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2024 Edition

Motion for Contempt in Family Matters

A Guide to Resources in the Law Library

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This guide links to advance release opinions on the Connecticut Judicial Branch website **and to case law hosted on Google Scholar and Harvard's Case Law Access Project.** The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

Related Research Guides:

Alimony in Connecticut	Dissolution of Marriage in Connecticut
Best Interest of the Child Standard in Connecticut	Equitable Distribution of Marital Property in Connecticut
Child Custody Actions in Connecticut	Modification of Judgments in Family Matters
Child Support in Connecticut	Motion to Open in Family Matters
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Introduction

A Guide to Resources in the Law Library

- The violation of any court order qualifies for criminal contempt sanctions. Where, however, the dispute is between private litigants and the purpose for judicial intervention is remedial, then the contempt is civil, and any sanctions imposed by the judicial authority shall be coercive and nonpunitive, including fines, to ensure compliance and compensate the complainant for losses. Where the violation of a court order renders the order unenforceable, the judicial authority should consider referral for nonsummary criminal contempt proceedings. Conn. Practice Book [Sec. 1-21A](#) (2024).
- “. . . an order entered by a court with proper jurisdiction ‘must be obeyed by the parties until it is reversed by orderly and proper proceedings.’ (Internal quotation marks omitted.) [*Cologne v. Westfarms Associates*, 197 Conn. 141, 145, 496 A.2d 476 (1985)] Id. We noted that a party has a duty to obey a court order ‘however erroneous the action of the court may be...’ (Internal quotation marks omitted.) Id. **We registered our agreement with the ‘long-standing rule that a contempt proceeding does not open to reconsideration the legal or factual basis of the order alleged to have been disobeyed...’** (Internal quotation marks omitted.) Id., at 148. Finally, we emphasized that **‘court orders must be obeyed; there is no privilege to disobey a court’s order because the alleged contemnor believes that it is invalid.’**” [Mulholland v. Mulholland](#), 229 Conn. 643, 649, 643 A.2d 246 (1994).
- “Although the court does not have the authority to modify a property assignment, a court, after distributing property, which includes assigning the debts and liabilities of the parties, does have the authority to issue postjudgment orders effectuating its **judgment.**” (Internal quotation marks omitted.) [Richman v. Wallman](#), 172 Conn. App. 616, 620, 161 A.3d 666 (2017).
- “‘To find a party in contempt, a trial court must conclude that a party has disobeyed an order of the court. 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.’ (Citations omitted; internal quotation marks omitted.) [Fitzgerald v. Fitzgerald](#), 16 Conn. App. 548, 551, 547 A.2d 1387, cert. denied, 210 Conn. 802, 553 A.2d 615 (1988).” [Castro v. Castro](#), 31 Conn. App. 761, 764, 627 A.2d 452 (1993).
- 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. This determination is aligned with the courts of our sister states . . . as well as federal courts. . . . This heightened standard of proof adequately characterizes the level of certainty appropriate to justify civil contempt sanctions, especially when those sanctions may include incarceration...” (Internal quotation marks omitted.) [Brody v. Brody](#), 315 Conn. 300, 318–19, 105 A.3d 887 (2015).

Section 1: Contempt

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to contempt and the enforcement of family judgments in Connecticut.

ADDITIONAL INFORMATION:

