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2015 Edition

Glossary of Connecticut Family Law Terms

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ABANDONMENT DEFENSE—"Abandonment without cause by a spouse shall be a defense to any liability pursuant to the provisions of subdivisions (1) to (4), inclusive, of subsection (b) of this section for expenses incurred by and for the benefit of such spouse. Nothing in this subsection shall affect the duty of a parent to support his or her minor child." Conn. Gen. Stats. § 46b-37(e) (2015).

ABANDONMENT OF SPOUSE—"Notwithstanding the provisions of subsection (a) of this section, a spouse who abandons his or her spouse without cause shall be liable for the reasonable support of such other spouse while abandoned. Conn. Gen. Stats. § 46b-37(c) (2015).

ABUSED—"means that a child or youth (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment" Conn. Gen. Stats. § 46b-120(3) (2015).

ADOPTABLE PERSON—"means a person who has not been adopted but whose biological parents had their parental rights terminated under the laws of the state of Connecticut." Conn. Gen. Stats. § 45a-743(1) (2015).

ADOPTED PERSON—"means (A) a person who was adopted under the laws of the state of Connecticut or (B) a person who was adopted in another jurisdiction but whose biological parents have had their parental rights terminated in the state of Connecticut." Conn. Gen. Stats. § 45a-743(2) (2015).

ADOPTION—"means the establishment by court order of the legal relationship of parent and child" Conn. Gen. Stats. § 45a-707(a) (2015).

ADOPTION AGREEMENT—"To complete an adoption . . . . there must be an agreement to give and receive the child in adoption . . . . The fundamental basis of the proceeding is the agreement. If the purported agreement is void, there is nothing which the Probate Court can approve." Killen v. Klebanoff, 140 Conn. 111, 115-116 (1953).

ADOPTION ASSISTANCE AGREEMENT—"a written agreement, binding on the agreement, between the State agency, other relevant agencies, and the prospective adoptive parents of a minor child which at a minimum (A) specifies the amounts of the adoption assistance payments and any additional services and assistance which are to be provided as part of such agreement, and (B) stipules that the agreement shall remain in effect regardless of the State of which the adoptive parents are residents at any given time. The agreement shall contain provisions for the protection (under an interstate compact approved by the Secretary or otherwise) of the interests of the child in cases where the adoptive parents and child move to another State while the agreement is effective." 42 U.S.C. §675(3).

ADOPTION ASSISTANCE PROGRAM—Adoption Assistance and Child Welfare Act. 42 USC §673(a)(2)(C).

ADOPTION REVIEW BOARD—

(a). . . the Adoption Review Board may, upon application, notice and hearing as hereinafter provided, for cause shown that it is in the best interests of the minor child, waive the requirement that the minor child be placed by the Commissioner of Children and Families or a child-placing agency."

(b) "Any judge of probate who has had presented to him an application for adoption which may not proceed because the child has not been so placed may apply in writing to the Adoption Review Board for a waiver of such requirement.." Conn. Gen. Stats. § 45a-764 (2015).

ADOPTION SUBSIDY REVIEW BOARD—"Subsidies for adopting parents. Adoption Subsidy Review Board." Conn. Gen. Stats. § 17a-117 (2015).

ADULT ADOPTION—"Any person eighteen years of age or older may, by written agreement with another person at least eighteen years of age but younger than himself or herself, unless the other person is his or her wife, husband, brother, sister, uncle or aunt of the whole or half-blood, adopt the other person as his or her child, provided the written agreement shall be approved by the court of probate for the district in which the adopting parent resides or, if the adopting parent is not an inhabitant of this state, for the district in which the adopted person resides." Conn. Gen. Stats. § 45a-734(a) (2015).

ADULTERY (Definition)—"means voluntary sexual intercourse between a married person and a person other than such person's spouse." Conn. Gen. Stats. § 46b-40(f) (2015)

ADULTRY (Grounds)—A decree of dissolution of a marriage or a decree of legal separation shall be granted upon a finding that one of the following causes has occurred (3) adultery. Conn. Gen. Stats. § 46b-40(c)(3) (2015).

ADULTERY AND ALIMONY: "Adultery is not listed as a factor to be considered unless it is one of the causes for the dissolution of marriage." Venuti v. Venuti, 185 Conn. 156, 158 (1981).

AFDC CASE—"one in which the recipient of IV-D services is receiving benefits under the Aid to Families with Dependent Children or foster care programs and has assigned to the state the right of support, present, past, and future, due all persons receiving such benefits." Conn. Regs. §17b-179(a)-1(1).

AGENCY PLACEMENT—"An application for the adoption of a minor child not related to the adopting parents shall not be accepted by the Court of Probate unless (A) the child sought to be adopted has been placed for adoption by the Commissioner of Children and Families or a child-placing agency, and the placement for adoption has been approved by the

commissioner or a child-placing agency; (B) the placement requirements of this section have been waived by the Adoption Review Board as provided in section 45a-764; (C) the application is for adoption of a minor child by a stepparent as provided in section 45a-733; or (D) the application is for adoption of a child by another person who shares parental responsibility for the child with the parent as provided in subdivision (3) of subsection (a) of section 45a-724. The commissioner or a child-placing agency may place a child in adoption who has been identified or located by a prospective parent, provided any such placement shall be made in accordance with regulations promulgated by the commissioner pursuant to section 45a-728. If any such placement is not made in accordance with such regulations, the adoption application shall not be approved by the Court of Probate." Conn. Gen. Stats. § 45a-727(a)(3) (2015)

AGO—"means the Connecticut Attorney General's office, or any assistant attorney general within such office who is responsible for performing any IV-D function in accordance with the cooperative agreement between the department and such office.." Conn. Regs. §17b-179(a)-1(1).

