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guidelines for the reasons stated, it did not make an explicit finding that, in the present case, applying the presumptive amount as provided by the guidelines would be inequitable or inappropriate.<sup>6</sup>

When the court in the present case considered the defendant’s motion to modify child support, it denied the motion solely on the basis that it did not find a substantial change in circumstances. In so doing, it failed to address the defendant’s additional and distinct claim with respect to the propriety of child support relative to the guidelines. As we explained in our discussion of the procedural history of this case, this issue was raised by the defendant in his motion to modify, his motion to reargue or reconsider, his motion for articulation, and his motion for review. In the absence of a specific finding that the application of the guidelines would be inequitable or inappropriate, as determined by the deviation criteria established in the guidelines, the child support order was continually subject to modification on the ground that it substantially deviates from the guidelines. See *Righi v. Righi*, supra, 172 Conn. App. 433–41; *McHugh v. McHugh*, supra, 27 Conn. App. 728–29. Accordingly, we conclude that it was improper for the court to fail to consider, as the defendant alleged, whether modification was warranted on the ground that the child support order deviated from the presumptive amount as determined by the guidelines, in the absence of the requisite findings. The court should have determined the presumptive amount and, thereafter, specifically and

<sup>6</sup> As stated previously in this opinion, the dissolution court found that it was in the “best interest of the minor children and in the best interest of the parents that no child support be awarded . . . .” To the extent that the dissolution court relied on the “best interest of the parents” as a deviation criterion, it is not among the criteria that may justify a support order different from the support amounts calculated under the child support guidelines, as set forth in § 46b-215a-5c (b) of the Regulations of Connecticut State Agencies. See footnote 5 of this opinion.

NOTE: These pages (216 Conn. App. 195 and 196) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 25 October 2022.

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explicitly determined whether it would have been inequitable or inappropriate to rely on that amount and, if so, explained which deviation criteria the court was relying on to justify its deviation. Because the court failed to do so, we conclude that it abused its discretion in denying the defendant's motion for modification with respect to child support. The proper remedy is for this court to reverse the judgment in part and remand the case for the purpose of holding a new hearing on the motion for modification of child support.

## II

The defendant next claims that the court erred in denying his motion to modify the alimony order. Specifically, the defendant argues that the court erred in concluding that he had not proven a substantial change in circumstances to warrant modification. We are not persuaded.

We begin by setting forth the applicable legal principles. “[Section] 46b-86 governs the modification or termination of an alimony or support order after the date of a dissolution judgment. When, as in this case, the disputed issue is alimony . . . the applicable provision of the statute is § 46b-86 (a), which provides that a final order for alimony may be modified by the trial court upon a showing of a substantial change in the circumstances of either party. . . . Under that statutory provision, the party seeking the modification bears the burden of demonstrating that such a change has occurred. . . . To obtain a modification, the moving party must demonstrate that circumstances have changed since the last court order such that it would be unjust or inequitable to hold either party to it. Because the establishment of changed circumstances is a condition precedent to a party's relief, it is pertinent for the trial court to inquire as to what, if any, new circumstance warrants a modification of the existing order. . . .