- "Contempt is a disobedience to the rules and orders of a court which has power to punish for such an offense . . . Contempt may be civil or criminal in character . . . 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 . . . Criminal contempt is conduct which is directed against the dignity and authority of the court. In such a case, the court may punish the offender on its own motion, without the presentation of any charge, formal or otherwise, and solely upon facts within its own knowledge. When the offense is committed in the presence of the court, **punishment may be imposed at once.**" [State v. Jackson](#), 147 Conn. 167, 168-169, 158 A.2d 166, 167 (1960).
- "Contempts of court may also be classified as either direct or indirect, **'the test being whether the contempt is offered within or outside the presence of the court.'** 17 Am. Jur. 2d, Contempt § 6; see also Goldfarb, [The Contempt Power (1963)] 67-77. A refusal to comply with an injunctive decree is an indirect contempt of court because it occurs outside the presence of the trial court." [Cologne v. Westfarms Associates](#), 197 Conn. 141, 150, 496 A.2d 476, 482 (1985).
- Court Order Must Be Obeyed: ". . . an order entered by a court with proper jurisdiction **'must be obeyed by the parties until it is reversed by orderly and proper proceedings.'** (Internal quotation marks omitted.) [[Cologne v. Westfarms Associates](#), 197 Conn. 141, 145, 496 A.2d 476 (1985)] Id. We noted that a party has a **duty to obey a court order 'however erroneous the action of the court may be. . . .'** (Internal quotation marks omitted.) Id. We registered our agreement with the 'long-standing rule that a contempt proceeding does not open to reconsideration the legal or factual basis of the order **alleged to have been disobeyed. . . .'** (Internal quotation marks omitted.) Id., 148. Finally, we emphasized that **'court orders must be obeyed; there is no privilege to disobey a court's order because the alleged contemnor believes that it is invalid.'**" [Mulholland v. Mulholland](#), 229 Conn. 643, 649, 643 A.2d 246 (1994).
- Standard of Proof: "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, 318–19, 105 A.3d 887 (2015).

- Sanctions: “for civil contempt may be either a fine or imprisonment; the fine may be remedial or it may be the means of coercing compliance with the court's order and compensating the complainant for losses sustained.” [O’Toole v. Hernandez](#), 163 Conn. App. 565, 576-577, 137 A. 3d 52 (2016).
- Incarceration: “A person who is before the court in a civil contempt proceeding involving the failure to comply with the order of a judicial authority in a family matter and who faces potential incarceration shall be advised of his or her right to be represented by counsel and his or her right to court-appointed counsel if he or she is indigent.” Conn. Practice Book [§ 25-63](#) (2024).
- **Attorney’s Fees:** “Section 46b-87 grants the court the discretion to award attorney's fees to the prevailing party in a contempt proceeding. ‘The award of attorney's fees in contempt proceedings is within the discretion of the court. . . . An abuse of discretion in granting the counsel fees will be found only if this court determines that the trial court could not reasonably have concluded as it did. . . . Importantly, *where contempt is established, the concomitant award of attorney's fees properly is awarded pursuant to § 46b-87 and is restricted to efforts related to the contempt action.*” [Y. H. v. J. B.](#), 224 Conn. App. 793, 811, 313 A.3d 1245 (2024).
- Appeal: In sum, if the defendant wanted to challenge the court's 2014 contempt orders, his remedy was to file a timely appeal, a timely motion to reargue, or a motion to open or vacate within the four months following the 2014 contempt orders. The defendant having forgone those options, the trial court lacked the authority to vacate those orders on the ground that it had five years earlier improperly found the defendant in contempt. We therefore conclude that the court properly denied the defendant's motion to vacate. [Strauss v. Strauss](#), 220 Conn. App. 193, 209–10, 297 A.3d 581, cert. denied, 348 Conn. 914, 303 A.3d 602 (2023).
- Standard Of Appellate Review: “Our Supreme Court recently clarified that we should utilize a two step inquiry **when analyzing a judgment of contempt:** ‘First, we must resolve the threshold question of whether the underlying order constituted a court order that was sufficiently clear and unambiguous so as to support a judgment of contempt.... This is a legal inquiry subject to de novo review.... Second, if we conclude that the underlying court order was sufficiently clear and unambiguous, we must then determine whether the trial court abused its

discretion in issuing, or refusing to issue, a judgment of contempt, which includes a review of the trial court's determination of whether the violation was wilful or **excused by a good faith dispute or misunderstanding.**" [Brochard v. Brochard](#), 165 Conn. App. 626, 637, 140 A.3d 254 (2016).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023).
 - [Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
 - § [46b-87](#). Contempt of orders
 - § [46b-87a](#). Forms and instructions for application for contempt order based on violation of visitation order
 - [Chapter 871](#). Courts
 - § [51-33](#). Punishment for contempt of court
 - [Chapter 901](#). Damages, Costs and Fees
 - § [52-256b](#). **Award of attorney's and officer's fees in contempt action**