ALIENATION OF AFFECTIONS—"This is a tort based upon willful and malicious interference with the marriage relation by a third party, without justification or excuse. The title of the action is. By definition, it includes and embraces mental anguish, loss of social position, disgrace, humiliation and embarrassment, as well as actual pecuniary loss due to destruction or disruption of marriage relationship and the loss of financial support, if any." (emphasis added) Donnell v. Donnell, 415 S.W.2d 127, 132 (Tenn. 1967).

ALIMONY—

- "The term alimony usually and technically means an allowance for spousal support and is distinguishable from property division and child support." In Re Marriage of Sjulin, 431 NW2d 773 (Iowa 1988)
- "The difference between the assignment of property under §46b-81 and alimony under §46b-82 . . . . The purpose of property assignment is equitably to divide the ownership of the parties' property . . . . On the other hand, periodic and lump sum alimony is based primarily upon a continuing duty to support . . . ." Dubicki v. Dubicki, 186 Conn. 709, 714, footnote 2.
- "An award of alimony is based primarily on a spouse's continuing duty to support . . . . General Statutes §46b-82 governs the award of alimony and specifically states it may be in addition to a property distribution award . . . ." Martone v. Martone, 28 Conn. App. 208 at 217 (1992).

ALIMONY ORDER—"Sec. 46b-82. (Formerly Sec. 46-52). Alimony. (a) At the time of entering the decree, the Superior Court may order either of the parties to pay alimony to the other, in addition to or in lieu of an award pursuant to section 46b-81. The order may direct that security be given therefor on such terms as the court may deem desirable, including an order pursuant to subsection (b) of this section or an order to either party to contract with a third party for periodic payments or payments contingent on a life to the other party." Conn. Gen. Stats. § 46b-82 (2015).

ALIMONY PENDENTE LITE—"means alimony or maintenance 'pending litigation' and is payable during the pendency of a divorce proceeding so as to enable a dependent spouse to proceed with or defend against the action." Jayne v. Jayne, 663 A.2d 169, 176 (Pa. Super. 1995).

ANTENUPTIAL AGREEMENT or prenuptial agreement or premarital agreement—"means an agreement between prospective spouses made in contemplation of marriage." Conn. Gen. Stats. § 46b-36b (2015).

ARREARAGE—overdue alimony or child support payments.

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BCSE—"means the Bureau of Child Support Enforcement established within the department by 17b-179 of the Connecticut Statutes as the IV-D agency for the State of Connecticut/ " Conn. Regs. §17b-179(a)-1(1)(3).

BEST INTEREST OF THE CHILD STANDARD IN CONNECTICUT—

- "Orders re custody, care, education, visitation and support of children. Best interests of the child. Access to records of minor child by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening." Conn. Gen. Stats. § 46b-56 (2015).

BEST INTEREST OF THE CHILD STANDARD IN RELOCATION CASES—

- "**Relocation of parent with minor child. Burden of proof. Factors considered by court**. (a) In any proceeding before the Superior Court arising after the entry of a judgment awarding custody of a minor child and involving the relocation of either parent with the child, where such relocation would have a significant impact on an existing parenting plan, the relocating parent shall bear the burden of proving, by a preponderance of the evidence, that (1) the relocation is for a legitimate purpose, (2) the proposed location is reasonable in light of such purpose, and (3) the relocation is in the best interests of the child. Conn. Gen. Stats. § 46b-56d (2015).
- "In making or modifying any order as provided in subsection (a) of this section, the rights and responsibilities of both parents shall be considered and the court shall enter orders accordingly that serve the best interests of the child and provide the child with the active and consistent involvement of both parents commensurate with their abilities and interests. Such orders may include, but shall not be limited to: (1) Approval of a parental responsibility plan agreed to by the parents pursuant to section 46b-56a; (2) the award of joint parental responsibility of a minor child to both parents, which shall include (A) provisions for residential arrangements with each parent in accordance with the needs of the child and the parents, and (B) provisions for consultation between the parents and for the making of major decisions regarding the child's health, education and religious upbringing; (3) the award of sole custody to one parent with appropriate parenting time for the noncustodial parent where sole custody is in the best interests of the child; or (4) any other custody arrangements as the court may determine to be in the best interests of the child." Conn. Gen. Stats. § 46b-56(b) (2015).

BIOLOGICAL PARENT—"the biological mother or father of a person." Conn. Gen. Stats. § 45a-743(6) (2015).

BIRTH CERTIFICATE—"of adopted persons born in this state. Upon receipt of the record of adoption referred to in subsection (e) of section 45a-745 or of other evidence satisfactory to

