.  
Child Support and Arrearage Guidelines Regulations  
§§ 17b-179(b)-1. Support standards - child support guidelines
- CASES:**
- [Korsgren v. Jones](#), 108 Conn. App. 521, 529-530, 948 A.2d 358 (2008). “As this court emphasized in *Lefebvre*, § 46b-215a-3(b)(6)(A) of the regulations provides that a deviation is warranted only when the shared parenting arrangement substantially increases or decreases a parent's financial obligation. *Lefebvre v. Lefebvre*, supra, 75 Conn. App. at 669, 817 A.2d 750.”
  - [Reininger v. Reininger](#), 49 Conn. Sup. 238, 241, 871 A.2d 422 (2005). “When a judgment incorporates a separation agreement in accordance with a stipulation of the parties, it is to be regarded and construed as a contract.”
  - [Evans v. Taylor](#), 67 Conn. App. 108, 111-112, 786 A.2d 525 (2001). “Although the court noted that it was unclear whether the earnings that were reported by the plaintiff were his actual earnings, it also noted that the defendant had income from various investments that she did not include on her financial affidavit. Further, the court found that pursuant to the financial affidavit of the plaintiff, his ‘expenses’ were, for the most part, all being paid, despite the fact that the total of those ‘expenses’ exceeded the amount he had listed as ‘income,’ which led the court to conclude that the plaintiff's income was at least equal to that of his ‘expenses.’ In light of that situation, the court calculated the net income of each party using the same method; it substituted the amount listed as ‘expenses’ on each party's financial affidavit for gross income and deducted the applicable payroll taxes from that amount to arrive at each party's net income.”

- [Battersby v. Battersby](#), 218 Conn. 467, 469-470, 590 A.2d 427 (1991). “The statute [46b-215b] does not . . . require the trial courts to apply the Guidelines to all determinations of child support, but creates only a rebuttable presumption as to the amount of child support. It requires only that the trial court consider the Guidelines.”
- [Miklos v. Millos](#), 4 Conn. L. Rptr. 185, 186 (Litchfield, 1991). “...the child support guidelines may be applied to motions for modification of support filed in cases where judgment was entered prior to the effective date of the child support guidelines.”
- [Favrow v. Vargas](#), 222 Conn. 699, 707-714, 610 A.2d 1267 (1992). *History of the child support guidelines*.

**DIGESTS:**

- CONNECTICUT FAMILY LAW CITATIONS:  
CHILD SUPPORT, alteration, change, or amendment  
—Guidelines
- FAMILY SUPPORT MAGISTRATE DECISIONS AND DIGEST  
II. Child Support Guidelines  
III. Support guidelines

**WEST KEY NUMBERS:**

*Divorce* # 306-307

**TEXTS & TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 38. Child Support  
§ 38:19. Guidelines and formulas for support  
§ 38:52. Connecticut Child Support Guidelines  
§ 38:53. Child Support Guidelines Worksheet—Form
- BARBARA KAHN STARK, [FRIENDLY DIVORCE GUIDEBOOK FOR CONNECTICUT: PLANNING, NEGOTIATING AND FILING YOUR DIVORCE](#) (2003).  
Chapter 9. Child Support
  - How to make the Child Support Guidelines work for you, p. 215
  - If the Guidelines do not apply, pp. 215-216
  - Using the Guidelines and schedule of basic child support obligations, pp. 217-228
- [FAMILY LAW PRACTICE IN CONNECTICUT](#) (1996).  
Chapter 11. Child Support by M. Carron  
I. Calculation of Child Support Obligations under the Guidelines  
A. Definitions [11.1 - 11.8]  
B. Calculations  
Guideline worksheet [11.9]  
Corrections for low income obligor [11.10]

**LAW REVIEWS:**

- Molly E. Christy, *Unjust and inequitable: An argument against strict application of the child support guidelines when the obligor parent and child live in different countries.*, 20 [QUINNIPIAC PROB. L.J.](#) 260 (2005).

- *Calculating And Collecting Child Support: Sixteen Years After The Guidelines...And Counting*, 23 [FAMILY ADVOCATE](#) no. 2 (Fall 2000). Special issue
- *1999 Child Support Symposium*, 33 [FAMILY LAW QUARTERLY](#) no. 1 (Spring 1999).
- 1998 [WILEY FAMILY LAW UPDATE](#) (1998).  
Chapter 6. Imputing income for purposes of child and spousal support
- Lewis Becker, *Spousal and Child Support and The "Voluntary Reduction Of Income" Doctrine*, 29 [CONN. L.R.](#) 647 (1997).

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# Section 2b: Deviation from Guidelines

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to deviation from the [CHILD SUPPORT AND ARREARAGE GUIDELINES](#) (eff. August 1, 2005).
- DEFINITIONS:**
- **Deviation criteria** “means those facts or circumstances described in sections 46b-215a-3 of the Regulations of Connecticut State Agencies which may justify an order different from the presumptive support amounts.” CONN. AGENCIES REGS. § [46b-215a-1\(10\)](#) (7-05).
  - **Shared physical custody** “means a situation in which each parent exercises physical care and control of the child for periods substantially in excess of a normal visitation schedule. An equal sharing of physical care and control of the child is not required for a finding of shared physical custody.” CONN. AGENCIES REGS. § [46b-215a-1\(22\)](#) (7-05).
- STATUTES:**
- CONN. GEN. STAT. (2011)  
§ [46b-215b\(a\)](#). Guidelines to be used in determination of amount of support and payment on arrearages and past-due support.
- REGULATIONS:**
- CONN. AGENCIES REGS. (7-05)  
§§ [46b-215a-3](#). Deviation criteria  
(b) Criteria for deviation from presumptive support amounts
    - (1) Other financial resources available to parent
    - (2) Extraordinary expenses for care and maintenance of the child
    - (3) Extraordinary parental expenses
    - (4) Needs of a parent’s other dependents
    - (5) Coordination of total family support
    - (6) Special circumstances
      - (A) Shared physical custody
      - (B) Extraordinary disparity in parental income
      - (C) Best interest of the child
      - (D) Other equitable factors
- AGENCY REPORTS:**
- [CHILD SUPPORT AND ARREARAGE GUIDELINES](#) (eff. August 1, 2005)  
*Preamble to Child Support and Arrearage Guidelines*,  
(j) Deviation criteria  
(4). **Shared physical custody**. “The commission considered at length the deviation for shared physical custody, and concluded that it should remain unchanged from the 1999 guidelines.

In accordance with the amended definition, a finding of shared physical custody should be made only where each parent exercises physical care and control of the child for periods *substantially in excess of* a normal visitation schedule. The commission deems a normal visitation schedule typically to consist of two overnights on alternate weekends; alternate

holidays; some vacation time; and other visits of short duration, which may occasion an overnight stay during the week. While periods in excess of a normal visitation schedule are required for a finding of shared physical custody, the commission emphasizes that an *equal* time-sharing is *not* required for such finding. Courts and other officials still must determine what precise level of sharing is sufficient to warrant a deviation from presumptive support amounts. The commission continues to reject a ‘brightline’ definitional test as well as a formula approach to shared custody situations to discourage disputes over time-sharing as a means of affecting support amounts. The commission believes the approach continued in these regulations leaves sufficient room for the exercise of judicial discretion while providing a measure of predictability for the parties.”

**CASES:**

- [Wallbeoff v. Wallbeoff](#), 113 Conn. App. 107, 112, 965 A.2d 571 (2009). “Indeed, our Supreme Court has expressly held that with respect to a related regulation requiring identical findings of fact in cases involving child support arrearage, it is an abuse of discretion for a court to deviate from the guidelines without making these findings. *Unkelbach v. McNary*, 244 Conn. 350, 367, 710 A.2d 717 (1998).”
- [Utz v. Utz](#), 112 Conn. App. 631, 637, 963 A.2d 1049 (2009). “‘The guidelines are used by the court to determine a presumptive child support payment, which is to be deviated from only under extraordinary circumstances.’ *Golden v. Mandel*, 110 Conn. App. 376, 386, 955 A.2d 115 (2008).”
- [Brent v. Lebowitz](#), 67 Conn. App. 527, 532, 787 A.2d 621 (2002) [cert. granted, 260 Conn. 902 but limited to the issue "Did the Appellate Court properly conclude that the trial court improperly applied the child support and arrearage guidelines under General Statutes 46b-215b to the arrearage owed by the plaintiff?"]. “Accordingly, support agreements that are not in accordance with the financial dictates of the guidelines are not enforceable unless one of the guidelines' deviation criteria is present, such as when the terms of the agreement are in the best interest of the child.”

**DIGESTS:**

CONNECTICUT FAMILY LAW CITATIONS:  
*CHILD SUPPORT*, alteration, change, or amendment  
 —Guidelines  
 —deviation  
 FAMILY SUPPORT MAGISTRATE DECISIONS AND DIGEST  
 Deviation from Child Support Guidelines

**WEST KEY NUMBERS:**

*Divorce* # 309.6  
*Parent and Child* # 3.3

**TEXTS & TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
 Chapter 38. Child Support  
   § 38:19. Guidelines and formulas for support  
   § 38:22. —Guideline criteria for deviation  
   § 38:29. —Deviation based on agreement  
   § 38:30. —Income beyond the Guideline schedule

- [FAMILY LAW PRACTICE IN CONNECTICUT](#) (1996).  
Chapter 11 Child Support by M. Carron
- BARBARA KAHN STARK, [FRIENDLY DIVORCE GUIDEBOOK FOR CONNECTICUT: PLANNING, NEGOTIATING AND FILING YOUR DIVORCE](#) (2003). Chapter 9, Child Support
  - Deviation: what if the recommended support is too high or too low for you? pp. 228-229
  - Dealing with Children’s Expenses-The “Budgeting Approach to Deviation”. pp. 230-234

**LAW REVIEWS:**

- 1997 [WILEY FAMILY LAW UPDATE](#) (1997).  
Chapter 1. Deviating from Child Support percentages in high-income cases
  - § 1.8. Circumstances favoring deviation from percentages
  - § 1.9 —High income of the payee
  - § 1.10. —Fluctuating income
  - § 1.11. —Child support trusts

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# Section 2c: When Not Applicable

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to when the [CHILD SUPPORT AND ARREARAGE GUIDELINES](#) (August 1, 2005) do not apply.
- STATUTES:**
- CONN. GEN. STAT. (2011)  
§ [46b-215b](#). Guidelines to be used in determination of amount of support and payment on arrearages and past due support.
- REGULATIONS:**
- CONN. AGENCIES REGS. (7-05)  
§ [46b-215a-2b](#). Child support guidelines  
(a) Applicability  
(2) Income scope.  
When the parents' combined net weekly income exceeds \$4,000, child support awards shall be determined on a case-by-case basis, and the current support prescribed at the \$4,000 net weekly income level shall be the minimum presumptive amount.
- DIGESTS:**
- CONNECTICUT FAMILY LAW CITATIONS:  
CHILD SUPPORT, alteration, change, or amendment  
—Guidelines  
FAMILY SUPPORT MAGISTRATE DECISIONS AND DIGEST  
IV. Child Support Guidelines  
V. Support guidelines
- CASES:**
- [Maturò v. Maturò](#), 296 Conn. 80, 95, 995 A.2d 1 (2010). “Although the guidelines grant courts discretion to make awards on a ‘case-by-case’ basis above the amount prescribed for a family at the upper limit of the schedule when the combined net weekly income of the parents exceeds that limit, which is presently \$4000; Regs., Conn. State Agencies § 46b-215a-2b (a) (2); the guidelines also indicate that such awards should follow the principle expressly acknowledged in the preamble and reflected in the schedule that the child support obligation as a percentage of the combined net weekly income should decline as the income level rises. Thus, an award of child support based on a combined net weekly income of \$8000 must be governed by the same *principles* that govern a child support award based on a combined net weekly income of \$4000, even though the former does not fall within the guidelines’ *schedule*.”
  - [Benedetto v. Benedetto](#), 55 Conn. App. 350, 355, 738 A.2d 745 (1999). “The defendant next claims that the trial court improperly ordered child support without any reference to the child support guidelines. This claim is without merit. The court found that the defendant’s income exceeded the maximum level in the guidelines and, therefore, the guidelines did not apply.”

- [Carey v. Carey](#), 29 Conn. App. 436, 440, 615 A.2d 516 (1992). “Although the trial court correctly recognized that the guidelines generally are not applicable to parents with a weekly net income below the self-support reserve of \$135, the trial court failed to consider the entire mandate of the guidelines. They state that ‘[e]xcept as provided under the deviation criteria, the guidelines do not apply to a parent whose net weekly income is less than \$135.’ (Emphasis added.) Connecticut Child Support Guidelines (b)(2). As a result, even where income does not exceed the self-support reserve, the guidelines are applicable and must be considered ‘as provided under the deviation criteria.’”