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2024).
 - [Chapter 1](#). Scope of Rules
 - § 1-13A. Contempt
 - § 1-14. —Criminal contempt
 - § 1-16. —Summary criminal contempt
 - § 1-17. —Deferral of proceedings
 - § 1-18. —Nonsummary contempt proceedings
 - § 1-19. —Judicial authority disqualification in nonsummary contempt proceedings
 - § 1-20. —Where no right to jury trial in nonsummary proceeding
 - § 1-21. —Nonsummary judgment
 - § 1-21A. —Civil contempt
 - [Chapter 23](#). Procedure in Civil Matters
 - § 23-20. Review of Civil Contempt
 - [Chapter 25](#). Superior Court—Procedure in Family Matters
 - § 25-27. Motion for contempt
 - § 25-28. Order of Notice
 - § 25-63. Right to counsel in family civil contempt proceedings
 - § 25-64. —Waiver

COURT FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [Filing a Motion for Contempt – Connecticut Judicial Branch](#)
- [JD-FM-173](#). Motion for Contempt/Contempt Citation
- [JD-FM-173P](#). Motion for Contempt/Contempt Citation - *Polish*
- [JD-FM-173PT](#). Motion for Contempt/Contempt Citation - *Portuguese*

- [JD-FM-173S](#). Motion for Contempt/Contempt Citation - *Spanish*
- [JD-FM-124](#). Contempt Proceedings Upon Failure of Payer of Income to Comply with Withholding Order for Support

FORMS:

- *Library of Connecticut Family Law Forms*, 2d ed., by MacNamara, Welsh, and George, editors, Connecticut Law Tribune, 2014.
 - Form 5-036. Motion for contempt re: automatic orders
 - Form 5-037. Motion for contempt re: parenting plan
 - Form 16-007. Motion for contempt re: alimony payments
- *8 Connecticut Practice Series: Family Law and Practice with Forms*, 3rd ed., by Arnold H. Rutkin et al., 2010, Thomson West, with 2022-2023 supplement (also available on Westlaw).
 - § 34.6. Motion for contempt—Form
 - § 34.7. Application for contempt order, income withholding, and/or other relief—Form
 - § 34.9. Schedule for production at hearing—Form

ONLINE RESOURCES:

- [How to File a Motion for Contempt](#), CTLawHelp.org (Feb. 2023).
- [How to File a Motion for Contempt in a Family Case](#), Statewide Legal Services (last visited 5/9/2024).
- [Cómo presentar una Moción de Desacato](#), Statewide Legal Services (last visited 5/9/2024).

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Birkhold v. Birkhold](#), 343 Conn. 786, 814, 276 A.3d 414 (2022). **“Whether to find a party in contempt is ultimately a matter within the trial court's discretion. The trial court could have exercised its discretion so as not to find the plaintiff in contempt. The fact that the plaintiff exercised self-help when he was not entitled to do so, however, by disobeying the court's order without first seeking a modification was a sufficient basis for the trial court's contrary exercise of discretion.”**
- [Hall v. Hall](#), 335 Conn. 377, 238 A.3d 687 (2020). “The plaintiff contends that the trial court abused its discretion because it failed to consider his testimony during the hearing on the motion for contempt that, when he violated the October 27, 2014 order, he was relying in good faith on his counsel's advice. The plaintiff further claims that the Appellate Court incorrectly concluded, based on its review of the record, that, during the contempt hearing, the plaintiff had not adequately apprised the trial court of his reliance on this theory. We agree with the Appellate Court's conclusion that the record does not support the plaintiff's claim that the trial

court abused its discretion in failing to consider whether the plaintiff's actions were not wilful because he reasonably relied on the advice of counsel." (p. 384)

We find unpersuasive the plaintiff's reliance on the fact that the motion to open and vacate the judgment of contempt was made jointly and was pursuant to the parties' stipulation that they would seek to have the judgment of contempt vacated. The trial court enjoyed broad discretion in determining whether to grant the motion to open and vacate the judgment of contempt—neither the parties' joint motion nor their stipulation narrowed the breadth of that discretion. See *O'Brien v. O'Brien*, supra, 326 Conn. 96 ("It has long been settled that a trial court has the authority to enforce its own orders. (p. 396)

- [M.B. v. S.A.](#), 194 Conn. App. 727, 732–733, 222 A.3d 551 (2019). "On appeal, the plaintiff claims that the court abused its discretion by granting the defendant's postjudgment motions for contempt against him for failing to make required support payments, as set forth in the September 7, 2016 support orders, while the plaintiff's appeal of the support orders was pending. We disagree.