the department that a person born in this state has been adopted, the department shall prepare a new birth certificate of such adopted person, except that no new certificate of birth shall be prepared if the court decreeing the adoption, the adoptive parents or the adopted person, if over fourteen years of age, so requests. Such new birth certificate shall include all the information required to be set forth in a certificate of birth of this state as of the date of birth, except that the adopting parents shall be named as the parents instead of the genetic parents and, when a certified copy of the birth of such person is requested by an authorized person, a copy of the new certificate of birth as prepared by the department shall be provided. Any person seeking to examine or obtain a copy of the original record or certificate of birth shall first obtain a written order signed by the judge of the probate court for the district in which the adopted person was adopted or born in accordance with section 45a-753, or a written order of the Probate Court in accordance with the provisions of section 45a-752, stating that the court is of the opinion that the examination of the birth record of the adopted person by the adopting parents or the adopted person, if over eighteen years of age, or by the person wishing to examine the same or that the issuance of a copy of such birth certificate to the adopting parents or the adopted person, if over eighteen years of age, or to the person applying therefore will not be detrimental to the public interest or to the welfare of the adopted person or to the welfare of the genetic or adoptive parent or parents. Upon receipt of such court order, the registrar of vital statistics of any town in which the birth of such person was recorded, or the department, may issue the certified copy of the original certificate of birth on file, marked with a notation by the issuer that such original certificate of birth has been superseded by a replacement certificate of birth as on file, or may permit the examination of such record. Immediately after a new certificate of birth has been prepared, an exact copy of such certificate, together with a written notice of the evidence of adoption, shall be transmitted by the department to the registrar of vital statistics of each town in this state in which the birth of the adopted person is recorded. The new birth certificate, the original certificate of birth on file and the evidence of adoption shall be filed and indexed, under such regulations as the commissioner adopts, in accordance with chapter 54, to carry out the provisions of this section and to prevent access to the records of birth and adoption and the information therein contained without due cause, except as provided in this section. Any person, except such parents or adopted person, who discloses any information contained in such records, except as provided in this section, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both. Whenever a certified copy of an adoption decree from a court of a foreign country, having jurisdiction of the adopted person, is filed with the department under the provisions of this section, such decree, when written in a language other than English, shall be accompanied by an English translation, which shall be subscribed and sworn to as a true translation by an American consulate officer stationed in such foreign country. Conn. Gen. Stats. § 7-53 (2015).

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CCSES—"means the Connecticut Child Support Enforcement System, the automated system used by BCSE and its cooperating agencies to collect and distribute child support and maintain related records." Conn. Regs. §17b-179(a)-1(5).

CHILD—"'Child'" means any person under eighteen years of age who has not been legally emancipated, except…." Conn. Gen. Stats. § 46b-120(1).

Contrasted with **Youth—"**any person at least sixteen years of age and under nineteen years of age" Conn. Gen. Stats. § 46b-120(2) (2015).

CHILD ABUSE AND NEGLECT REGISTRY. Conn. Regs. §§ 17a-101-1 thru 17a-101-10.

CHILD CUSTODY DETERMINATION—"means a judgment, decree, or other order of a court providing for the legal custody, physical custody or visitation with respect to a child. The term includes a permanent, temporary, initial and modification order. The term does not include an order relating to child support or other monetary obligation of an individual" Conn. Gen. Stat. § 46b-115a(3)(2015).

- Registration of child custody determination. (a) A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the Superior Court in this state: (1) A letter or other document requesting registration; (2) two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the petitioner the order has not been modified; and (3) except as otherwise provided in section 46b-115s, the name and address of the petitioner and any parent or person acting as parent who has been awarded custody or visitation in the child custody determination sought to be registered. For Registration in Connecticut courts, *see* Conn. Gen. Stat. § 46b-115w (2015) and for enforcement, *see* § 46b-115a (2015). *Compare with*: FOREIGN MATRIMONIAL *infra*. JUDGMENTS.

CHILD-PLACING AGENCY—"means any agency within or without the state of Connecticut licensed or approved by the Commissioner of Children and Families in accordance with sections 17a-149 and 17a-151, and in accordance with such standards which shall be established by regulations of the Department of Children and Families" Conn. Gen. Stats. §17a-93(7)(2015).

CONNECTICUT CHILD SUPPORT ENFORCEMENT BUREAU. Duties—"Determination Of Parents' Financial Liability. Use Of Unemployment Compensation For Child Support Obligations. Recovery Of Costs. Fees. Electronic Funds Transfer And Debit Card Access For Support Payments. Regulations. Annual Report To General Assembly Re Child Support Enforcement Program. (a) There is created within the Department of Social Services the Bureau of Child Support Enforcement. The bureau shall be administered by a director and shall act as the single and separate organizational unit to coordinate, plan and publish the state child support enforcement plan for the implementation of Title IV-D of the Social Security Act, as amended, as required by federal law and regulations. The bureau shall provide for the development and implementation of all child support services, including the administration of withholding of earnings, in accordance with the provisions of Title IV-D of the Social Security Act, as amended." Conn. Gen. Stats. § 17b-179 (2015).

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. Regs. §46b-215a-1(5).

COHABITATION—"Conn. Gen. Stats § 46b-86 (b), known as the 'cohabitation statute,' provides in pertinent part that a court may 'modify such judgment and suspend, reduce or terminate the payment of periodic alimony upon a showing that the party receiving the periodic alimony is living with another person under circumstances which the court finds should result in the —modification . . . of alimony because the living arrangements cause

such a change of circumstances as to alter the financial needs of that party.'" D'Ascanio v. D'Ascanio, 237 Conn. 481, 485-486 (1996).

CONTEMPT—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 (1972).

- "Following a review of persuasive indirect civil contempt case law, we ultimately conclude that, under Connecticut law, such proceedings should be proven by clear and convincing evidence" Brody v. Brody, 315 Conn. 300, 318, 105 A.3d 887 (2015).

COMMITMENT OF CHILD OR YOUTH—"Upon finding and adjudging that any child or youth is uncared-for, neglected or dependent, the court may commit such child or youth to the Commissioner of Children and Families. Such commitment shall remain in effect until further order of the court, except that such commitment may be revoked or parental rights terminated at any time by the court, or the court may vest such child's or youth's legal guardianship in any private or public agency that is permitted by law to care for neglected, uncared-for or dependent children or youths or with any other person or persons found to be suitable and worthy of such responsibility by the court, including, but not limited to, any relative of such child or youth by blood or marriage. . . ." Conn. Gen. Stats. § 46b-129(j) (2015)

CONFIDENTIALITY OF AND ACCESS TO RECORDS—

- Adoption records. Conn. Gen. Stats. §§ 45a-743 to 45a-757 (2015).
- Child abuse and neglect. Access to Department of Children and Families records pertaining to investigations of abuse or neglect. Conn. Gen. Stats. § 17a-28 (2015).