**WEST KEY NUMBERS:**

*Divorce* # 309.6  
*Parent and Child* # 3.3

**TEXTS & TREATISE :**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 38. Child Support  
§ 38:19. Guidelines and formulas for support  
§ 38:22. –Guideline criteria for deviation  
§ 38:30. –Income beyond the Guideline schedule
- [FAMILY LAW PRACTICE IN CONNECTICUT](#) (1996).  
Chapter 11. Child Support
- BARBARA KAHN STARK, [FRIENDLY DIVORCE GUIDEBOOK FOR CONNECTICUT: PLANNING, NEGOTIATING AND FILING YOUR DIVORCE](#) (2003).  
Chapter 9. Child Support

**LAW REVIEWS:**

Lewis Becker, *Spousal And Child Support And The “Voluntary Reduction Of Income” Doctrine*, 29 [CONN. L.R.](#) 647 (1997).

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# Section 3: Child Support Pendente Lite

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to the awarding of temporary child support including modification and enforcement.
- DEFINITIONS:**
- “Payment pursuant to such an award is to provide for the wife and the dependent children while they are living apart from her husband pending a determination of the issues in the case.” [Fitzgerald v. Fitzgerald](#), 169 Conn. 147, 151, 362 A.2d 889 (1975).
- STATUTES:**
- CONN. GEN. STAT. (2011)
    - § [46b-83](#). Alimony, support and use of family home or other residential dwelling unit awarded pendente lite. Voluntary leaving of family home by one parent.
    - § [46b-84\(d\)](#). Parents' obligation for maintenance of minor child. Order for health insurance coverage.
    - § [46b-86\(a\)](#). Modification of alimony or support orders and judgments.
- FORMS:**
- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).
    - § 37:5. Motion for temporary child support–Form
    - § 37:6. Motion to determine child support obligation–Form
  - BARBARA KAHN STARK, [FRIENDLY DIVORCE GUIDEBOOK FOR CONNECTICUT: PLANNING, NEGOTIATING AND FILING YOUR DIVORCE](#) (2003).
  - THOMAS D. COLIN, ED. [LIBRARY OF CONNECTICUT FAMILY LAW FORMS](#) (2008)
    - 4-002 Motion for Alimony and Support, p.197
    - 4-003 Motion for Alimony, Custody, Support and Counsel Fees, p.199
- CASES:**
- [Misthopoulos v. Misthopoulos](#), 297 Conn. 358, 373, 999 A.2d 721 (2010). “It is well established that the prohibition against retroactive modification of support orders applies to pendente lite support orders. See, e.g., *Trella v. Trella*, supra, 24 Conn.App. at 222, 587 A.2d 162 (‘in the absence of express legislative authorization for retroactive modification of unallocated alimony and support pendente lite, the trial court has no authority to order such modification’); see also *Evans v. Taylor*, 67 Conn.App. 108, 117-18, 786 A.2d 525 (2001).”
  - [Friezo v. Friezo](#), 84 Conn. App. 727, 732, 854 A.2d 1119 (2004). “Awards of pendente lite alimony and child support are modifiable on the court's determination of a substantial change in the circumstances of the parties. See General Statutes § 46b-86(a).”
  - [Priol v. Priol](#), 67 Conn. App. 7, 13, 787 A.2d 50 (2001). “General Statutes § 46b-86 (a) provides that a court may modify an order for alimony or support pendente lite ‘upon a showing that the final order for the child support

substantially deviates from the child support guidelines established pursuant to section 46b-215 (a).”

- [Evans v. Taylor](#), 67 Conn. App. 108, 118, 786 A.2d 525 (2001). “It was improper for the court to omit the pendente lite arrearage in its final judgment of dissolution even though the defendant may not have specifically requested that in her claims for relief.”
- [Wolk v. Wolk](#), 191 Conn. 328, 331, 464 A.2d 780 (1983). “Since the purposes of pendente lite awards and final orders are different, there is no requirement that the court give any reason for changing the pendente lite orders.”
- [England v. England](#), 138 Conn. 410, 414, 85 A.2d 483 (1951). “It is within the sound discretion of the trial court whether such an allowance should be made and, if so, in what amount. Its decision will not be disturbed unless it clearly appears that it involves an abuse of discretion.”
- [Beaulieu v. Beaulieu](#), 18 Conn. Sup. 497, 498 (1954). “There should be no distinction between permanent and temporary alimony as respects collection.”
- [Fitzgerald v. Fitzgerald](#), 169 Conn. 147, 152-153, 362 A.2d 889 (1975). “In deciding the motions for temporary orders, the court could rely on the primary duty of the defendant to support his minor children pending the disposition of the first count of the plaintiff’s complaint upon a trial on the merits.”

**DIGESTS:**

DOWLING’S DIGEST: Parent and Child § 5  
CONNECTICUT FAMILY LAW CITATIONS: *Pendente Lite Orders*  
FAMILY SUPPORT MAGISTRATE DECISIONS AND DIGEST  
Words and phrases—Pendente lite

**ENCYCLOPEDIAS:**

- 24A [AM. JUR. 2D](#) *Divorce and Separation* (2008).  
§§ 965-968. Temporary support
- Gary L. Hall, Annotation, *Wife’s Possession Of Independent Means As Affecting Her Right To Child Support Pendente Lite*, 60 ALR3d 832 (1974).

**TEXTS & TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 37. Temporary Child Support  
§ 37:2. Comparison with temporary alimony  
§ 37:3. Time and method for raising claim  
§ 37:4. Preparation of pendente lite claim  
§ 37:7. Hearing  
§ 37:8. Amount of order; factors to be considered  
§ 37:9. Order, stipulation or voluntary compliance  
§ 37:10. Enforcement  
§ 37:11. Modification  
§ 37:12. Effect of prenuptial or other agreements relating to child support

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**Table 2: IV-D Temporary Child Support**

|                          |  |
|--------------------------|--|
| <a href="#">46b-213e</a> | (b) The family support magistrate may issue a temporary child support order if the family support magistrate determines that such an order is appropriate and the individual ordered to pay is: (1) A presumed father of the child; (2) petitioning to have paternity adjudicated; (3) identified as the father of the child through genetic testing; (4) an alleged father who has declined to submit to genetic testing; (5) shown by clear and convincing evidence to be the father of the child; (6) an acknowledged father as provided by section 46b-172; (7) the mother of the child; or (8) an individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated. |
|--------------------------|--|

# Section 4: Modifying Child Support

*A Guide to Resources in the Law Library*

**SCOPE:** Bibliographic resources relating to modification of support including grounds but excluding IV-D child support cases

**DEFINITIONS:**

- **Modification of child support:** “any final order for the periodic payment of permanent alimony or support or an order for alimony or support pendente lite may at any time thereafter be continued, set aside, altered or modified by said court upon a showing of a substantial change in the circumstances of either party or upon a showing that the final order for child support substantially deviates from the child support guidelines . . . .” CONN. GEN. STAT. § [46b-86\(a\)](#) (2011).

**STATUTES:**

- CONN. GEN. STAT. (2011)
  - § [46b-8](#). Motion for modification combined with motion for contempt
  - § [46b-86](#). Modification of alimony or support orders and judgments
    - (a) substantial change in circumstances or deviation from child support guidelines as grounds for modification
    - (c) When a motion to modify must be filed with the Family Support Magistrate Division
  - § [46b-213o](#). Procedure re registration of child support order of another state for modification
  - § [46b-213p](#). Effect of registration for modification
  - § [46b-213q](#). Modification of child support order of another state
  - § [46b-215e](#). Initial or modified support order where child support obligor is institutionalized or incarcerated.

**LEGISLATIVE HISTORY:**

- P.A. 90-188. An act concerning use of guidelines for modification of support orders
  - House Bill No. 5668 (1990)
  - Senate proceedings: 2702-2705, 2754-2755
  - House Proceedings: 3624-3628
  - Hearings, Judiciary Committee: 411-412, 415-416, 421-428, 475, 502-503, 512, 553-554, 556, 589-591, 619-620, 621, 628

**REGULATIONS:**

- CONN. AGENCIES REGS. (10-00)
  - Title IV-D Program
  - § 17b-179(m)-8. Review and modification

**COURT RULES:**

- CONNECTICUT PRACTICE BOOK (2011 Edition)
  - [Chapter 25](#). Procedure in Family Matters
    - § 25-26. Modification of custody, alimony or support
    - § 25-30. Statements to be filed
    - § 25-57. Affidavit concerning children

**FORMS:**

- **Official Forms**
  - [Filing a Motion for Modification](#)
  - [JD-FM-174](#). Motion for Modification (Rev. 7/11)
  - [JD-FM-202](#). Request for Leave (Rev. 8/07)

- THOMAS D. COLIN, ED. [LIBRARY OF CONNECTICUT FAMILY LAW FORMS](#) (2008)
  - 13-003 Motion for Post-Judgment Modification of Child Support, p.417
  - 13-004 Motion for Post-Judgment Modification of Child Support, p.420
  - 13-005 Modification Agreement

**CASES:**

- [Shipman v. Roberts](#), 130 Conn. App. 332, 338-339 (2011). “In the present case, the obligor is incarcerated for the criminal offenses of manslaughter and risk of injury to a child: offenses against the child who was killed. The deceased child is not the subject of the support order nor is she the custodial party. Although we certainly agree with the minor child that the defendant’s conduct was traumatizing to the plaintiff and the minor child, they were not the victims of the criminal offenses for which the defendant is incarcerated. Thus, the court properly determined that § 46b-215e does not bar a modification of the defendant’s child support obligation.”
- [Cannon v. Cannon](#), 109 Conn. App. 844, 851, 953 A.2d 694 (2008). “It is well within the law and the court’s discretion to make the modification retroactive to the date that the motion for modification was served, which was July 9, 2003. See *Sabrowski v. Sabrowski*, 105 Conn. App. 49, 57, 935 A.2d 1037 (2007).”
- [Cervizzi v. Cervizzi](#), No. FA 02 007 9710S (Ct.Sup. August 29, 2007. J.D. Rockville at Rockville), 2007 WL 2597615. “The husband claims that as the result of his voluntarily retiring from his principle employment, there has been a substantial change in circumstances justifying a downward modification of his child support order . . . . For the foregoing reasons, the motion to modify is denied.”
- [Santoro v. Santoro](#), 70 Conn. App. 212, 218, 796 A.2d 567 (2002). “In addition, a child support order cannot be modified unless there is (1) a showing of a substantial change in the circumstances of either party or (2) a showing that the final order for child support substantially deviates from the child support guidelines absent the requisite findings.”
- [Priol v. Priol](#), 67 Conn. App. 7, 12, 787 A.2d 50 (2001). “The parties’ agreement to revisit the issues of alimony and child support cannot contract away the statutory requirement that the party seeking modification demonstrate a substantial change in circumstances and excuse the failure to comply with the rules of practice with respect to the filing of such a motion.”
- [W. v. W.](#), 248 Conn. 487, 494, 728 A.2d 1076 (1999). “Therefore, we conclude that regardless of whether the child at issue in the present case is considered a ‘child of the marriage,’ the trial court had subject matter jurisdiction to order pendente lite child support.”
- [Jenkins v. Jenkins](#), 243 Conn. 584, 704 A.2d 231 (1998).
- [Shearn v. Shearn](#), 50 Conn. App. 225, 717 A.2d 793 (1998).
- [Turner v. Turner](#), 219 Conn. 703, 720, 595 A.2d 297 (1991). *Substantial deviation from the child support guidelines (added by P.A. 90-188) applies retroactively.* See Table 6.

- [Brock v. Cavanaugh](#), 1 Conn. App. 138, 141, 468 A.2d 8 (1984). *Support payments are not conditioned upon visitation.* “Furthermore, a support order can only be modified by the court.”
- [Hardisty v. Hardisty](#), 183 Conn. 253, 258-259, 439 A.2d 307 (1981). “Once a trial court determines that there has been a substantial change in the financial circumstances of one of the parties, the same criteria that determine an initial award of alimony and support are relevant to the question of modification.”

**WEST KEY NUMBER:**

*Divorce* #309-309.6. Modification of order, judgment or decree as to support  
*Divorce* # 311.5. Retrospective Modifications

**DIGESTS:**

[FAMILY SUPPORT MAGISTRATE DECISIONS](#) AND DIGEST

VI. Motion for modification

VII. Substantial change of circumstances

ALR QUICK INDEX:

Custody and Support of Children. Change or Modification

**ENCYCLOPEDIAS:**

- 24A [AM. JUR. 2D](#) *Divorce and Separation* (2008)  
 §§ 998-1020.  
 §§ 1004-1010. Change in circumstances  
 § 1005. Nature and sufficiency of change
- *Changes In Circumstances Justifying Modification Of Support Order*, 1 POF 2d 1 (1974).
  - §§ 6-16. Proof of change in circumstances justifying increase in child support payments
  - §§17-29. Proof of change in circumstances justifying decrease in child support payments
- *Cause Of Action For Reduction Of Amount Of Child Support Based On Changed Financial Circumstances Of Obligor*, 29 COA 141 (1992).
- Alice Wright Carin, Annotation, *Effect on Child Support Duties and Arrearages of Remarriage of Parents to Each Other*, 9 A.L.R.6th 437 (2005)
- Karen A. Cusenbary, Annotation, *Decrease In Income Of Obligor Spouse Following Voluntary Termination Of Employment As Basis For Modification Of Child Support Award*, 39 ALR5th 1 (1996).
- Frank J. Wozniak, Annotation, *Loss Of Income Due To Incarceration As Affecting Child Support Obligation*, 27 ALR5th 540 (1995).
- Todd R. Smith, Annotation, *Court’s Authority To Reinstate Parent’s Support Obligations After Terms Of Prior Decree Have Been Fulfilled*, 48 ALR4th 952 (1986).
- Debra E. Wax, Annotation, *Effect Of Remarriage Of Spouses To Each Other On Child Custody And Support Provisions Of Prior Divorce Decree*, 26 ALR4th 325 (1983).
- Emile F. Short, Annotation, *Retrospective Increase In Allowance For Alimony, Separate Maintenance Or Support*, 52 ALR3d 156 (1973).
- Annotation, *Remarriage Of Parent As Basis Of Modification Of Amount Of*

*Child Support Provisions Of Divorce Decree*, 89 ALR2d 106 (1963).