It is well established in our case law that filing an appeal from a family support order does not automatically stay the order's payment requirements. See *Wolyniec v. Wolyniec*, 188 Conn. App. 53, 55 n.2, 203 A.3d 1269 (2019); see also Practice Book § 61-11. Therefore, if a party in a family matter wishes the court to stay a family support order during an appeal, that party must file a motion to stay the order pursuant to § 61-11 (c)."

- [Becue v. Becue](#), 185 Conn. App. 812, 827-828, 198 A. 3d **601 (2018)**. "Although a good faith dispute or the inability of a party to obey an order of the court; see *id.*, at 532, 710 A.2d 757; may be raised as a defense to a contempt allegation, in this case, the evidence supports but one conclusion; the defendant chose not to comply with the court's child support order, and he wilfully engaged in self-help in breach of that order. Accordingly, we conclude that the court abused its discretion when it declined to find the defendant in contempt for engaging in self-help."
- [O'Toole v. Hernandez](#), 163 Conn. App. 565, 578, 137 A. 3d 52 (2016). "[T]he defendant urges this court to conclude that the act provides no authority to a family support magistrate to award attorney's fees in contempt proceedings for the violation of child support orders. We

decline to do so. First, as previously discussed, § 46b-231 (m)(7) expressly authorizes a family support magistrate to enforce child support orders entered in that court by finding the obligor in contempt, and further **provides that the magistrate 'may make such orders as are provided by law to enforce a support obligation....'** Second, it would violate the well established public policy that requires parents to provide for the support of their minor children and prohibits discriminating against children born out of wedlock to hold that support orders for children born out of wedlock cannot be enforced with the same contempt sanctions that are available tools to enforce support orders for children born to married parents. There is no justification for making such a distinction. See [Walsh v. Jodoin](#), supra, 283 Conn. at 201."

- [Brody v. Brody](#), 315 Conn. 300, 318-19, 105 A.3d 887 (2015). 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. This determination is aligned with the courts of our sister states . . . as well as federal courts. . . . This heightened standard of proof adequately characterizes the level of certainty appropriate to justify civil contempt sanctions, especially when those sanctions may include **incarceration...**" (Internal quotation marks omitted.)
- [Khan v. Hilyer](#), 306 Conn. 205, 213, 49 A.3d 996 (2012). **"Our conclusion that the contempt order in the present case is a final judgment is further supported by the unique place that family courts hold in this state's jurisprudence. This court has a long history of concluding that, within the context of family matters, orders that would otherwise be considered interlocutory constitute appealable final judgments."**
- [Pace v. Pace](#), 134 Conn. App. 212, 222, 39 A.3d 756 (2012). "Practice Book § 25-26 permits the court, when a party who is in arrears files a motion for modification, to consider whether the arrearage has accrued without sufficient excuse so as to constitute contempt and to determine whether any modification of alimony and child support shall be ordered prior to the payment of any arrearage found to exist. The court apparently did not find credible the plaintiff's claim that he was unable to pay alimony and child support, and found his claim in his motion for modification that he depleted his retirement accounts in order to pay his support obligations to be factually inaccurate. We cannot conclude that it was an abuse of discretion for the court to order the plaintiff to pay the arrearage not only in light of Practice Book § 25-26, but also because the defendant's motion for contempt

was considered simultaneously with the plaintiff's motion for modification."