COURTSHIP GIFTS — "A minority of jurisdictions has adopted a 'no-fault' approach, i.e., the modern trend, holding that once an engagement is broken, the engagement ring should be returned to the donor, regardless of fault." Thorndike v. Demirs, Superior Court, Judicial District of Waterbury at Waterbury, No. CV05-5000243-S (July 26, 2007) (44 Conn. L. Rptr. 30) (2007 Conn. Super. LEXIS 1944).

CUSTODIAL PARENT— "means the parent who provides the child's primary residence." Conn. Regs. § 46b-215a-1(8).

CUSTODIAL PARTY—"means the individual who has physical custody of a child, or, in foster care cases, the Commissioner of the Department of Children and Families." Conn. Regs. § 17b-179(a)-1(8).

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DCF — Department of Children and Families.

DELINQUENT— "(A) A child may be convicted as "delinquent" who has, while under sixteen years of age, (i) violated any federal or state law, except section 53a-172 or 53a-173, or violated a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (ii) wilfully failed to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, (iii) violated any order of the Superior Court in a delinquency proceeding, except

as provided in section 46b-148, or (iv) violated conditions of probation in a delinquency proceeding as ordered by the court" Conn. Gen. Stats. § 46b-120(5) (2015).

(B) A child may be convicted as "delinquent" who has (i) while sixteen years of age, violated any federal or state law, other than (I) an infraction, (II) a violation, (III) a motor vehicle offense or violation under title 14, (IV) a violation of a municipal or local ordinance, or (V) a violation of section 51-164r, 53a-172 or 53a-173, (ii) while sixteen years of age or older wilfully failed to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, (iii) while sixteen years of age or older, violated any order of the Superior Court in a delinquency proceeding, except as provided in section 46b-148, or (iv) while sixteen years of age or older, violated conditions of probation in a delinquency proceeding as ordered by the court." Conn. Gen. Stats. § 46b-120(5) (2015).

DELINQUENT ACT— means the violation of any federal or state law or municipal or local ordinance, other than an ordinance regulating the behavior of a child in a family with service needs, or the violation of any order of the Superior Court . . ." Conn. Gen. Stats. §46b-120(10) (2015).

DEPENDENT— "a child or youth may be found 'dependent' whose home is a suitable one for the child or youth, save for the financial inability of the child's or youth's parents, parent or guardian, or other person maintaining such home, to provide the specialized care the condition of the child or youth requires;" Conn. Gen. Stats. § 46b-120(6) (2015).

DEVIATION CRITERIA—"those facts or circumstances described in sections 46b-215a-3 and 46b-215a-5 of these regulations which, if specifically found on the record of the trier of fact, may be sufficient to rebut the presumption created by the child support and/or arrearage guidelines." Conn. Regs. § 46b-215a-1(9).

DISCRETION EXERCISED BY THE TRIAL COURT—"While a trial court must consider a number of factors in awarding alimony and distributing the assets of the parties, and my exercise broad discretion in that consideration . . . it need not recite each factor in its decision, it is sufficient that the memorandum of decision 'at least reflect a proper consideration and weighing of the factors set forth in the statute.'" Siracusa v. Siracusa, 30 Conn. App. 560, 564(1993).

DRUG-DEPENDENT CHILD— "means a psychoactive substance dependence on drugs as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". No child shall be classified as drug-dependent who is dependent (A) upon a morphine-type substance as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant substances as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence." Conn. Gen. Stats. § 46b-120(15) (2015).

DUTY TO SUPPORT SPOUSE—"An award of alimony is based primarily on a spouse's continuing duty to support . . . . General Statutes §46b-82 governs the award of alimony and specifically states it may be in addition to a property distribution award . . . ." Martone v. Martone, 28 Conn. App. 208, 217 (1992).

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EMPLOYERS PROHIBITED FROM DISCRIMINATION against witness in child abuse proceedings. Conn. Gen. Stats. §17a-101e (2015).

ENGAGEMENT RING, RETURN OF—APPEAL PENDING: "A minority of jurisdictions has adopted a 'no-fault' approach, i.e., the modern trend, holding that once an engagement is broken, the engagement ring should be returned to the donor, regardless of fault." Thorndike v. Demirs, Superior Court, Judicial Distric of Waterbury at Waterbury, No. CV05-5000243-S (July 26, 2007) (44 Conn. L. Rptr. 30) (2007 Conn. Super. LEXIS 1944).

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FACTORS USED IN DETERMINING ALIMONY—"In determining whether alimony shall be awarded, and the duration and amount of the award, the court shall hear the witnesses, if any, of each party, except as provided in subsection (a) of section 46b-51, shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties and the award, if any, which the court may make pursuant to section 46b-81, and, in the case of a parent to whom the custody of minor children has been awarded, the desirability of such parent's securing employment." Conn. Gen. Stats. § 46b-82 (2015).

FALSE ALLEGATIONS OF CHILD ABUSE—False report of child abuse.

FAMILY WITH SERVICE NEEDS—"means a family that includes a child under seventeen years of age who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth" Conn. Gen. Stats. § 46b-120(7) (2015).

FAULT IN MARITAL BREAKUP—"In determining whether alimony shall be awarded, and the duration and amount of the award, the court shall hear the witnesses, if any, of each party, except as provided in subsection (a) of section 46b-51, shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties and the award, if any, which the court may make pursuant to section 46b-81, and, in the case of a parent to whom the custody of minor children has been awarded, the desirability of such parent's securing employment." Conn. Gen. Stats. § 46b-82 (2015).