- Annotation, *Change In Financial Condition Or Needs Of Parents Or Children As Grounds For Modification Of Decree For Child Support Payments*, 89 ALR2d 7 (1963).

**TEXTS &  
TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).
  - Chapter 37. Temporary Child Support
    - § 37:11 Modification
  - Chapter 39. Modification of child support provisions of judgment
    - § 39:2. Grounds for modification
    - § 39:3. Grounds for modification, deviation from the Child Support Guidelines
    - § 39:5. Timing of factors to be considered
    - § 39:6. Parties entitled to seek modification
    - § 39:9. Modifiability of support payments; limitations
    - § 39:12. Specific grounds for modification of support
    - § 39:16. Remarriage of either parent
    - § 39:17. Death of either parent
    - § 39:18. Change in financial circumstances of either parent
    - § 39:19. Health of the children
    - § 39:20. Changes in cost of living
    - § 39:21. Earnings of the child
    - § 39:22. Effect of modifications on arrearages; retroactive changes
    - § 39:23. Effect of prior modification
- MARION F. DOBBS, [DETERMINING CHILD AND SPOUSAL SUPPORT](#) (1995).
  - Chapter 6. Modification of Support
    - §§ 6:02-6:17. Changed circumstances
- ARNOLD H. RUTKIN ET AL., [FAMILY LAW AND PRACTICE](#) (2009).
  - § 52.03 Modification of Child Support
    - [3]. Grounds for modification
    - [4]. Defenses
      - [a]. Emancipation of Child
      - [b]. Frustration of Visitation
      - [c]. Termination of Parental Rights; Adoption

**PAMPHLETS:**

- Connecticut Network for Legal Aid.  
[How to Modify Child Support and Alimony Orders](#)

**LAW REVIEWS:**

- *Calculating And Collecting Child Support: Sixteen Years After The Guidelines...And Counting*, 23 [FAMILY ADVOCATE](#) no. 2 (Fall 2000).  
—Alexander S. deWitt, *Making Your Case For Modification*, p. 30.
- Cynthia George, *Combating The Effects Of Inflation On Alimony And Child Support Orders*, 75 [CONNECTICUT BAR JOURNAL](#) 223 (1983).

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**Table 3: Request for Leave may be appended to Motion to Modify**

| <h2 style="margin: 0;">Request for Leave</h2> <p style="margin: 0;"><a href="#"><u>JD-FM-202</u></a></p> |  |
|--|--|
| <p>CONN. PRACTICE BOOK § <a href="#"><u>25-26</u></a></p>  | <p>(a) Upon an application for a modification of an award of alimony pendente lite, alimony or support of minor children, filed by a person who is then in arrears under the terms of such award, the judicial authority shall, upon hearing, ascertain whether such arrearage has accrued without sufficient excuse so as to constitute a contempt of court, and, in its discretion, may determine whether any modification of current alimony and support shall be ordered prior to the payment, in whole or in part as the judicial authority may order, of any arrearage found to exist.</p> <p>(b) Either parent or both parents of minor children may be cited or summoned by any party to the action to appear and show cause, if any they have, why orders of custody, visitation, support or alimony should not be entered or modified.</p> <p>(c) If any applicant is proceeding without the assistance of counsel and citation of any other party is necessary, the applicant shall sign the application and present the application, proposed order and summons to the clerk; the clerk shall review the proposed order and summons and, unless it is defective as to form, shall sign the proposed order and summons and shall assign a date for a hearing on the application.</p> <p>(d) Each motion for modification of custody, visitation, alimony or child support shall state clearly in the caption of the motion whether it is a pendente lite or a postjudgment motion.</p> <p>(e) Each motion for modification shall state the specific factual and legal basis for the claimed modification and shall include the outstanding order and date thereof to which the motion for modification is addressed.</p> <p>(f) On motions addressed to financial issues the provisions of Section 25-30 shall be followed.</p> |
|  | <p>(g) Upon or after entry of judgment of a dissolution of marriage, dissolution of civil union, legal separation or annulment, or upon or after entry of a judgment or final order of custody and/or visitation for a petition or petitions filed pursuant to Section 25-3 and/or Section 25-4, <b>the judicial authority may order that any further motion for modification of a final custody or visitation order shall be appended with a request for leave to file such motion and shall conform to the requirements of subsection (e) of this section.</b> The specific factual and legal basis for the claimed modification shall be sworn to by the moving party or other person having personal knowledge of the facts recited therein. If no objection to the request has been filed by any party within ten days of the date of service of such request on the other party, the request for leave may be determined by the judicial authority with or without hearing. If an objection is filed, the request shall be placed on the next short calendar, unless the judicial authority otherwise directs. At such hearing, the moving party must demonstrate probable cause that grounds exist for the motion to be granted. If the judicial authority grants the request for leave, at any time during the pendency of such a motion to modify, the judicial authority may determine whether discovery or a study or evaluation pursuant to Section 25-60 shall be permitted.<br/>[Emphasis added]</p>   |

**Table 4: Turner v. Turner**

|  |
|--|
| <p><b>Grounds for modification</b> of alimony or support orders and judgments. CONN. GEN. STAT. (2011) § <a href="#">46b-86(a)</a></p> <ul style="list-style-type: none"><li>• substantial change in circumstances; or</li><li>• substantial deviation from child support guidelines</li></ul>   |
| <p>“Both the ‘substantial change of circumstances’ and the ‘substantial deviation from child support guidelines’ provision establish the authority of the trial court to modify existing child support orders to respond to changed economic conditions. The first allows the court to modify a support order when the financial circumstances of the individual parties have changed, regardless of their prior contemplation of such changes. The second allows the court to modify child support orders that were once deemed appropriate but no longer seem equitable in the light of changed social or economic circumstances in the society as a whole, as reflected in the mandatory periodic revisions of the child support guidelines. See General Statutes 46b-215a. In light of the similar purposes and language of these provisions, we conclude that the legislature intended both provisions to be applicable to orders entered before the provisions became law.” <a href="#">Turner v. Turner</a>, 219 Conn. 703, 718 (1991).</p>   |
| <p>“In further support of our interpretation of the legislative intent underlying P.A. 90-188, we take judicial notice of a statutory development that occurred in the 1991 legislative session, a few months after the trial court rendered its judgment in this case. While the legislature was considering a bill that would establish a standard by which a court could determine what degree of deviation from the child support guidelines might be considered ‘substantial,’ an attorney for a legal services organization informed the Judiciary Committee that trial courts had construed P.A. 90-188 to preclude its retrospective application to orders entered before the effective date of the act. See Conn. Joint Standing Committee Hearings, Judiciary, March 22, 1991, pp. 888-89, remarks of Amy Eppler-Epstein. [fn10] The legislature subsequently enacted Public Acts 1991, No. 91-76, 1 (P.A. 91-76), which added the following provisions to General Statutes 46b-86 immediately following the text that had been added by P.A. 90-188: ‘There shall be a rebuttable presumption that any deviation of less than fifteen percent from the child support guidelines is not substantial and any deviation of fifteen percent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after the effective date of this act.’ This act was signed by the governor on May 9, 1991, and became effective on that date. See Public Acts 1991, No. 91-76, 7.” <a href="#">Turner v. Turner</a>, 219 Conn. 703, 718-719 (1991).</p> |
| <p>“The magistrate concluded, nevertheless, that the express statement of retroactivity added by the 1990 amendment was intended to apply only to the ‘substantial change of circumstances’ provision of 46b-86. We conclude, to the contrary, that these amendments, which were enacted in the same legislative session to enhance the ability of parties to modify support orders, must be construed to create one consistent body of law.” <a href="#">Turner v. Turner</a>, 219 Conn. 703, 718 (1991).</p>   |

**Table 5: IV-D Child Support Cases**

| <b>Family Support Magistrate Division</b> |   |
|---|---|
| <p>§ <a href="#">46b-231(b)</a></p>       | <p><b>Definitions:</b></p> <p>A. "Family Support Magistrate Division" means a division of the Superior Court created by this section for the purpose of establishing and enforcing child and spousal support in IV-D cases and in cases brought pursuant to sections 46b-212 to 46b-213v, inclusive, of this act, utilizing quasi-judicial proceedings;</p> <p>B. "Family support magistrate" means a person, appointed as provided in subsection (f) of this section to establish and enforce child and spousal support orders;</p> <p>(14) "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and parent with whom the child is living, which provides for monetary support, health care, arrearages or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees and other relief.</p>  |
| <p>§ <a href="#">46b-215(a)</a></p>       | <p><b>[Procedures]</b> “. . . . Proceedings to obtain such orders of support shall be commenced by the service on the liable person or persons of a verified petition with summons and order . . . .”</p>   |
| <p>§ <a href="#">46b-231(m)</a></p>       | <p><b>Magistrates' powers and duties.</b> The Chief Family Support Magistrate and the family support magistrates shall have the powers and duties enumerated in this subsection.</p> <p>(1) A family support magistrate in IV-D support cases may compel the attendance of witnesses or the obligor under a summons . . . subpoena . . . citation for failure to obey an order of a family support magistrate or a judge of the Superior Court. If a person is served with a summons, subpoena or citation by the family support magistrate or the assistant clerk of the Family Support Magistrate Division and fails to appear, a family support magistrate may issue a <b>capias mittimus</b> directed to some proper officer to arrest the obligor or the witness and bring him before a family support magistrate. [emphasis added]</p> <p>(2) Family support magistrates shall hear and determine matters involving child and spousal support in IV-D support cases . . . .</p> <p>(3) Family support magistrates shall review and approve or modify all agreements for support in IV-D support cases filed with the Family Support Magistrate Division . . . .</p> <p>(4) Motions for modification of existing child and spousal support orders entered by the Superior Court in IV-D support cases, including motions to modify existing child and spousal support orders entered in actions brought pursuant to chapter 815j [Dissolution of marriage, legal separation and annulment], shall be brought in the Family Support Magistrate Division and decided by a family support magistrate, except that an order to modify existing child and spousal support orders entered in actions brought pursuant to chapter 815j shall be subject to the approval of a judge of the Superior Court and may be modified by such judge.</p> |

|  |  |
|--|--|
|  | <p>(5) Proceedings to establish paternity in IV-D support cases shall be filed in the Family Support Magistrate Division for the judicial district where the mother or putative father resides.</p> <p>(7) Family support magistrates shall enforce orders for child and spousal support entered by such family support magistrate and by the Superior Court in IV-D support cases by citing an obligor for contempt . . . .</p> <p>(12) A family support magistrate may order parties to participate in parenting education program . . . .</p>   |
| <p>§ <a href="#">46b-231(n)</a></p>  | <p>(1) A person who is aggrieved by a final decision of a family support magistrate is entitled to judicial review by way of appeal under this section</p> <p>(2) Proceedings for such appeal shall be instituted by filing a petition . . . .”</p> <ul style="list-style-type: none"> <li>• The filing of an appeal from a decision of a family support magistrate does not affect the order of support of a family support magistrate, but it shall continue in effect until the appeal is decided, and thereafter, unless denied, until changed by further order of a family support magistrate or the Superior Court.</li> </ul>   |
| <p>§ <a href="#">46b-212a</a></p> <p>§ <a href="#">46b-212b</a></p>  | <p><b>Uniform Interstate Family Support Act.</b></p> <p>(25) “Tribunal” means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine paternity.</p> <p>The Superior Court and the Family Support Magistrate Division of the Superior Court are the tribunals of this state. The Family Support Magistrate Division is the tribunal for the filings of petitions under sections 46b-212 to 46b-213w, inclusive, provided clerical, administrative and other nonjudicial functions in proceedings before the Family Support Magistrate Division may be performed by the Support Enforcement Division of the Superior Court.</p>   |
| <p><b>Support Enforcement Officers</b><br/> <b>of the Support Enforcement Division of the Superior Court</b></p> |  |
| <p>§ <a href="#">46b-231(s)</a></p>  | <p>(1) Supervise the payment of any child or spousal support order made by a family support magistrate . . . . [as amended by 1999 Conn. Acts 193 §12 (Reg. Sess.)]</p> <p>(2) In non-TANF cases, have the authority to bring petitions for support orders pursuant to 46b-215 . . . file agreements for support . . . and bring applications for show cause orders . . . enforce foreign support orders registered with the Family Support Magistrate Division . . . and file agreements for support . . . .</p> <p>(3) In connection with any order or agreement entered by, or filed with, the Family Support Magistrate Division, or any order entered by the Superior Court in a IV-D support case upon order, investigate the financial situation of the parties and report findings . . . .</p> <p>(1) In non-TANF IV-D cases, review child support orders at the request of either parent subject to a support order or at the request of the Bureau of Child Support Enforcement and initiate an action before a family support magistrate to modify such support order . . . .</p> |

## Attorney General

§ [46b-231\(t\)](#)

- (1) Represent the interest of the state in all actions for child support or spousal support in all cases in which the state is furnishing or has furnished aid or care to one of the parties to the action or a child of one of the parties;
- (2) In interstate support enforcement . . . provide necessary legal services on behalf of the support enforcement agency in providing services to a petitioner;
- (3) Represent the IV-D agency in providing support enforcement services in non-AFDC cases . . . .