- [Giordano v. Giordano](#), 127 Conn. App. 498, 502, 14 A.3d 1058 (2011). "[O]ur analysis of a [civil] judgment of contempt consists of two levels of inquiry. First, we must resolve the threshold question of whether the underlying order constituted a court order that was sufficiently clear and unambiguous so as to support a judgment of contempt.... This is a legal inquiry subject to de novo review.... Second, if we conclude that the underlying court order was sufficiently clear and unambiguous, we must then determine whether the trial court abused its discretion in issuing, or refusing to issue, a judgment of contempt, which includes a review of the trial court's determination of whether the violation was wilful or excused by a good faith dispute or misunderstanding.' (Internal quotation marks omitted.) [In re Marcus S.](#), 120 Conn. App. 745, 749-50, 994 A.2d 253, cert. denied, 297 Conn. 914, 995 A.2d 955 (2010)."
- [Behrns v. Behrns](#), 124 Conn. App. 794, 809, 6 A.3d 184 (2010). "In Connecticut, the general rule is that a court order must be followed until it has been modified or successfully challenged. [Eldridge v. Eldridge](#), [supra, 244 Conn. at 530, 710 A.2d 757]; [Behrns v. Behrns](#), [supra, 80 Conn.App. at 289, 835 A.2d 68]. Our Supreme Court repeatedly has advised parties against engaging in 'self-help' and has stressed that an 'order of the court must be obeyed until it has been modified or successfully challenged.'... [Sablosky v. Sablosky](#), [258 Conn. 713, 719, 784 A.2d 890 (2001)]."
- [Rivnak v. Rivnak](#), 99 Conn. App. 326, 335, 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."
- [Lawrence v. Lawrence](#), 92 Conn. App. 212, 883 A.2d 1260 (2005). "In Connecticut, the general rule is that a court order must be followed until it has been modified or successfully challenged. [Eldridge v. Eldridge](#), 244 Conn. 523, 530, 710 A.2d 757 (1998); [Behrns v. Behrns](#), 80 Conn. App. 286, 289, 835 A.2d 68 (2003), cert. denied, 267 Conn. 914, 840 A.2d 1173 (2004).³ Our Supreme Court repeatedly has advised parties against engaging in 'self-help' and has stressed that an 'order of the court must be obeyed until it has been modified or successfully challenged.' (Internal quotation marks omitted.) [Sablosky v. Sablosky](#), supra, 258 Conn. 719; see also

[Eldridge v. Eldridge](#), supra, 528-32 (good faith belief that party was justified in suspending alimony payment did not preclude finding of contempt); [Mulholland v. Mulholland](#), 229 Conn. 643, 648-49, 643 A.2d 246 (1994); [Nunez v. Nunez](#), 85 Conn. App. 735, 739-40, 858 A.2d 873 (2004). " (p. 215)

In light of the defendant's wilful failure to comply with terms of the support order, we cannot conclude that the court abused its discretion in finding him in contempt. The judgment is affirmed. (p. 217)

- [Kennedy v. Kennedy](#), 83 Conn. App. 106, 110-111, 847 A.2d 1104 (2004). **"The denial of the plaintiff's request for a continuance to retain an attorney for assistance on the motion of civil contempt raises different concerns.**

Practice Book § 25-63 provides a right to counsel in family civil contempt proceedings. We have held that a court's failure to advise a party of the right to counsel in a contempt proceeding in which he faces potential incarceration, and in the event he is indigent, to court-appointed counsel, is fatal to the finding of contempt and any order related thereto. See [Emerick v. Emerick](#), 28 Conn. App. 794, 800, 613 A.2d 1351, cert. denied, 224 Conn. 915, 617 A.2d 171 (1992). Moreover, a waiver of a **right to counsel 'should be clearly determined by the trial court, and it would be fitting and appropriate for that determination to appear on the record.'** (Internal quotation marks omitted.) *Id.*, 799."

- [Sablosky v. Sablosky](#), 258 Conn. 713, 720, 784 A.2d 890 (2001). **"(W)e conclude that where there is an ambiguous term in a judgment, a party must seek a clarification upon motion rather than resort to self-help. 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."**
- [Bieluch v. Bieluch](#), 199 Conn. 550, 555, 509 A.2d 8 (1986). **"Following the hearing, the trial court issued an order that held the defendant in contempt, found arrearages of \$2800, set a schedule of payments for the defendant, and provided for the defendant's incarceration**

in the event that he failed to abide by the schedule. In explaining its decision, the trial court noted that it had **not 'give[n] any credit' to the defendant's testimony** about his alleged offsetting payments and that, therefore, it had not reduced the defendant's arrearages. On appeal, the defendant argues that, because no evidence adduced at trial contradicted his testimony, the trial court was obligated to accept his statements and to reduce his arrearages by the amount of the offsetting payments. We disagree."