FETAL ENDANGERMENT—Abuse or neglect of an unborn child and the extent to which a parent may be held accountable for prenatal injury.

FOREIGN MATRIMONIAL JUDGMENTS—"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 (2015). *NOTE*: If unmarried *see* **CHILD CUSTODY DETERMINATION.**

FOSTER FAMILY—"means a person or persons, licensed or certified by the Department of Children and Families or approved by a licensed child-placing agency, for the care of a child or children in a private home**"** Conn. Gen. Stats. § 17a-93(m) (2015).

FPLS—means the Federal Parent Locator Service, operated by the Federal Office of Child Support Enforcement of the United States Department of Health and Human Services. (2015).

IV-D—"the child support enforcement program mandated by Title IV-D of the federal Social Security Act and implementing OCSE regulations, as implemented in Connecticut under section 17b-179 of the Connecticut General Statutes and related statutes and regulations." Conn. Regs. §17b-179(a)-1(12).

FRAUDULENT CONVEYANCES—A transfer of properties intended to defraud. *See* Farrell v. Farrell, 36 Conn. App. 305 (1994).

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GUARDIANSHIP OF A MINOR—"means guardianship, unless otherwise specified, of the person of a minor and refers to the obligation of care and control, the right to custody and the duty and authority to make major decisions affecting such minor's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment" Conn. Gen. Stats. § 17a-93(d) (2015).

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HABITUAL INTEMPERANCE—"In an action for dissolution of a marriage or a legal separation on the ground of habitual intemperance, it shall be sufficient if the cause of action is proved to have existed until the time of the separation of the parties." Conn. Gen. Stats. § 46b-40(d) (2015).

HEART BALM STATUTE —The Supreme Court decision in Piccininni v. Hajus, 180 Conn. 369, 429 A.2d 886 (1980), outlines the right of a donor to obtain reimbursement for expenditures occurred in contemplation of marriage. The case holds that the so-called Heart Balm statute, General Statutes § 52-572b, regarding breach of a promise to marry, only bars claims of humiliation, mental anguish and the like, but does not affect "rights and duties determinable by common law principles." Id., 372.

HOME VISIT—"The investigation [of child abuse and neglect] shall include a home visit at which the child and any siblings are observed, if appropriate, a determination of the nature, extent and cause or causes of the reported abuse or neglect, a determination of the person

or persons suspected to be responsible for such abuse or neglect, the name, age and condition of other children residing in the same household and an evaluation of the parents and the home. The report of such investigation shall be in writing." Conn. Gen. Stats. § 17a-101g (b) (2015).

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IMMUNITY FROM LIABILITY [reports of child abuse and neglect] **—**"Any person, institution or agency which, in good faith, makes the report pursuant to sections 17a-101a to 17a-101d, inclusive, and section 17a-103 shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such report provided such person did not perpetrate or cause such abuse or neglect." Conn. Gen. Stats. § 17a-101e(b) (2015).

INABILITY TO PAY—"In the contempt proceedings before the family support magistrate, the magistrate acknowledged that inability to pay an order is a defense to a charge of contempt. See Mallory v. Mallory, 207 Conn. 48, 57, 539 A.2d 995 (1988); Mays v. Mays, 193 Conn. 261, 264, 476 A.2d 1562 (1984); Tobey v. Tobey, 165 Conn. 742, 746, 345 A.2d 21 (1974). These cases also hold, however, that the defendant has the burden of proof on this issue . . . ." Perry v. Perry, 222 Conn. 799, 805 (1992).

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT. 25 U.S.C. §§3201 *et seq*.

IN PERSONAM JURISDICTION: "the court acquired no jurisdiction to render a judgment . . . binding the defendant personally, since he was a nonresident on whom personal service had not been made, although it did have jurisdiction in rem over the attached realty. An order directing the payment of alimony or support is a judgment in personam." Robertson v. Robertson, 164 Conn. 140, 143-144 (1972).

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS—"To prevail upon a **claim for emotional distress**, a plaintiff must establish the following elements: "(1) that the [defendant] intended to inflict emotional distress or that he knew or should have known that emotional distress was the likely result of his conduct; (2) that the conduct was extreme and outrageous; (3) that the defendant's conduct was the cause of the plaintiff's distress; and (4) that the emotional distress sustained by the plaintiff was severe." (Emphasis added; internal quotation marks omitted.) Id. [Petyan v. Ellis, 200 Conn. 243, 253, 510 A.2d 1337 (1986)]." (emphasis added)

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN. Conn. Gen. Stats. § 17a-175 (2015).

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JOINT DUTY OF SUPPORT—" . . . it shall be the joint duty of each spouse to support his or her family, and both shall be liable for: (1) The reasonable and necessary services of a physician or dentist; (2) hospital expenses rendered the husband or wife or minor child

while residing in the family of his or her parents; (3) the rental of any dwelling unit actually occupied by the husband and wife as a residence and reasonably necessary to them for that purpose; and (4) any article purchased by either which has in fact gone to the support of the family, or for the joint benefit of both." Conn. Gen. Stats. § 46b-37(b) (2015).

-L-

LACHES—Bar to collecting support arrearage. Papcun v. Papcun, 181 Conn. 618, 620 (1980). "Laches consists of two elements. First, there must have been a delay that was inexcusable, and, second, that delay must have prejudiced the defendant." Kurzatkowski v. Kurzatkowski, 142 Conn. 680, 684-685 (1955).

LONG ARM STATUTE—Statute giving Connecticut courts jurisdiction over nonresident for alimony and support. Conn. Gen. Stats. § 46b-46 (2015).