## Department of Social Services

§ [46b-231\(u\)](#)

- (1) The Department of Social Services may in IV-D cases
  - bring petitions for support orders . . . ;
  - obtain acknowledgments of paternity;
  - bring applications for show cause orders . . . ;
  - file agreements for support with the assistant clerk of the Family Support Magistrate Division.

# Section 5: Factors Used

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to the factors used by the courts in determining and modifying child support.
- STATUTES:**
- CONN. GEN. STAT. (2011).
    - § [46b-84\(d\)](#). Parents' obligation for maintenance of minor child. Order for health insurance coverage.
    - § [46b-215b\(c\)](#). Guidelines to be used in determination of amount of support and payment on arrearages and past-due support.
- CASES:**
- [Maturo v. Maturo](#), 296 Conn. 80, 106, 995 A.2d 1 (2010). "...when there is a proven, routine consistency in annual bonus income, as when a bonus is based on an established percentage of a party's steady income, an additional award of child support that represents a percentage of the net cash bonus also may be appropriate if justified by the needs of the child. When there is a history of wildly fluctuating bonuses, however, or a reasonable expectation that future bonuses will vary substantially, as in the present case, an award based on a fixed percentage of the net cash bonus is impermissible unless it can be linked to the child's characteristics and demonstrated needs."
  - [Auerbach v. Auerbach](#), 113 Conn. App. 318, 334-335, 966 A.2d 292 (2009). "It is well established that the trial court may under appropriate circumstances in a marital dissolution proceeding base financial awards on the earning capacity of the parties rather than on actual earned income.... Earning capacity, in this context, is not an amount which a person can theoretically earn, nor is it confined to actual income, but rather it is an amount which a person can realistically be expected to earn considering such things as his vocational skills, employability, age and health....[I]t also is especially appropriate for the court to consider whether the defendant has wilfully restricted his earning capacity to avoid support obligations."
  - [Battersby v. Battersby](#), 218 Conn. 467, 471-472, 590 A.2d 427 (1991) "the Guidelines themselves list several factors that may be relevant to the determination of support amount, including the 'needs of a second or prior family' and 'other reasonable considerations.' "
  - [Vickery v. Vickery](#), 25 Conn. App. 555, 562, 595 A.2d 905 (1991). "Finally, the defendant claims that it is impossible for the court to apply the mandates of 46b-84 and 46b-86 and apply the mandates of the guidelines at the same time. This claim is without merit."
- FAMILY SUPPORT  
MAGISTRATE  
DECISIONS:**
- [Family Support Magistrate Decisions](#) are available through the Law Libraries' website.
- WEST KEY  
NUMBERS:**
- Divorce # 306. Grounds for award as to support*

**DIGESTS:**

CONNECTICUT FAMILY LAW CITATIONS: *Child Support*

**ENCYCLOPEDIAS:**

- Jay M. Zitter, Annotation, *Excessiveness Or Adequacy Of Money Awarded As Child Support*, 27 ALR4th 864 (1984).
- Jay M. Zitter, Annotation, *Excessiveness Or Adequacy Of Amount Of Money Awarded For Alimony And Child Support Combined*, 27 ALR4th 1038 (1984).

**TEXTS & TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 38. Child Support
  - § 38:12. Factors affecting amount of support required
  - § 38:13. Child's need for maintenance
  - § 38:14. Statutory factors for determining child's need
  - § 38:17. Parent's ability to provide support
  - § 38:18. Statutory factors for determining parents' respective abilities
- BARBARA STARK, [FRIENDLY DIVORCE GUIDEBOOK FOR CONNECTICUT: PLANNING, NEGOTIATING AND FILING YOUR DIVORCE](#) (2003).  
Chapter 9. Child Support  
"If the guidelines do not apply to you," pp. 215-216

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- \* Originally compiled by Lawrence Cheeseman, retired Connecticut Judicial Branch Supervising Law Librarian.

**Table 6: Statutory Factors in Determining Child Support**

| <b>Conn. Gen. Stats. §46b-84 (2011)</b>  |                |
|--|----------------|
| <b>FACTORS RELATING TO PARENTS</b>   | <b>Rutkin*</b> |
| earning capacity   | § 37.18        |
| length of the marriage   | § 37.18        |
| causes for the annulment, dissolution of marriage or legal separation  | § 37.18        |
| age  | § 37.18        |
| health   | § 37.18        |
| station  | § 37.18        |
| occupation   | § 37.18        |
| amount and sources of income   | § 37.18        |
| vocation skills  | § 37.18        |
| employability  | § 37.18        |
| estate   | § 37.18        |
| needs of each of the parties   | § 37.18        |
| in the case of a parent to whom the custody of minor children has been awarded, the desirability of such parent's employment | § 37.18        |
| <b>FACTORS RELATING TO CHILDREN</b>  |                |
| age  | §§ 37.12-37.14 |
| health   | §§ 37.12-37.14 |
| station  | §§ 37.12-37.14 |
| occupation   | §§ 37.12-37.14 |
| educational status and expectation   | §§ 37.12-37.15 |
| amount and sources of income   | §§ 37.12-37.16 |
| vocational skills  | §§ 37.12-37.16 |
| employability  | §§ 37.12-37.16 |
| estate   | §§ 37.12-37.14 |
| needs  | §§ 37.12-37.14 |

\*8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).

# Section 6: Enforcement

*A Guide to Resources in the Law Library*

**SCOPE:** Bibliographic resources relating to enforcement of child support orders including both state and federal laws.

**SEE ALSO:** • [Enforcement of Family and Foreign Matrimonial Judgments in Connecticut](#)

**DEFINITIONS:**

- “**Contempt** is a disobedience to the rules and orders of a court which has power to punish for such an offense . . . . A **civil contempt** is one in which the conduct constituting the contempt is directed against some civil right of an opposing party and the proceeding is initiated by him.” (emphasis added) [Stoner v. Stoner](#), 163 Conn. 345, 359, 307 A.2d 146 (1972)
- **IV-D:** “the child support enforcement program mandated by Title IV-D of the federal Social Security Act and implementing OCSE[federal Office of Child Support Enforcement] regulations, as implemented in Connecticut under section 17b-179 of the Connecticut General Statutes and related statutes and regulations.” CONN. AGENCIES REGS. (1998) § 17b-179(a)-1(12)
- “The fact that the order had not been complied with fully, however, does not dictate that a finding of contempt must enter. It is within the sound discretion of the court to deny a claim for contempt when there is an adequate factual basis to explain the failure to honor the court's order.” [Marcil v. Marcil](#), 4 Conn. App. 403, 405, 494 A.2d 620 (1985).

**STATUTES:**

- CONN. GEN. STAT. (2011) *see* [Table 5](#), *infra*  
§ [46b-231\(m\)\(7\)](#). Family support magistrates shall enforce orders for child and spousal support entered by such family support magistrate and by the Superior Court in IV-D support cases.
- U.S. CODE (2010)  
[42 U.S.C. §§ 651-669b](#). Title IV-D of the Social Security Act *see* [Table 8](#), *infra*

**REGULATIONS:**

- CONN. AGENCIES REGS. (2005)  
Title IV-D Program
  - § 17b-179(a)-2. Publication of names of delinquent obligors (10-01)
  - § 17b-179(f)-1. Referrals to the federal parent locator service (11-98)
  - § 17b-179(i)-1. Non-AFDC application fee (11-04)
  - § 17b-179(m)-2. Location of absent parents (10-00)
  - § 17b-179(m)-6. Collection of support payments (10-00)
  - § 17b-179(m)-7. Medical support (10-00)
  - § 17b-179(m)-9. Enforcement of support orders (10-2000)
  - § 52-362d-2. Child support liens (11-04)
  - § 52-362d-3. Reporting overdue support to consumer reporting agency (11-04)
  - § 52-362d-4. Withholding of lottery winnings (10-00)
  - § 52-362e-2. Withholding of federal income tax refunds (11-98)
  - § 52-362e-3. Withholding of state income tax refunds (11-98)

**FORMS:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (2d ed. 2000).
  - § 34.6. Motion for contempt—Form
  - § 34.7. Application for contempt citation and order to show cause—Form
  - § 34.9. Schedule for production at hearing—Form

**CASES:**

- [Culver v. Culver](#), 127 Conn. App. 236, 247, 17 A.3d 1048 (2011). “Consequently, we conclude that the defendant reasonably knew or should have known that the parties’ oral agreement was unenforceable absent proper authorization by the court, and that by not seeking such authorization, he did not exercise the diligence required to establish a claim of equitable estoppel. The defendant cannot seek equitable relief premised on a theory of estoppel due to his own failure to cause the parties’ oral agreement to become a court order. See *Celentano v. Oaks Condominium Assn.*, 265 Conn. 579, 615, 830 A.2d 164 (2003); see also *Novella v. Hartford Accident & Indemnity Co.*, 163 Conn. 552, 565, 316 A.2d 394 (1972).”
- [Barber v. Barber](#), 114 Conn. App. 164, 167, 968 A.2d 981 (2009). “First, our legislature has expressly excluded family support judgments from the class of money judgments that may be enforced by execution. See General Statutes § 52-350a (7) and (13). Second, a stipulated family support judgment should be deemed to be a contract because it does not reflect a judicial determination of any litigated right. See *Lind-Larsen v. Fleet National Bank of Connecticut*, 84 Conn. App. 1, 17–18, 852 A.2d 799, cert. denied, 271 Conn. 940, 861 A.2d 514 (2004).”
- [Rivnak v. Rivnak](#), 99 Conn. App. 326, 913 A.2d 1096 (2007). “‘Contempt proceedings are a proper means of enforcing a court order of child support. A willful failure to pay court ordered child support as it becomes due constitutes indirect civil contempt.’ *Mulholland v. Mulholland*, 31 Conn. App. 214, 220, 624 A.2d 379 (1993), aff’d, 229 Conn. 643, 643 A.2d 246 (1994); see also General Statutes § 46b-215.
- [Sablosky v. Sablosky](#), 258 Conn. 713, 720, 784 A.2d 890 (2001). “The appropriate remedy for doubt about the meaning of a judgment is to seek a judicial resolution of any ambiguity; it is not to resort to self-help.”
- [Eldridge v. Eldridge](#), 244 Conn. 523, 529, 710 A.2d 757 (1998). “A good faith dispute or legitimate misunderstanding of the terms of an alimony or support obligation may prevent a finding that the payor’s nonpayment was wilful. This does not mean, however, that such a dispute or misunderstanding will preclude a finding of wilfulness as a predicate to a judgment of contempt. Whether it will preclude such a finding is ultimately within the trial court’s discretion.”

**FAMILY SUPPORT  
MAGISTRATE  
DECISIONS:**

- [Family Support Magistrate Decisions](#) are available through the Law Libraries’ website.

**WEST KEY  
NUMBERS:**

*Divorce* # 311. Enforcement of order, judgment, or decree as to support

**ENCYCLOPEDIAS:**

- 24A [AM. JUR. 2D](#) *Divorce and Separation* (2008).
  - §§ 969-997. Enforcement of child support orders or decrees
  - §§ 988-997. Contempt
  - §§ 978-983. Defenses
  - §§ 984-987. Setoff or credits
- 23 [AM. JUR. 2D](#) *Desertion and Nonsupport* (2002).
  - §§ 29-70. Criminal offense of Abandonment, Defense & Nonsupport of Child
- John C. Williams, Annotation, *Laches Or Acquiescence As Defense So As To Bar Recovery Of Arrearage Of Permanent Alimony Or Child Support*, 5 ALR4th 1015 (1981).

**TEXTS & TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).
  - Chapter 34. Enforcement of alimony and child support provisions of judgment
    - § 34:4. Contempt proceedings
    - § 34:5. Contempt procedure
    - § 34:8. Hearing
    - § 34:10. Necessity of counsel in contempt proceedings
    - § 34:11. Excuse or defense to contempt claim
    - § 34:12. Inability to comply
    - § 34:13. Irregularities or uncertainties as to terms of original order
    - § 34:14. Laches and/or estoppel as a defense to contempt
    - § 34:15. Estoppel—in kind payments or other modifications
    - § 34:16. Misconduct by the complaining party
    - § 34:17. Contempt penalties and terms of payment
    - § 34:18. Contempt penalties—incarceration
    - § 34:19. Criminal action based on non-payment of alimony or child support
    - § 34:20. Enforcement of alimony or support obligation against property
    - § 34:35. Claims for interest and/or damages
- 8A ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).
  - Chapter 56. Federal law affecting Connecticut domestic relations practice
    - § 56:3. The federal role in child support enforcement
- 3 JOEL M. KAYE ET AL., [CONNECTICUT PRACTICE SERIES, PRACTICE BOOK ANNOTATED](#), *Authors' comments* following Form 506.2 (2004).
- 5 ARNOLD H. RUTKIN ET AL., [FAMILY LAW AND PRACTICE](#) (2009).
  - Chapter 48. Interstate Support Proceedings
    - § 48.03. Uniform Interstate Family Support Act
    - § 48.08. Child support actions in state court
    - § 48.09. Enforcing an order across state lines without leaving home
    - § 48.11. Enforcement across national boundaries

§ 48.12. Non-support as an interstate crime  
§ 48.13. Support enforcement in federal court

**LAW REVIEWS:**

- *Calculating And Collecting Child Support: Sixteen Years After The Guidelines...And Counting*, 23 [FAMILY ADVOCATE](#) no. 2 (Fall 2000).  
Special issue.
  - Diane M. Fray, *Strong-Arm Enforcement*, p. 42
  - Janet Atkinson, *Long-Arm Collections*, p.46
  - Darrell Baughn, *Throw The Book At Deadbeat Parents*, p. 49
  - Gary Caswell, *Making Long-Distance Parents Pay Up*, p. 52

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\* Originally compiled by Lawrence Cheeseman, retired Connecticut Judicial Branch Supervising Law Librarian.