- [Marcil v. Marcil](#), 4 Conn. App. 403, 405, 494 A.2d 620 (1985). "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."

WEST KEY
NUMBERS:

- *Divorce*
V. Spousal Support, Allowances, and Disposition of Property
1000-1099. Enforcement of judgment or decree.
1100-1129. Contempt.
- *Child Custody – Visitation*
XII. Enforcement
850. In general
851. Contempt
852. —In general
853. —Excuses and defenses
854. —Visitation
855. Jurisdiction
856. Venue
857. Time for proceedings
858. Parties
859. Process
860. Appearance
861. Pleading
862. —In general
863. —Issues, proof and variance
864. Evidence
865. —In general
866. —Admissibility
867. —Burden of proof
868. —Presumptions
869. —Degree of proof
870. —Weight and sufficiency
871. Hearing
872. Judgment or order
873. Operation and effect of judgment or order
874. Relief granted

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 24A *Am. Jur. 2d* Divorce and Separation, Thomson West, 2018 (Also available on Westlaw).
 - III. Spousal Support; Alimony and Other Allowances Enforcement of Judgment, Decree, or Order; Provisional Remedies
 - §§ 775-777. Contempt proceedings
 - IV. Child Custody and Support; Visitation Rights Child Support
 - §§ 935-943. Contempt
 - §§ 926-931. Defenses
 - §§ 932-934. Setoff or credits
- 27B *C.J.S.* Divorce, Thomson West, 2016 (Also available on Westlaw).
 - V. Alimony, Maintenance and Support and Other Allowances, Generally
 - G. Enforcement of order or decree
 - 1. In General §§ 743-751
 - 2. Enforcement remedies
 - A. In general §§ 752-758
 - B. Sanction of contempt proceeding in action for divorce
 - (1) in General §§ 759-763.
 - (2) Prerequisites, determination, and defenses in contempt proceedings §§ 764-767.
 - (3) Judicial contempt powers §§ 768-774.
 - (4) Contempt proceedings §§ 775-789.
 - C. Execution §§ 790-798.
 - D. Fraudulent conveyances
 - (1) in General §§ 799-801.
 - (2) Proceedings §§ 802-805
 - E. Injunction §§ 806-809
 - F. Lien of decree and enforcement §§ 810-813

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
 - Chapter 17. Enforcement of Orders
 - Part I: Strategy
 - Part II. Filing Motions for Contempt
 - § 17.03. CHECKLIST: Filing motions for contempt
 - § 17.04. Assessing the statutory and practice book requirements for contempt motions
 - Part IV: Determining General Relief that may be sought in a Motion for Contempt
 - §§ 17.19 Checklist: Determining General Relief that may be sought in a Motion for Contempt
 - § 17.20 Seeking an award of counsel fees
 - § 17.21 Incarcerating the party held in contempt
 - § 17.22 Assessing interest
 - § 17.23 Enforcing a judgment through a separate civil action

Part V: Crafting Orders to Enforce Alimony and Child Support

§ 17.24 CHECKLIST: Crafting Orders to Enforce Alimony and Child Support

- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 34. Enforcement of Alimony and Child Support Provisions of Judgment
 - § 34:1 In general
 - § 34:2 Parties
 - § 34:3 Jurisdiction for enforcement
 - § 34:4. Contempt proceedings
 - § 34:5. Contempt procedure
 - § 34:8. Hearing
 - § 34:10. Necessity of counsel in contempt proceedings
 - § 34:17. Contempt penalties and terms of payment
 - § 34:18. Contempt penalties—Incarceration