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MANDATED REPORTERS [child abuse and neglect]**—** Any physician or surgeon licensed under the provisions of chapter 370, any resident physician or intern in any hospital in this state, whether or not so licensed, any registered nurse, licensed practical nurse, medical examiner, dentist, dental hygienist, psychologist, coach of intramural or interscholastic athletics, school superintendent, school teacher, school principal, school guidance counselor, school paraprofessional, school coach, social worker, police officer, juvenile or adult probation officer, juvenile or adult parole officer, member of the clergy, pharmacist, physical therapist, optometrist, chiropractor, podiatrist, mental health professional or physician assistant, any person who is a licensed or certified emergency medical services provider, any person who is a licensed or certified alcohol and drug counselor, any person who is a licensed marital and family therapist, any person who is a sexual assault counselor or a battered women's counselor as defined in section 52-146k, any person who is a licensed professional counselor, any person who is a licensed foster parent, any person paid to care for a child in any public or private facility, child day care center, group day care home or family day care home licensed by the state, any employee of the Department of Children and Families, any employee of the Department of Public Health who is responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps, the Child Advocate and any employee of the Office of the Child Advocate and any family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department." Conn. Gen. Stats. § 17a-101(b) (2015).

MARRIAGE— "means the legal union of two persons." Conn. Gen. Stats. § 46b-20 (2015).

MARRIAGE, DISSOLVED—"A marriage is dissolved only by (1) the death of one of the parties or (2) a decree of annulment or dissolution of the marriage by a court of competent jurisdiction." Conn. Gen. Stats. § 46b-40 (2015).

MENTALLY DEFICIENT— "A child may be found 'mentally deficient' who, by reason of a deficiency of intelligence that has existed from birth or from early age, requires, or will require, for such child's protection or for the protection of others, special care, supervision and control" Conn. Gen. Stats. § 46b-120(4) (2015).

MODIFICATION OF SUPPORT ORDER— " . . .any final order for the periodic payment of permanent alimony or support, an order for alimony or support pendente lite or an order requiring either party to maintain life insurance for the other party or a minor child of the parties may, at any time thereafter, be continued, set aside, altered or modified by the 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 established pursuant to section 46b-215a, unless there was a specific finding on the record that the application of the guidelines would be inequitable or inappropriate…" Conn. Gen. Stats. § 46b-86 (2015).

MOTION FOR CONTEMPT—"Whenever a motion for modification of an order for support and alimony is made to the superior court by a moving party against whom a motion for contempt for noncompliance with such order is pending, the court shall accept such motion and hear both motions concurrently." Conn. Gen. Stats. § 46b-8 (2015).

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NEGLECTED—"A child or youth may be found "neglected" who (A) has been abandoned, (B) is being denied proper care and attention, physically, educationally, emotionally or morally, (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child or youth, or (D) has been abused" Conn. Gen. Stats. § 46b-120(8) (2015).

NON-AFDC CASE—"one in which the recipient of IV-D services applied for such services, is a Medicaid recipient, or is receiving continuation of services following discontinuance of an AFDC or Medicaid case." Conn. Regs.§ 17b-179(a)-1(15).

NONCUSTODIAL PARENT— "means a parent who does not provide the child's primary residence." Conn. Regs. § 46b-215a-1(18).

NOTICE OF ORDERS—"In all dissolution of marriage, legal separation, annulment, custody or visitation actions, such notice as the court shall direct shall be given to nonappearing parties of any orders for support or alimony. No such order shall be effective until the order of notice shall have been complied with or the nonappearing party has actually received notice of such orders." Conn. Practice Book § 25-29 (2015).

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OCSE — Federal Office of Child Support Enforcement of the United States Department of Health and Human Services. (2015).

OPEN ADOPTION—"The plaintiff does not seek to 'open,' to set aside or to diminish in any way the adoptive process that has substituted the defendants as the legal parents of the child. The plaintiff's rights are not premised on an ongoing genetic relationship that somehow survives a termination of parental rights and an adoption. Instead the plaintiff is asking us to decide whether, as an adult who has an ongoing personal relationship with the child, she may contract with the adopting parents, prior to adoption, for the continued right to visit with the child, so long as that visitation continues to be in the best interest of the

child." [emphasis added]. Michaud v. Wawrack, 209 Conn. 407, 412-413 (1988).

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PARENT-LIKE RELATIONSHIP— "Proof of the nature of a parent-like relationship between a person seeking visitation and the child would provide the jurisdictional safeguard necessary to prevent families from having to defend against unjustified petitions for visitation. Accordingly, any third party, including a grandparent or a great-grandparent, seeking visitation must allege and establish a parent-like relationship as a jurisdictional threshold in order both to pass constitutional muster and to be consistent with the legislative intent." Roth v. Weston, 259 Conn. 202, 221-222, 789 A.2d 431 (2002)

PERSONAL JURISDICTION—"sufficient contacts with the state of Connecticut to justify the court's assertion of personal jurisdiction over him." Gaudio v. Gaudio, 23 Conn. App. 287, 297 (1990). "The analysis of the defendants' challenge to personal jurisdiction involves a two-part inquiry. The first inquiry is whether the applicable state long arm statute authorizes the assertion of jurisdiction over the defendants; and, if the statutory requirements are met, whether the exercise of in personam jurisdiction would violate constitutional principles of due process." Hart, Nininger & CampbelL Assoc. v. Rogers, 16 Conn. App. 619, 624 (1988).

PRENATAL INJURIES—Abuse or neglect of an unborn child and the extent to which a parent may be held accountable for prenatal injury.

PRENUPTIAL AGREEMENT or Antenuptial Agreement "means an agreement between prospective spouses made in contemplation of marriage." Conn. Gen. Stats. § 46b-36b (2015).