**Table 7: Connecticut Statutes Enforcing Child Support**

|   |   |
|---|---|
| <p>“Connecticut child support enforcement legislation clearly evinces a strong state policy of ensuring that minor children receive the support to which they are entitled.”</p> <p><a href="#">In re Bruce R.</a>, 234 Conn. 194, 209, 662 A.2d 107 (1995)</p> |   |
| § <a href="#">46b-212</a> et seq.   | Uniform Interstate Family Support Act<br>Enforcement of <b>out-of-state support orders</b> .  |
| § <a href="#">46b-220</a>   | <b>Suspension of license</b> of delinquent child support obligor.   |
| § <a href="#">52-362</a>  | Withholding <b>wage and unemployment compensation</b> for support.<br>Note: <b>Income</b> “means any periodic form of payment due to an individual, regardless of source, including, but not limited to, disposable earnings, workers' compensation and disability benefits, payments pursuant to a pension or retirement program and interest . . . .” § 52-362(a)(5).   |
| § <a href="#">52-362d(a)</a>  | “. . . the State shall have a <b>lien on any property</b> , real or personal . . . .”   |
| § <a href="#">52-362d(b)</a>  | “The state shall report to any participating consumer reporting agency, as defined in 15 U.S.C. § 1681a(f), information regarding the amount of such overdue support owed by an obligor if the amount of such overdue support is one thousand dollars or more, on a computer tape in a format acceptable to the consumer reporting agency.”   |
| § <a href="#">52-362d(c)</a>  | “The Comptroller . . . shall withhold any order upon the Treasurer for payment due from winnings pursuant to chapter 226 [ <b>lotteries</b> ] to such person unless the amount payable is first reduced by the amount of such claim for support owed to an individual for any portion of support which has not been assigned to the state and then by the amount of such claim for support owed to the state . . . .” |
| § <a href="#">52-362e</a>   | Withholding <b>income tax refunds</b> [state and federal] in amount equal to support arrearage.   |
| § <a href="#">53-304(a)</a>   | “Any person who neglects or refuses to furnish reasonably necessary support to his spouse, child under the age of eighteen or parent under the age of sixty-five shall be deemed guilty of nonsupport and shall be <b>imprisoned</b> not more than one year . . . .”  |

**Table 8: Federal Statutes & Regulations Enforcing Child Support**

| <b>Title IV-D of the Social Security Act<br/>42 U.S.C. §§ 651 to 669 (2010)</b>   |  |
|---|--|
| <i>“ . . . current federal child support enforcement legislation clearly demonstrates a federal policy of ensuring the financial support of children by their parents.” In re Bruce R., 234 Conn. 194, 209 (1995)</i> |  |
| <a href="#">42 USC § 652(a)</a>   | Establishes federal agency: Office of Child Support Enforcement (OCSE)   |
| <a href="#">42 USC § 653</a>  | Federal Parent Locator Service (FPLS)  |
| <a href="#">42 USC § 654</a>  | State plan for child and spousal support   |
| <a href="#">42 USC § 656</a>  | Support obligation as obligation to state; discharge in bankruptcy   |
| <a href="#">42 USC § 659</a>  | Consent by the United States to income withholding, and similar proceedings of child support and alimony obligations                                     |
| <a href="#">42 USC § 660</a>  | Civil action to enforce child support obligations  |
| <a href="#">42 USC § 661</a>  | Regulations pertaining to garnishments   |
| <a href="#">42 USC § 663</a>  | Use of Parental Locator Service (PLS) in connection with the enforcement or determination of child custody and in case of parental kidnapping of a child |
| <a href="#">42 USC § 664</a>  | Collection of past-due support from Federal tax refunds  |
| <a href="#">42 USC § 665</a>  | Allotments from pay for child and spousal support owed by members of the uniformed services on active duty   |
| <a href="#">42 USC § 666</a>  | Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement   |
| <b>Federal Regulations<br/>45 CFR Part 302-303</b>  |  |
| <a href="#">§ 302.33</a>  | Services to individuals not receiving AFDC or Title IV-E foster care assistance  |
| <a href="#">§ 302.35</a>  | State parent locator service   |
| <a href="#">§ 302.36</a>  | Provisions of services in interstate IV-D cases  |
| <a href="#">§ 302.56</a>  | Guidelines for setting child support awards  |
| <a href="#">§ 302.60</a>  | Collection of past-due support from Federal tax refunds  |
| <a href="#">§ 302.65</a>  | Withholding of unemployment compensation   |

|                          |   |
|--------------------------|---|
| § <a href="#">302.70</a> | Required State laws   |
| § <a href="#">302.80</a> | Medical support enforcement   |
| § <a href="#">303.3</a>  | Location of noncustodial parents  |
| § <a href="#">303.31</a> | Securing and enforcing medical support obligations                          |
| § <a href="#">303.71</a> | Requests for full collection services by the Secretary of the Treasury      |
| § <a href="#">303.72</a> | Requests for collection of past-due support by Federal tax refund offset    |
| § <a href="#">303.73</a> | Applications to use the courts of the United States to enforce court orders |

**Table 9: History of Federal Legislation Dealing with Child Support**

|      |  |                                  |                                      |
|------|--|----------------------------------|--------------------------------------|
| 1950 | Social Security Amendments of 1950   | P.L. No. 81-734, 64 Stat. 549    | 42 USC § 602(a)(11)                  |
| 1967 | Social Security Amendments of 1967   | P.L. No. 90-248, 81 Stat. 896    | 42 USC § 602(a)(17)                  |
| 1975 | Federal Child Support Enforcement Program (Title IV-D)   | P.L. 93-647, 88 Stat. 2337       | 42 USC §§651-669                     |
| 1984 | Child Support Enforcement Amendments of 1984*  | P.L. 98-378, 98 Stat. 1305       | 42 USC §§651-669                     |
| 1988 | Family Support Act of 1988*  | P.L. 100-485<br>P.L. 100-647     | 42 USC §§651-669                     |
| 1993 | Omnibus Budget Reconciliation Act of 1993  | P.L. 103-66                      | 42 USC §§651-669                     |
| 1996 | Personal Responsibility and Work Opportunity Reconciliation Act of 1996                            | P.L. 104-193                     | 42 USC §§651-669                     |
| 1998 | Child Support Performance and Incentive Act of 1998<br><br>Deadbeat Parents Punishment Act of 1998 | P.L. 105-200<br><br>P.L. 105-187 | 42 USC §658a<br><br>18 USC §228 note |
| 1999 | Foster Care Independence Act of 1999   | P.L. 106-169                     | 42 USC 677 note                      |
| 2000 | National Family Caregiver Support Act  | P.L. 106-501                     | 42 USC 3001 note                     |

**Table 10: Agencies Involved in Child Support**

|   |  |  |
|---|--|--|
| <p><b>Federal</b><br/>(OCSE)</p>        | <p><b><u><a href="#">Office of Child Support Enforcement</a></u></b></p> <p>Administration for Children and Families<br/>Department of Health and Human Services<br/>370 L'Enfant Promenade SW<br/>Washington, DC 20447<br/>Tel. (202) 401-9373</p>  | <p><u><a href="#">42 U.S.C. § 652(a)</a></u></p>   |
| <p><b>State</b><br/>(BCSE)</p>          | <p><b><u><a href="#">Bureau of Child Support Enforcement</a></u></b></p> <p>Department of Social Services<br/>25 Sigourney Street<br/>Hartford, CT 06106<br/>Tel. (860)424-5251</p> <p><b>VOICES</b> 1-800-647-8872<br/>automated information system about services provided by the state</p> <p><b>Information and Problem Resolution Unit</b><br/>1-800-228-KIDS</p> | <p>CONN. GEN. STATS.<br/>§ <u><a href="#">17b-179</a></u><br/>§ <u><a href="#">46b-231(u)</a></u>. Powers of Department of Social Services</p> |
| <p><b>Court</b><br/>(SED)</p>           | <p><b><u><a href="#">Support Enforcement Division of the Superior Court</a></u></b></p>  | <p>CONN. GEN. STATS.<br/>§ <u><a href="#">46b-231(s)</a></u></p> <p>Duties of support enforcement officers</p>                                 |
| <p><b>Attorney General</b><br/>(AG)</p> | <p><b><u><a href="#">Attorney General of the State of Connecticut</a></u></b></p> <p>55 Elm Street<br/>Hartford, CT 06106<br/>Tel. (860) 566-4998</p>  | <p>CONN. GEN. STATS.<br/>§ <u><a href="#">46b-231(t)</a></u></p>   |

**Table 11: Child Support and Parental Agreements**

| <h2>Cases</h2>   |  |
|--|--|
| <a href="#">Zitnay v. Zitnay</a> , 90 Conn. App. 71, 75, 875 A.2d 583 (2005).  | “In his appeal to this court, the father has raised three issues. He maintains that (1) the shared parenting plan manifested the parents' agreement that neither parent would ever have primary custody of their children, (2) the court impermissibly deviated from the support guidelines because the mother did not satisfy the definition of a custodial parent under the guidelines, and (3) the parents' incomes and their shared parenting responsibilities were approximately equal. We are not persuaded.”              |
| <a href="#">Brent v. Lebowitz</a> , 67 Conn. App. 527, 532, 787 A.2d 621, <i>cert. granted</i> , 260 Conn. 902 (2002). | “Accordingly, support agreements that are not in accordance with the financial dictates of the guidelines are not enforceable unless one of the guidelines' deviation criteria is present, such as when the terms of the agreement are in the best interest of the child.”   |
| <a href="#">In re Bruce R.</a> , 234 Conn. 194, 210-211, 662 A.2d 107 (1995).  | “In addition, we repeatedly have recognized that children must be supported adequately . . . This commitment would be undermined if we permitted a consensual petition, which frees the petitioner from any further obligations to support his or her children, to be granted without considering the financial condition of the parents.”   |
| <a href="#">Masters v. Masters</a> , 201 Conn. 50, 67-68, 513 A.2d 104 (1986)  | “To ensure that the court's ultimate, nondelegable responsibility to protect the best interests of the child is not short-circuited by this process, some courts have devised special provisions for court review, permitting a full de novo hearing under certain specified circumstances.”   |
| <a href="#">Guille v. Guille</a> , 196 Conn. 260, 265, 492 A.2d 175 (1985)   | “In light of the legislature's evident concern for the rights of minor children in marital dissolution proceedings, we cannot conclude that General Statutes 46b-86 (a) was designed to change the common law and permit divorcing parents, by stipulation incorporated into the divorce decree, to contractually limit their children's right to support.”  |
| <a href="#">Burke v. Burke</a> , 137 Conn. 74, 80, 75 A.2d 42 (1950)   | “ This is because no such contract by a father can restrict or preclude the power of the court to decree what he shall pay for the support of a dependent minor child. A husband and wife cannot make a contract with each other regarding the maintenance or custody of their child which the court is compelled to enforce, nor can the husband relieve himself of his primary liability to maintain his child by entering into a contract with someone else to do so. The welfare of the child is the primary consideration.” |
| <a href="#">In re Juvenile Appeal</a> (85-BC), 195 Conn. 344, 352, 488 A.2d 790 (1985)                                 | “We recognize initially that the established public policy in this state is ‘[t]o protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children. . . .’”   |
| <a href="#">In re Juvenile Appeal</a> (83-DE), 190 Conn. 310,  | “Parents have a constitutionally protected right to raise and care for their own children. <a href="#">Stanley v. Illinois</a> , 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551  |

|  |   |
|--|---|
| 318-319, 460 A.2d 1277 (1983)  | (1972). This right is not free from intervention by the state, however, when the continuing parens patriae interest of the state in the well being of children is deemed by law to supercede parental interests.”   |
| <a href="#">State v. Anonymous</a> , 179 Conn. 155, 170-171, 425 A.2d 939 (1979) | “It is important to note in this relation that the ultimate standard underlying the whole statutory scheme regulating child welfare is the ‘best interest of the child’ . . . . This furthers the express public policy of this state to provide all of its children a safe, stable nurturing environment.” |

## ALR Annotations

*Annotation, Validity And Effect Of Agreement Between Former Spouses Releasing Parent From Payment Of Child Support Provided For In An Earlier Divorce Decree*, 100 ALR3d 1129 (1980).

*Annotation, Power Of Court To Modify Decree For Support Of Child Which Was Based On Agreement Of Parties*, 61 ALR3d 657 (1975).

# Section 7: Out-of-State Child Support Orders in Connecticut Courts

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to the recognition and enforcement of foreign matrimonial judgments in Connecticut courts effective January 1, 1998
- SEE ALSO:**
- [Enforcement of Family and Foreign Matrimonial Judgments in Connecticut](#)
- DEFINITIONS:**
- **Foreign Matrimonial Judgment:** “means any judgment, decree or order of a court of any state in the United States in an action for divorce, legal separation, annulment or dissolution of marriage, for the custody, care, education, visitation, maintenance or support of children or for alimony, support or the disposition of property of the parties to an existing or terminated marriage, in which both parties have entered an appearance.” CONN. GEN. STAT. § [46b-70](#) (2011).
  - **Registry of Support Orders:** “A support order or an income withholding order issued by a tribunal of another state may be registered in this state for enforcement with the register of support orders of the Family Support Magistrate Division maintained by the Support Enforcement Division of the Superior Court.” CONN. GEN. STAT. § [46b-213g](#) (2011).
  - **Threshold Requirement:** “The requirement of the **entry of an appearance by both parties** is a ‘threshold requirement for enforcement’ pursuant to the statute [CONN. GEN. STAT. § [46b-71](#) (2005)] . . . . Even a one time special appearance in another state to contest jurisdiction is sufficient to allow enforcement in Connecticut of a judgment subsequently rendered for support arrearages obtained in the other state . . . . The statutory language reflects the intent of the legislature to ensure that both parties have actual notice of an out of state proceeding, and to preclude adoption of foreign judgments obtained by a default in appearance . . . . Even states with statutes that specifically preclude enforcement of default judgments will enforce judgments obtained by default where a party has defaulted in pleading after an initial appearance.” [Rule v. Rule](#), 6 Conn. App. 541, 544, 506 A.2d 1061 (1986). [emphasis added]
- STATUTES:**
- CONN. GEN. STAT. (2011)
    - § [46b-70](#). Foreign matrimonial judgment defined
    - § [46b-71](#). Filing of foreign matrimonial judgment; enforcement in this state
    - § [46b-72](#). Notification of filing
    - § [46b-73](#). Stay of enforcement; modifications; hearing
    - § [46b-74](#). Right to action on foreign judgment unimpaired
    - § [46b-75](#). Uniformity of interpretation
    - § [46b-213g](#). Registration of order for enforcement
    - § [46b-213h](#). Procedure to register order for enforcement
    - § [46b-213i](#). Effect of registration for enforcement
    - § [46b-213j](#). Choice of law

- § [46b-213k](#). Notice of registration of order
- § [46b-213l](#). Procedure to contest validity or enforcement of a registered order
- § [46b-213m](#). Contesting the validity or enforcement; grounds

- 28 U.S.C. (2010)  
[§ 1738B](#) Full faith and credit for child support orders

**REGULATIONS:**

- CONN. AGENCIES REGS. (2005)  
Title IV-D Child Support Enforcement Program
  - § 17b-179(m)-5. Establishment of support order
  - § 17b-179(m)-10. Provision of services in interstate IV-D cases
    - Central registry
    - Responding state functions
    - Initiating state functions

**CASES:**

- [Cartledge v. Evans](#), No. HHD FA 07 4028072, Judicial District of Hartford at Hartford (Apr. 23, 2010). “This court is aware that numerous courts of this state have held that § 46b-71 governs modification of foreign child support orders.... None of these cases, however, have considered the applicability of § 46b-213q(f) to child support orders where all relevant individuals now live in Connecticut or the mandate of the full faith and credit clause. The court thus concludes that Massachusetts no longer has continued, exclusive jurisdiction over the child support order and that the courts of this state may now exercise jurisdiction to modify the original Massachusetts child support order, and in doing so the proper substantive and procedural law to be applied now and thenceforth to the setting of the order for payment of current weekly child support is that of the State of Connecticut.”
- [Colby v. Colby](#), 33 Conn. App. 417, 421, 635 A.2d 1241 (1994). “While this court has the authority to determine jurisdiction; . . . we are unable to determine from the record whether the plaintiff here ever filed an appearance in the divorce proceedings in accordance with the Massachusetts rules of civil procedure. The threshold requirement for enforcement of the foreign matrimonial judgment not having been satisfied leaves unresolved the question of the jurisdiction of the trial court. This court is not in a position to hold a hearing to determine this fact and thus remands the case to the trial court for a hearing to determine whether the threshold issue has been met.”
- [Rule v. Rule](#), 6 Conn. App. 541, 545, 506 A.2d 1061 (1986). “The purpose of General Statutes 46b-70 and 46b-71 is to prevent a defendant from avoiding the execution of a valid and enforceable judgment by fleeing the jurisdiction.”

**WEST KEY NUMBERS:**

*Divorce* # 403. Foreign divorces, support of children

**ENCYCLOPEDIAS:**

- 23 [AM. JUR. 2D](#) *Desertion and nonsupport* (2002).
  - §§ 71-83. Uniform acts
    - §§ 71-73. In general
    - §§ 74-83. Interstate enforcement of support order
- *Interstate Enforcement of Child Support Orders*, 37 AM JUR TRIALS 639 (1988).

- Kurtis A. Kemper, Annotation, *Construction And Application Of Uniform Interstate Family Support Act*, 90 ALR5th 1 (2001).

**TEXTS &  
TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 34. Enforcement of alimony  
§ 34.28. Limitations on income withholding
- 8A ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 55. Foreign Divorces  
§ 55:5. Necessity that both parties appeared in foreign action  
§ 55:12. Enforcement of foreign judgments—Stays or modification

**LAW REVIEWS:**

- ERIC PIERSON, ED., [WILEY FAMILY LAW UPDATE](#) (2001).  
Chapter 1. Interstate child support  
§ 1.03. Locating non-custodian parents and their assets  
§ 1.04. Family violence in interstate child support  
§ 1.05. Uniform Interstate Family Support Act  
§ 1.06. Non-UIFSA enforcement options

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**Table 12: Connecticut's Long Arm Statute**

| <b>Jurisdiction over nonresident party for child support</b> |  |
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| § <a href="#">46b-212d</a>                                   | <p>“Subject to the provisions of subsection (b) of section 46b-46, as amended by section 52 of this act, in a proceeding to establish, enforce or modify a support order or to determine paternity, a tribunal of this state may exercise personal jurisdiction over a nonresident individual if: (1) The individual is personally served with process within this state; (2) the individual submits to the jurisdiction of this state by consent, by entering a general appearance and failing to object to jurisdiction in a timely manner, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; (3) the individual resided with the child in this state; (4) the individual resided in this state and provided prenatal expenses or support for the child; (5) the child resides in this state as a result of the acts or directives of the individual; (6) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse; or (7) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.”</p> |
| § <a href="#">46b-46</a>                                     | <p>“(b) The court may exercise personal jurisdiction over the nonresident party as to all matters concerning temporary or permanent alimony or support of children, only if: (1) The nonresident party has received actual notice under subsection (a) of this section; and (2) the party requesting alimony meets the residency requirement of section 46b-44.”</p>   |
| § <a href="#">46b-44</a>                                     | <p>“(c) A decree dissolving a marriage or granting a legal separation may be entered if: (1) One of the parties to the marriage has been a resident of this state for at least the twelve months next preceding the date of the filing of the complaint or next preceding the date of the decree; or (2) one of the parties was domiciled in this state at the time of the marriage and returned to this state with the intention of permanently remaining before the filing of the complaint; or (3) the cause for the dissolution of the marriage arose after either party moved into this state.”</p>   |

**Table 13: Enforcement of Foreign Matrimonial Judgments**

## **CONN. GEN. STAT. § 46b-71 (2011)**

- (a) Any party to an action in which a foreign matrimonial judgment has been rendered, shall file, with a certified copy of the foreign matrimonial judgment, in the court in this state in which enforcement of such judgment is sought, a certification that such judgment is final, has not been modified, altered, amended, set aside or vacated and that the enforcement of such judgment has not been stayed or suspended, and such certificate shall set forth the full name and last-known address of the other party to such judgment and the name and address of the court in the foreign state which rendered such judgment.
- (b) Such foreign matrimonial judgment shall become a judgment of the court of this state where it is filed and shall be enforced and otherwise treated in the same manner as a judgment of a court in this state; provided such foreign matrimonial judgment does not contravene the public policy of the state of Connecticut. A foreign matrimonial judgment so filed shall have the same effect and may be enforced or satisfied in the same manner as any like judgment of a court of this state and is subject to the same procedures for modifying, altering, amending, vacating, setting aside, staying or suspending said judgment as a judgment of a court of this state; provided, in modifying, altering, amending, setting aside, vacating, staying or suspending any such foreign matrimonial judgment in this state the substantive law of the foreign jurisdiction shall be controlling.

**Table 14: Uniform Interstate Family Support Act**

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| <p>§ <a href="#">46b-212a</a></p> | <p><b>Definitions:</b></p> <p>(8). "Initiating state" means a state from which a proceeding is forwarded under sections 46b-212 to 46b-213v, inclusive, as amended by this act, or a law or procedure substantially similar to said sections, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.</p> <p>(17). "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing under sections 46b-212 to 46b-213w, inclusive, as amended by this act, or a law or procedure substantially similar to said sections, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.</p>   |
| <p>§ <a href="#">46b-213h</a></p> | <p><b>Procedure to register order for enforcement</b></p> <p>(a) A support order or income withholding order of another state may be registered in this state by sending the following records and information to Support Enforcement Services for filing in the registry of support orders of the Family Support Magistrate Division: (1) A letter of transmittal to Support Enforcement Services requesting registration and enforcement; (2) two copies, including one certified copy, of the order to be registered, including any modification of the order; (3) a sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage; (4) the name of the obligor and, if known: (A) The obligor's address and Social Security number; (B) the name and address of the obligor's employer and any other source of income of the obligor; and (C) a description and the location of property of the obligor in this state not exempt from execution; (5) except as otherwise provided in section 46b-212x, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted; and (6) a statement disclosing whether or not any other action or proceeding is currently pending concerning the support of the child who is the subject of such support order.</p> <p>(b) On receipt of a request for registration, Support Enforcement Services shall cause the order to be filed as a foreign judgment in the registry of support orders of the Family Support Magistrate Division, together with one copy of the documents and information, regardless of their form.</p> <p>(c) A petition or comparable pleading seeking a remedy that is required to be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading shall specify the grounds for the remedy sought.</p> <p>(d) If two or more orders are in effect, the person requesting registration shall: (1) Furnish to Support Enforcement Services a copy of every support order asserted to be in effect in addition to the documents specified in this section; (2) specify the order alleged to be the controlling order, if any; and (3) specify the amount of consolidated arrears, if any.</p> <p>(e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.</p> |
| <p>§ <a href="#">46b-213j</a></p> | <p><b>Choice of law</b></p> <p>(a) Except as provided in subsection (d) of this section, the law of the issuing state governs: (1) The nature, extent, amount and duration of current payments under a registered support order; (2) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and (3) the existence and satisfaction of other obligations under the support order.</p> <p>(d) After a tribunal of this or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state issuing the controlling order, including its law on interest, arrears, current and future support, and on consolidated arrears</p>  |

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| <p>§ <a href="#">46b-213l</a></p> | <p><b>Procedures to contest registration and enforcement</b></p> <p>(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing before the Family Support Magistrate Division within twenty days after notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 46b-213m.</p> <p>(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.</p> <p>(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the Family Support Magistrate Division shall schedule the matter for hearing and give notice to the parties of the date, time and place of the hearing.</p>   |
| <p>§ <a href="#">46b-213q</a></p> | <p><b>Modification of out of state child support order.</b></p> <p>(a) Except as provided in subsection (b) of section 46b-213r, in any matter where the Family Support Magistrate Division does not have jurisdiction pursuant to subsection (f) of this section, upon petition a family support magistrate may modify a child support order issued in another state which is registered in this state if, after notice and hearing, such magistrate finds that: (1) The following requirements are met: (A) Neither the child, nor the obligee who is an individual nor the obligor resides in the issuing state; (B) a petitioner who is a nonresident of this state seeks modification; and (C) the respondent is subject to the personal jurisdiction of the Family Support Magistrate Division; or (2) this state is the state of residence the child or a party who is an individual is subject to the personal jurisdiction of the Family Support Magistrate Division and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a family support magistrate to modify the support order and assume continuing exclusive jurisdiction.</p> <p>(b) Modification of a registered child support order is subject to the same requirements, procedures and defenses that apply to the modification of an order issued by the Family Support Magistrate Division and the order may be enforced and satisfied in the same manner.</p> <p>(c) Except as provided in subsection (b) of section 46b-213r, a family support magistrate may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and shall be so recognized under section 46b-212j establishes the aspects of the support order which are nonmodifiable.</p> <p>(d) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.</p> <p>(e) On issuance of an order by the Family Support Magistrate Division modifying a child support order issued in another state, the Family Support Magistrate Division becomes the tribunal having continuing exclusive jurisdiction.</p> <p>(f) (1) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, the Family Support Magistrate Division has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.</p> <p>(2) The Family Support Magistrate Division exercising jurisdiction under this subsection shall apply the provisions of sections 46b-212a to 46b-212l, inclusive, and 46b-213g to 46b-213r, inclusive, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Sections 46b-212m to 46b-213f, inclusive, 46b-213s to 46b-213u, inclusive, and 46b-213w shall not apply to such proceeding.</p> <p>(g) The family support magistrate shall order the party obtaining the modification of a child support order to file, within thirty days after issuance of such modification order, a certified copy of such order with each tribunal that issued or registered an earlier order</p> |