PROSPECTIVE ADOPTIVE FAMILY—"means a person or persons, licensed by the Department of Children and Families or approved by a licensed child-placing agency, who is awaiting the placement of, or who has a child or children placed in their home for the purposes of adoption" Conn. Gen. Stats. § 17a-93(n) (2015).

PROTECTIVE SUPERVISION—"means a status created by court order following adjudication of neglect whereby a child's place of abode is not changed but assistance directed at correcting the neglect is provided at the request of the court through the Department of Children and Families or such other social agency as the court may specify." Conn. Gen. Stats. § 17a-93(i) (2015).

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RECEIVING HOME—"means a facility operated by the Department of Children and Families to receive and temporarily care for children in the guardianship or care of the commissioner" Conn. Gen. Stats. § 17a-93(j) (2015).

RECORDS—Definitions. confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations. Conn. Gen. Stats. § 17a-28 (2015).

REGISTRY OF SUPPORT ORDERS—A support order or income withholding order issued by a tribunal of another state may be registered in this state for enforcement with the registry of support orders of the Family Support Magistrate Division maintained by Support Enforcement Services of the Superior Court." Conn. Gen. Stats. § 46b-213g (2015).

REHABILITATIVE ALIMONY—"alimony payable for a short, but specific and terminable period of time, which will cease when recipient is, in the exercise of reasonable efforts, in a position of self-support." (emphasis added). Turner v. Turner, 385 A.2d 1280 (1978).

RELATIVE—"means any person descended from a common ancestor, whether by blood or adoption, not more than three generations removed from the child." Conn. Gen. Stats. § 45a-743 (7) (2015).

REMOVAL OF CHILD (IMMEDIATE) —"If the Commissioner of Children and Families, or the commissioner's designee, has probable cause to believe that the child or any other child in the household is in imminent risk of physical harm from the child's surroundings and that immediate removal from such surroundings is necessary to ensure the child's safety, the commissioner, or the commissioner's designee, shall authorize any employee of the department or any law enforcement officer to remove the child and any other child similarly situated from such surroundings without the consent of the child's parent or guardian…" Conn. Gen. Stats. §17a-101g(e) (2015)

REPORTS OF CHILD ABUSE OR NEGLECT—Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Conn. Gen. Stats. §17a-28 (2015).

REPRESSED MEMORY SYNDROME—Adult memories of child abuse.

RESIDENCY REQUIREMENT: Complaint for dissolution of a marriage or for legal separation may be filed at any time after either party has established residence in this state. See Conn. Gen. Stats. § 46b-44 (2015).

RIGHT TO ALIMONY—"Our alimony statutes does not recognize any absolute right to alimony." Thomas v. Thomas, 159 Conn. 477, 486 (1970).

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SUPPORT ENFORCEMENT SERVICES — "SES" "The division within the Connecticut Judicial Department, an agency under cooperative agreement with BCSE to assist in administering the IV-D program for the State of Connecticut." Conn. Regs. §17b-179(a)-1(17)(2008). *See also* Conn. Gen. Stats. § 51-1e. Support Enforcement Services (2015)

SEPARATION DEFENSE—"No action may be maintained against either spouse under the provisions of this section, either during or after any period of separation from the other spouse, for any liability incurred by the other spouse during the separation, if, during the separation the spouse who is liable for support of the other spouse has provided the other spouse with reasonable support." Conn. Gen. Stats. § 46b-37(d) (2015)

SERIOUS JUVENILE OFFENSE — "means (A) the violation of, including attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122,

subdivision (3) of subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) running away, without just cause, from any secure placement other than home while referred as a delinquent child to the Court Support Services Division or committed as a delinquent child to the Commissioner of Children and Families for a serious juvenile offense." Conn. Gen. Stats. § 46b-120(11) (2015).

SERIOUS JUVENILE OFFENDER — "means any child convicted as delinquent for the commission of a serious juvenile offense." Conn. Gen. Stats. § 46b-120(12) (2015).

SERIOUS JUVENILE REPEAT OFFENDER—" means any child charged with the commission of any felony if such child has previously been convicted as delinquent or otherwise convicted at any age for two violations of any provision of title 21a, 29, 53 or 53a that is designated as a felony" Conn. Gen. Stats. § 46b-120(13) (2015).

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. Regs. § 46b-215a-1(22).

SPECIAL NEEDS CHILD [adoption] **—**"… is a child who is a ward of the Commissioner of Children and Families or is to be placed by a licensed child-placing agency and is difficult to place in adoption because of one or more conditions including, but not limited to, physical or mental disability, serious emotional maladjustment, a recognized high risk of physical or mental disability, age or racial or ethnic factors which present a barrier to adoption or is a member of a sibling group which should be placed together, or because the child has established significant emotional ties with prospective adoptive parents while in their care as a foster child and has been certified as a special needs child by the Commissioner of Children and Families." Conn. Gen. Stats. § 17a-116.

SPLIT CUSTODY — "means a situation in which there is more than one child in common and each parent is the custodial parent of at least one of the children." Conn. Regs. § 46b-215a-1(23).

STANDARD OF HARM—"the harm alleged in a third party custody petition arises from the fundamental nature of the parent-child relationship, which may be emotionally, psychologically or physically damaging to the child. Consequently, in light of the fact that a third party custody petition directly challenges the overall competence of the parent to care for the child, the standard employed to protect the liberty interest of the parent must be more flexible and responsive to the child's welfare than the standard applied in visitation cases, in which the underlying parent-child relationship is not contested." McDermott v. Dougherty, 385 Md. 320, 353-354, 869 A.2d 751 (2005). Cited in Fish v. Fish, 285 Conn. 24, 47 (2008).