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|                                   | <p>of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file such orders pursuant to this subsection shall not affect the validity or enforceability of the modified order of the new tribunal having continuing exclusive jurisdiction.</p>  |
| <p>§ <a href="#">46b-213r</a></p> | <p><b>Recognition of child support order modified by another state.</b></p> <p>(a) If a child support order issued by the Family Support Magistrate Division or Superior Court is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of this state: (1) May enforce its order that was modified only as to arrears and interest accruing before the modification; (2) may provide appropriate relief for violations of its order which occurred before the effective date of modification; and (3) shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.</p> <p>(b) (1) If a foreign country or political subdivision that is a state will not or may not modify its order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child support order otherwise required of the individual pursuant to subsection (a) of section 46b-213q has been given or whether the individual seeking modification is a resident of this state or of the foreign country or political subdivision. (2) An order issued pursuant to this subsection is the controlling order.</p> |

# Section 8: Duration and Termination

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to the duration of child support obligations including post majority support
- DEFINITIONS:**
- **Age of Majority:** “shall be deemed to be eighteen years.” CONN. GEN. STAT. § [1-1d](#) (2011).
  - **Educational Support Order:** “an order entered by a court requiring a parent to provide support for a child or children to attend for up to a total of four full academic years an institution of higher education or a private occupational school for the purpose of attaining a bachelor's or other undergraduate degree, or other appropriate vocational instruction. An educational support order may be entered with respect to any child who has not attained twenty-three years of age and shall terminate not later than the date on which the child attains twenty-three years of age.” CONN. GEN. STAT. § [46b-56c\(a\)](#) (2011) (eff. 10/1/02).
- STATUTES:**
- CONN. GEN. STAT. (2011)
    - § [46b-56c](#). Educational support orders
    - § [46b-84](#). Parents’ obligation for maintenance of minor child. Order of health insurance coverage
    - § [46b-66](#). Review of agreements; incorporation into decree. Arbitration.
- PUBLIC ACTS:**
- 2002 CONN. ACTS 128 (Reg. Sess.). [An act concerning Educational Support Orders](#) [eff. October 1, 2002].
- LEGISLATIVE HISTORIES:**
- [Legislative History of Public Act No. 02-128: an act concerning educational support orders](#)
  - [Legislative history of Public Act No. 94-61: an act concerning post majority support \(high school and certain post secondary education\)](#)
  - [Legislative history of Public Act No. 97-321: an act concerning post majority child support \(dependent disabled child\)](#)
- LEGISLATIVE REPORTS:**
- Susan Price-Livingston, *Post-Majority Child Support Laws*, OLR Research Report No, [2002-R-0101](#) (January 23, 2002).  
“laws in other states that authorize courts to issue child support orders that continue while students are enrolled in college or other post-secondary education or job training programs.”
  - Susan Price-Livingston, *Educational Support Orders*, OLR Research Report No, [2004-R-0093](#) (January 23, 2004).  
“Connecticut’s post majority educational support law and whether a similar law in New Hampshire has recently been found unconstitutional.”

CASES:

- [Sutherland v. Sutherland](#), 107 Conn. App. 1, 8-9, 944 A.2d 395 (2008). “We conclude that by crafting a child support order that provided a single dollar amount for the support of all children, and did not provide a mechanism for dividing the support between the children once the elder child reached the age of majority, the parties clearly and unambiguously provided only for the support of minor children, as required by § 46b-84(a), and did not enter into an agreement for postmajority support. Accordingly, at the time it rendered judgment, the dissolution court did not enter a postmajority support order pursuant to § 46b-66.”
- [Hughes v. Hughes](#), 95 Conn. App. 200, 209-210, 895 A.2d 274 (2006). “Thus, although the attainment of majority by each child may not automatically entitle the plaintiff to a reduction in his alimony and support obligation, it provides a basis for the plaintiff to seek a modification. Because the order as framed by the court does not, by its own terms, require a payment of combined alimony and support beyond the dates on which the children reach the age of majority, and because the order is subject to modification as each child reaches the age of majority, it does not violate the proscription against orders for the payment of support beyond the permissible age.”
- [Eidson v. Eidson](#), No. 646-98-0060, 2002 Ct. Sup. 3503, 3508, 2002 WL 532401 (Mar. 13, 2002). “For example, parents may provide for support of a child beyond the age of eighteen by written agreement which is enforceable by the court notwithstanding that such child is an adult. General Statutes § 46b-66. Child support orders pursuant to dissolution of marriage, legal separation or annulment after July 1, 1994 are extended by statute to age nineteen or completion of high school. General Statutes § 46b-84 (b). Support for a child who is disabled or mentally retarded may extend to age twenty-one. General Statutes § 46b-84 (c). Thus recognition of a foreign order with a duration that extends beyond the Connecticut age of majority is not violative of the public policy of this state since it is mandated by statute.”
- [Keeys v. Keeys](#), 43 Conn. App. 575, 577, 684 A.2d 1214 (1996). “There was no written agreement in this case and the plaintiff concedes that the court lacked jurisdiction to extend postmajority orders until age twenty-two.”
- [Hirtle v. Hirtle](#), 217 Conn. 394, 400-401, 586 A.2d 578 (1991). “a written agreement is a jurisdictional prerequisite to be the valid modification of an order for postmajority support.”
- [Miller v. Miller](#), 181 Conn. 610, 613-614, 436 A.2d 279 (1980). *Order requiring child support after child reached the age of majority is beyond subject matter of the court.*
- [Town v. Anonymous](#) (1983-6), 39 Conn. Sup. 35, 38, 467 A.2d 687 (1983). “While current law permits a minor to move out of her parents' home without legal sanction, it does not compel her parents to pay the bill for whatever lifestyle she may select. Parents who offer a home, food, shelter, medical care and other necessities of life to their minor child have adequately discharged their obligation of support under § 46b-215 and are not subject to orders of support.”
- [Mills v. Theriault](#), 40 Conn. Supp. 349, 499 A.2d 89 (1985). *Emancipation and support obligation.*

- [Van Wagner v. Van Wagner](#), 1 Conn. App. 578, 583-584, 474 A.2d 110 (1984). “Connecticut public policy does not prohibit the enforcement of a foreign contempt order, requiring a defendant to pay for support of a child beyond the age of eighteen years pursuant to an agreement which is incorporated in a dissolution decree executed in another state and which agreement, as to support payments, is consonant with the laws of that state both as of the date of the dissolution and as of the date of the contempt order.”

**FAMILY SUPPORT  
MAGISTRATE  
DECISIONS:**

- [Family Support Magistrate Decisions](#) are available through the Law Libraries’ website.

**WEST KEY  
NUMBERS:**

*Divorce* # 310. Duration and termination of liability for support  
*Parent & Child* # 3.1(4) Adult Children

**DIGESTS:**

CONNECTICUT FAMILY LAW CITATIONS:  
CHILD SUPPORT  
Post age 18 support  
Post-majority support

**ENCYCLOPEDIAS:**

- 24 [AM. JUR. 2D](#) *Divorce and Separation* (2008).  
§§ 956-964. Duration and termination of award
- Susan L. Thomas, Annotation, *Death Of Obligor Parent As Affecting Decree For Support Of Child*, 14 ALR5th 557 (1993).
- Todd R. Smyth, Annotation, *Child Support: Court’s Authority To Reinstate Parent’s Support Obligation After Terms Of Prior Decree Have Been Fulfilled*, 48 ALR4th 952 (1986).
- Noralyn O. Harlow, Annotation, *Postmajority Disability As Reviving Parental Duty To Support Child*, 48 ALR4th 919 (1986).
- Jay M. Zitter, Annotation, *Postsecondary Education As Within Nondivorced Parent’s Child-Support Obligations*, 42 ALR4th 819 (1985).
- Diane C. Sheiring, Annotation, *Removal By Custodial Parents Of Children From Jurisdiction In Violation Of Court Order As Justifying Termination, Suspension, Or Reduction Of Child Support Payments*, 8 ALR4th 1231 (1981).
- Annotation, *Responsibility Of Noncustodial Divorced Parent To Pay For Or Contribute To Costs Of Child’s College Education*, 99 ALR3d 322 (1980).
- Joel E. Smith, Annotation, *Parent’s Obligation To Support Unmarried Minor Child Who Refuses To Live With Parent*, 98 ALR3d 334 (1980).

**TEXTS &  
TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 38 Child Support  
§ 38:31. Duration of support obligations  
§ 38:32. Postmajority payments– Agreements and special circumstances

§ 38:33 –Educational support order

**LAW REVIEWS:**

- ERIC PIERSON, ED., [WILEY FAMILY LAW UPDATE](#) (2001).
  - Chapter 4. When will it ever end? The duty to support adult children
    - § 4.01. The age of majority as emancipation
    - § 4.02. Self-emancipation
    - § 4.03. Marriage as emancipation
    - § 4.04. Entering the armed forces as emancipation
    - § 4.05. Becoming pregnant or having a child as emancipation
    - § 4.06. Earning one's own support and abandoning parents' home as emancipation
    - § 4.07. The duty to support adult disabled child
    - § 4.12. The duty to pay college and post-secondary educational expenses
    - § 4.13. Reasonable necessary college costs
    - § 4.14. Child's aptitude for college and academic performance
    - § 4.15. Parents' ability to pay

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# Section 9: Child Support and Taxes

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to federal tax treatment of child support including dependency exemption, child care credit, child tax credit, and Hope and life long learning credit.
- DEFINITIONS:**
- **Tax treatment of child support:** “A payment that is specifically designated as child support or treated as specifically designated as child support under your divorce or separation instrument is not alimony. The amount of child support may vary over time. Child support payments are not deductible by the payer and are not taxable to the payee.” INTERNAL REVENUE SERVICE [PUBLICATION 504](#) FOR USE IN PREPARING 2010 RETURN (2010) [INTERNAL REVENUE CODE § 71(c)]
- STATUTES:**
- INTERNAL REVENUE CODE, 26 U.S.C. (2010).
- § [1](#). Filing tax status
  - § [21](#). Child care credit
  - § [24](#). Child tax credit
  - § [25A](#). Hope and lifelong learning credits
  - § [71\(c\)](#). Payments to support children
  - § [151\(c\)\(1\)](#). Exemption for dependant
  - § [152](#). Dependency exemption
    - (a) definition of dependent
    - (c) multiple support agreements
  - § [213](#). Deduction for medical, dental, etc. expenses
    - (d)(5) Special rule in the case of child of divorced parents, etc.
  - § [2516](#). Certain property settlements
  - § [6015](#). Innocent spouse rule
- REGULATIONS:**
- 26 CFR (rev. April 1, 2011).
    - § [1.152-4](#). Special rule for a child of divorced or separated parents or parents who live apart.
- FORMS:**
- INTERNAL REVENUE SERVICE FORM 8332  
[Release of claim to exemption for child of divorced or separated parents](#)
- CASES:**
- Ciolino v. Ciolino, No. FA98 0147294, Judicial District of Waterbury at Waterbury , (Jan. 12, 2005), 38 Conn. L. Rptr. 525. “Connecticut’s appellate courts have not yet directly addressed whether the allocation of tax deductions is a modifiable post-judgment; however, they have examined these deductions in the context of child support. Our Supreme Court has held that amendments to the Internal Revenue Code have not divested the state courts of their authority to allocate the deduction to a non-custodial parent. *Serrano v. Serrano*, 213 Conn. 1, 566 A.2d 413 (1989). Our Supreme Court has also held that the allocation of tax deductions is one factor to be considered in determining the applicability of the Child Support Guidelines. *Battersby v. Battersby*, 218 Conn. 467, 590 A.2d 427 (1991).”

[Serrano v. Serrano](#), 213 Conn. 1, 566 A.2d 413 (1989). *Court ordered allocation of dependency exemption.*

**ENCYCLOPEDIAS:**

- Jason B. Binimow and G. Knapp, Annotation, *Construction and application of 26 U.S.C.A. § 6015(b)(1)(C), requiring that spouse not know of omission of gross income from joint tax return to obtain innocent spouse exemption from liability for tax*, 161 A.L.R. Fed. 373 (2000).
- Jason B. Binimow and G. Knapp, Annotation, *Innocent Spouse Exemption From Liability For Understatement Of Tax*, 154 ALR Federal 233 (1999).

**PAMPHLETS:**

- *Divorced Or Separated Individuals*, INTERNAL REVENUE SERVICE [PUBLICATION 504](#) FOR USE IN PREPARING 2010 RETURN (2010).

**FLOWCHARTS:**

- *Divorced Or Separated Individuals*. INTERNAL REVENUE SERVICE PUBLICATION 504 FOR USE IN PREPARING 2010 RETURN, (2010).  
[Special Test for Qualifying Child of More Than One Person](#)  
[Special rule for divorced or separated parents \(or parents who live apart\)](#)

**TEXTS & TREATISES:**

- 8A ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 56. Federal law affecting Connecticut Domestic Relations Practice.
  - § 56:9. The innocent spouse rule
  - § 56:10. The dependent child exemption under federal law
  - § 56:11. Federal taxes and child support
- BARBARA STARK, [FRIENDLY DIVORCE GUIDEBOOK FOR CONNECTICUT: PLANNING, NEGOTIATING AND FILING YOUR DIVORCE](#) (2003).
  - Tax filing status, pp. 299-300
  - Tax exemptions, pp. 301-303
  - Tax deductions, p. 304
  - Tax credits, pp. 304-305
- LEON GABINET AND HAROLD G. WREN, [TAX ASPECTS OF MARITAL DISSOLUTION](#) (2d ed., rev. 2005).  
Chapter 7. Spousal and child support
  - § 7:8. Exception of child support
  - § 7:10. Child support arrearages; tax consequences to custodial parents
  - § 7:26. State-federal issues in alimony and child supportChapter 10. Dependency exemptions
  - § 10:7. Planning strategies for dependency exemption
  - § 10:8. Deduction of child's medical expenses
  - § 10:9. Child and dependent care expenses
  - § 10:10. Earned income tax credit; head-of-household status

**LAW REVIEWS:**

- RON BROWN AND LAURA MORGAN, ED., 2002 [WILEY FAMILY LAW UPDATE](#) (2002)  
Chapter 8. Current issues in Divorce Taxation
  - § 8.05. Noncustodial parent qualifying for the dependency exemption by attaching to that parent's tax return a state court's order granting such exemption
  - § 8.07. Unallocated alimony and child support

§ 8.09. Payments fixed as sum payable for support of children, no dollar amount specified

§ 8.10. Unknown tax consequences will not qualify for modification

- Martin J. McMahon, Jr., *Tax Aspects Of Divorce And Separation*, 32 [FAMILY LAW QUARTERLY](#) 221 (1998).  
Child support and dependency exemptions, pp. 234-238
- 1998 [WILEY FAMILY LAW UPDATE](#) (1998).  
Chapter 9. Federal income tax consequences of the stepparent-stepchild relationship
- 1997 [WILEY FAMILY LAW UPDATE](#) (1997).  
Chapter 10. Common divorce tax errors and oversights
  - § 10.2. Child support
  - § 10.5. Recapture of child support disguised as maintenance
  - § 10.10. Transfer of dependency exemption

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# Section 10: Bankruptcy and Child Support

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic sources relating to the effect of bankruptcy on child support
- SEE ALSO:**
- [Bankruptcy and the Family](#)
- STATUTES:**
- 11 U.S.C. (2010).
    - § [362\(b\)\(2\)](#). Automatic stay
    - § [522](#). Exemptions
    - § [523\(a\)\(5\)](#). Dischargeability of child support payments
    - § [541](#). Property of the estate
- COURT RULES:**
- FEDERAL RULES OF BANKRUPTCY PROCEDURE (2010)  
[Rule 4007](#) Determination of dischargeability of a debt
- FORMS:**
- 5 [FEDERAL PROCEDURE FORMS, L.ED.](#), *Bankruptcy* §1423 *Complaint to determine dischargeability of debt.*
  - RONALD L. BROWN, ED., [BANKRUPTCY ISSUES IN MATRIMONIAL CASES: A PRACTICAL GUIDE](#) (1992).
    - Form 1 Suggestion and notice of filing of bankruptcy (in state court), p. F-6
    - Form 4 Notice of removal—filed in state court, p. F-10
    - Form 6 Motion for relief from automatic stay—to pursue divorce proceeding , p. F-12
    - Form 8 Motion for relief from automatic stay—to pursue state court remedies to enforce support and collect arrears, p. F-18
    - Form 13 Motion to determine dischargeability—by divorce obligee/creditor—seeking nondischarge of divorce obligations, F-35
- CASES:**
- [Boyne v. Boyne](#), 112 Conn. App. 279, 289, 962 A.2d 818 (2009). “Although the court does not have the authority to determine the nature of a debt in contravention of a determination by the federal Bankruptcy Court, it was well within its discretion to indicate in its judgment that it was intending all of the orders to be in the nature of support as guidance to the Bankruptcy Court because ‘[t]he main principle guiding bankruptcy courts in determining whether a debt is non dischargeable alimony, maintenance or support is the intent of the parties or the state court in creating the obligation and the purpose of the obligation in light of the parties’ circumstances at the time.’ 4 W. Collier, *Bankruptcy* (15th Ed. Rev. 2003) § 523.11 [6].”
  - [In re Peterson](#), 410 B.R. 133, 135 (Bkrcty.D.Conn. 2009) “BAPCPA was intended to strengthen the rights of a spouse and children by redefining their support as a ‘domestic support obligation’ regardless whether ‘established or

subject to establishment before, on, or *after* bankruptcy § 101(14A)(C).”

- [Bettini v. Bettini](#), 19 Conn. L. Rptr. No. 1, p. 7 (May 15, 1997).  
*Dischargeability of obligations to assign a portion of pension plan benefits.*
- [In Re Sailsbury](#), 779 P2d 878 (Kan. Ct. App. 1989). *Concurrent jurisdiction of state and federal court in determining whether or not an obligation is dischargeable.*
- [Taylor v. Freeland & Kronz](#), 503 U.S. 638 (1992). *Failure to object to debtor’s claimed exemption within 30 days.*
- [Lesser v. Lesser](#), 16 Conn. App. 513, 516, 548 A.2d 6 (1988). *Factors to determine nondischargeable duty.*
- [Matthews v. Matthews](#), 9 FSMD 33 (1995). *Dischargeability of medical and dental payments.*
- [In Re Soderholm](#), 33 B.R. 83 (1983). “Although the plaintiff’s complaint failed to allege that the defendant’s debt to the bank was actually in the nature of child maintenance or support, evidence was offered on that subject without objection . . . . Accordingly, I conclude that the defendant’s debt to the bank is actually in the nature of child maintenance and support.”

**ENCYCLOPEDIAS:**

- 9D [AM. JUR. 2D](#) *Bankruptcy* (2006).  
§§ 3635-3652 Debts for Domestic-Support Obligations
- 5 [FEDERAL PROCEDURE FORMS, L.ED.](#), *Bankruptcy* § 9:1092 (1991).
- Joseph E. Edwards, Annotation, *Wife’s Claim To Alimony Or Other Allowances In Divorce Or Separation Suit As Passing, To Trustee In Wife’s Bankruptcy, Under §70(A) Of Bankruptcy Act*, 10 ALR FEDERAL 881(1972).

**TEXTS & TREATISES:**

- 8A ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 56. Federal law affecting Connecticut Domestic Relations Practice  
§ 56:4. The impact of federal bankruptcy policy on state divorce practice  
§ 56:5. —State court measures to remedy the effect of bankruptcy
- 4 ARNOLD H. RUTKIN, GEN. ED., [FAMILY LAW AND PRACTICE](#) (2002).  
Chapter 44. The effect of bankruptcy laws on marital dissolutions, agreements and property  
§ 44.03. The automatic stay  
§ 44.06. Determining the dischargeability of obligations for alimony, support and maintenance
- RONALD L. BROWN, ED, [BANKRUPTCY ISSUES IN MATRIMONIAL CASES: A PRACTICAL GUIDE](#) (1992).  
Chapter 5 Pre-divorce bankruptcy planning: the pros and cons  
Chapter 6 Pre-bankruptcy planning: insulating assets from creditor’s

- claims
  - Chapter 7 Protecting marital rights in contemplation of bankruptcy
  - Chapter 8 Should divorcing spouses seek bankruptcy relief during their dissolution proceeding?
  - Chapter 9 Planning and strategy in responding to a bankruptcy filing mid-divorce
  - Chapter 10 A guide to the post-divorce discharge of marital obligations
  - Chapter 11 Five faulty premises in the application of bankruptcy code section 523(a)(5)
  - Chapter 12 Avoidance of marital liens
- JUDITH K. FITZGERALD AND RAMONA M. ARENA, [BANKRUPTCY AND DIVORCE SUPPORT AND PROPERTY DIVISION](#) (2d ed.1994).
    - Chapter 1. Overview
      - § 1.8. Child support
    - Chapter 2. What is support?
      - § 2.4. Child support
      - § 2.6. Modification of alimony or support awards in state court after discharge in bankruptcy [2002 supp.]
    - Chapter 5. Dischargeability of assigned support
    - Chapter 6. Chapter 13 bankruptcy and support
      - § 6.3. Are arrearages support?
      - § 6.9. Issues concerning the automatic stay
  - [COLLIER ON BANKRUPTCY](#) (15<sup>th</sup> ed. revised 2002)
    - Chapter 362. Automatic stay
      - § 362.05[2]. Exceptions to the stay; § 362(b)—Alimony, maintenance or support § 362(b)(2)
    - Chapter 522. Exemptions
      - § 522.09[10][a]. Categories of exempt property—Federal exemptions; § 522(d)—Benefits akin to future earnings—The scope of the Section 522(d)(10) exemption
      - § 522.11[5]. Avoidance of judicial liens on exempt property and nonpossessory nonpurchase-money security interests in certain categories of exempt property; § 522(f)—Special rule for alimony, maintenance and support liens
    - Chapter 1328. Discharge
      - § 1328.02[3][c]. Chapter 13’s full-compliance discharge; § 1328(a)—Effect of a full-compliance Chapter 13 discharge—Discharge exemption for debts for alimony, maintenance or support; §§ 523(a)(5) and 1328(a)(2)
  - HENRY J. SOMMER AND MARGARET DEE MCGARITY, [COLLIER FAMILY LAW AND THE BANKRUPTCY CODE](#) (1999).
    - Chapter 5. Jurisdiction of the bankruptcy court in domestic relations matters and the applicability of the automatic stay
    - Chapter 6. The dischargeability of marital obligations in bankruptcy
    - Chapter 7. Lien and transfer avoidance in connection with marital or family obligations
    - Chapter 8. Chapter 13 and the divorced or separated debtor
  - BARBARA STARK, [FRIENDLY DIVORCE GUIDEBOOK FOR CONNECTICUT: PLANNING, NEGOTIATING AND FILING YOUR DIVORCE](#) (2003).

Bankruptcy at the time of your divorce, p. 277s

**LAW REVIEWS:**

- *Special Issue on Family Law and Bankruptcy*, 31 [FAMILY LAW QUARTERLY](#) no. 3 (Fall 1997).
- 1995 [WILEY FAMILY LAW UPDATE](#) (1995).  
Chapter 3. 1994 Bankruptcy Act amendments and the family law practitioner
- *Special Issue: The Impact of Bankruptcy on Divorce*, 14 [FAMILY ADVOCATE](#) no. 3 (Winter 1992). Includes:
  - Janet L. Chubb and Robert F. Holley, *Decoding The Code; A Guide To The Rules And Statutes Governing Bankruptcy*, p. 29.
  - Robert M. Welch, Jr., *Protecting The Rights Of The Creditor Spouse; Whether It Is Called Alimony, Maintenance, Or Support, You Must Master The Federal Criteria Used To Determine If Payments Are Dischargeable*, p. 36

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# Section 11: Termination of Parental Rights and Child Support

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*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic sources relating to the effect of TPR (Termination of Parental Rights) on child support.
- SEE ALSO:**
- [Termination of Parental Rights](#)
- DEFINITIONS:**
- **TPR:** “A judgment terminating a parent's rights not only severs the emotional and physical ties between parent and child, but also absolves that parent of all future support obligations.” [In Re Bruce R.](#), 234 Conn. 194, 200 (1995).
  - **Best Interests of the Child:** “The principal issue in this certified appeal is whether the trial court properly granted the petitioner father's petitions to terminate his parental rights pursuant to General Statutes § 45a-715 et seq. without first considering his financial condition and the financial condition of his children's custodial parent. The trial court granted the petitions to terminate his parental rights pursuant to General Statutes § 45a-717 (f).” *Ibid.*, 196.
  - **State Policy:** “Connecticut child support enforcement legislation clearly evinces a strong state policy of ensuring that minor children receive the support to which they are entitled.” *Ibid.*, 209.
  - **Nonconsensual Termination:** “the overwhelming public policy of this state and our nation mandate that the financial condition of the parents be considered in determining the best interest of the child when terminating, pursuant to a consensual petition initiated by the parent, parental rights. As such, we do not reach the question of whether the parents' financial condition must be considered in nonconsensual termination proceedings.” *Ibid.* 216.
- STATUTES:**
- CONN. GEN. STAT. (2011)  
§ [45a-717\(f\)](#) Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.
- CASES:**
- [In re Bruce R.](#), 234 Conn. 194, 195, 662 A.2d 107 (1995). “The principal issue in this certified appeal is whether the trial court properly granted the petitioner father's petitions to terminate his parental rights pursuant to General Statutes § 45a-715 et seq. without first considering his financial condition and the financial condition of his children's custodial parent. The trial court granted the petitions to terminate his parental rights pursuant to General Statutes § 45a-717 (f).”
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