STATUTORY FACTORS—"…In determining whether alimony shall be awarded, and the duration and amount of the award, the court shall hear the witnesses, if any, of each party, except as provided in subsection (a) of section 46b-51, shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties and the award, if any, which the court may make pursuant to section 46b-81, and, in the case of a parent to whom the custody of minor children has been awarded, the desirability of such parent's securing employment." Conn. Gen. Stats. § 46b-82 (2015)

STATUTORY PARENT [adoption] **—**"means the Commissioner of Children and Families or that child-placing agency appointed by the court for the purpose of giving a minor child or minor children in adoption" Conn. Gen. Stats. § 17a-93(f) (2015). *See also* §§ 45a-707(7), 45a-717, 45a-718.

SUBSTANCE ABUSE—Drug-exposed mothers and fetal abuse.

SUBSTANTIAL CHANGE IN CIRCUMSTANCES—"When presented with a motion for modification, a court must first determine whether there has been a substantial change in the financial circumstances of one or both of the parties . . . . Second, if the court finds a substantial change in circumstances, it may properly consider the motion and, on the basis of the § 46b-82 criteria, make an order for modification . . . . The court has the authority to issue a modification only if it conforms the order to the distinct and definite changes in the circumstances of the parties." Crowley v. Crowley, 46 Conn. App. 87, 92 (1997).

SUPPORT ORDER—" means a judgment, decree, order or directive whether temporary, final or subject to modification, issued by a tribunal for the benefit of a child, a spouse or a former spouse, which provides for monetary support, health care, arrearages or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees and other relief." Conn. Gen. Stats. § 46b-212a(24) (2015).

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TEMPORARY ALIMONY—*see* ALIMONY PENDENTE LITE

TEMPORARY CUSTODY —(Order of), Conn. Practice Book § 32-6 (2015).

TERMINATION OF PARENTAL RIGHTS— "means the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and his parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of such child or the religious affiliation of such child" Conn. Gen. Stats. § 17a-93(e) (2015)

THIRD PARTY—"Where the dispute is between a fit parent and a private third party, however, both parties do not begin on equal footing in respect to rights to 'care, custody, and control' of the children. The parent is asserting a fundamental constitutional right. The third party is not. A private third party has no fundamental constitutional right to raise the children of others. Generally, absent a constitutional statute, the non-governmental third party has no rights, constitutional or otherwise, to raise someone else's child." McDermott v. Dougherty, 385 Md. 320, 353-354, 869 A.2d 751 (2005). Cited in Fish v. Fish, 285 Conn. 24, 45 (2008).

THIRD PARTY CUSTODY ACTIONS—

- **Under Conn. Statute § 46b-56(a**): "in cases in which a third party seeks to intervene in a custody proceeding brought pursuant to § 46b-56 (a), the party must prove by a fair preponderance of the evidence facts demonstrating that he or she has a relationship with the child akin to that of a parent, that parental custody clearly would be detrimental to the child and, upon a finding of detriment, that third party custody would be in the child's best interest." McDermott v. Dougherty, 385 Md. 320, 353-354, 869 A.2d 751 (2005). Cited in Fish v. Fish, 285 Conn. 24, 45 (2008). Ibid. p. 89.

- **Under Conn. Statute § 46b-57: "**In cases in which the trial court considers awarding custody to a third party who has not intervened pursuant to § 46b-57, the court may award custody to the third party provided that the record contains proof of . . . facts by a fair preponderance of the evidence . . . demonstrating that he or she has a relationship with the child akin to that of a parent, that parental custody clearly would be detrimental to the child and, upon a finding of detriment, that third party custody would be in the child's best interest." McDermott v. Dougherty, 385 Md. 320, 353-354, 869 A.2d 751 (2005). Cited in Fish v. Fish, 285 Conn. 24, 89 (2008).
- **Under Conn. Gen. Statute § 46b-56b**. "The rebuttable presumption and the standard of harm articulated in the third party custody statute thus protect parental rights because they preclude the court from awarding custody on the basis of a purely subjective determination of the child's best interests or the judge's personal or lifestyle preferences. As a result, we conclude that the statute is facially constitutional." McDermott v. Dougherty, 385 Md. 320, 353-354, 869 A.2d 751 (2005). Cited in Fish v. Fish, 285 Conn. 24, 89 (2008).

-U-

UNCARED FOR—"A child or youth may be found "uncared for" who is homeless or whose home cannot provide the specialized care that the physical, emotional or mental condition of the child or youth requires. For the purposes of this section, the treatment of any child or youth by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment" Conn. Gen. Stats. §46b-120(9) (2015).

UNIFORM INTERSTATE FAMILY SUPPORT ACT — "UIFSA" – Public Act No. 15-71 (Effective July 1, 2015).

-W-

WILFUL DESERTION FOR ONE YEAR—"In an action for dissolution of a marriage or a legal separation on the ground of wilful desertion for one year, with total neglect of duty, the furnishing of financial support shall not disprove total neglect of duty, in the absence of other evidence." Conn. Gen. Stats. § 46b-40(e) (2015).

WRONGFUL ADOPTION—". . . fraudulent concealment by intermediaries (adoption agencies . . .) of material facts about a child or her biological family—usually a hereditary physical or mental condition—which, if disclosed to the prospective adoptive parents, would have resulted in the adoption not taking place." Juman v. Louise Wise Services, 608 N.Y.S.2d 612, 614-615 (1994).

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YOUTH—" means any person at least sixteen years of age and under nineteen years of age" Conn. Gen. Stats. § 17a-1(6) (2015).

In contrast to: **CHILD**—"…any person under sixteen years of age" Conn. Gen. Stats. § 17a-1(d) (2015).

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