 - Chapter 43. Enforcement of custody and visitation orders
 - § 43.1. In general
 - § 43.2. Parties entitled to seek enforcement
 - § 43.3. Venue for enforcement proceedings
 - § 43.4. Contempt proceedings, generally
 - § 43.5. Notice and hearing requirements for contempt proceedings
 - § 43.6. Defenses to contempt claims
 - § 43.7. Penalties imposed for contempt
 - § 43.8. Habeas corpus proceedings
 - § 43.9. Application for writ of habeas corpus—Form
 - § 43.10. Arbitration or mediation
 - § 43.11. Criminal sanctions
 - § 43.12. Tort claims
 - § 43.13. Effect of pending claims for modification
 - § 43.14. Enforcement provisions incorporated into judgment or agreement

- 8A Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - § 45:14. Attorney's fees for modification and enforcement proceedings
 - § 45:15. Attorney's fee award as sanction

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2024.
 - Chapter 8. Alimony
 - § 8.04[1] Arrearages Generally

§ 8.04[2] Contempt
§ 8.04[3] Defenses
Chapter 12: Enforcement of Orders
§ 12.02 Enforcement of Alimony and Child Support Order

- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.
Chapter 19. Dissolution of Marriage, Barbara A. Stark and Sheri L. Berman
Enforcement
- 4 Arnold H. Rutkin, *Family Law and Practice*, Matthew Bender, 2024 (also available on Lexis).
Chapter 47. Enforcement of Court Orders
§ 47.06. Contempt, relief to litigant and incarceration
 - [1] Introduction
 - [2] Necessity to show intentional default
 - [a] Constitutional considerations: Notice and hearing requirements
 - [3] Necessity to show lack of effectiveness of other remedies
 - [4] Extent of arrears
 - [5] Hearing considerations: Proof requirements
 - [a] Use of disclosure devices
 - [b] Selection and orientation of witnesses and client
 - [6] Right to purge
 - [8] Orders in aid of enforcement of litigant's rights**
 - [9] Commitment
 - [10] Summary proceedings in courts of limited jurisdiction
- 4 *Child Custody and Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2024.
Chapter 25. Modification and enforcement of forum **state's custody**-visitation directives
§ 25.05. Enforcement proceedings
- Daniel J. Klau, *Reconsidering Wilfulness as an Element of Civil Contempt*, *Connecticut Lawyer*, Volume 32, Number 3, January/February 2022.
- Manuel D. Leal, *Why There Is Disobedience of Court Orders: Contempt of Court and Neuroeconomics*, 26 *QLR* 1015 (2008).
- C. Forzani and B.G. Jenkins, *Enforcement of Alimony Orders*, 4 *Connecticut Family Lawyer* 25, 28-30 (Fall 1989).

LEGAL PERIODICALS:

Public access to law review databases is available on-site at each of our [law libraries](#).

Section 2: Defenses to Contempt

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to defenses of contempt in Connecticut.

SEE ALSO:

- Laches and Estoppel ([Section 2a](#))

ADDITIONAL INFORMATION:

- “The inability of an obligor to pay court-ordered alimony, without fault on his part, is a good defense to a contempt motion. The burden of proving an inability to pay rests with the obligor. Whether the obligor has established his inability to pay by credible evidence is a question of fact. The obligor must establish that he cannot comply, or was unable to do so. It is then within the sound discretion of the court to deny a claim of contempt when there is an adequate factual basis to explain the failure to pay. *Afkari-Ahmadi v. Fotovat-Ahmadi*, 294 Conn. 384, 397-98, 985 A.2d 319 (2009).” [Bauer v. Bauer](#), 173 Conn. App. 595, 600, 164 A.3d 796 (2017).
- “**To constitute contempt, a party’s conduct must be willful...** Noncompliance alone will not support a judgment of contempt.” *Bowers v. Bowers*, 61 Conn.App. 75, 81, 762 A.2d 515 (2000), cert. granted on other grounds, 255 Conn. 939, 767 A.2d 1211 (2001).” [Priat v. Priat](#), 67 Conn. App. 7, 14, 787 A.2d 50 (2001).
- “**It is also logically sound that a person must not be found in contempt of a court order when ambiguity either renders compliance with the order impossible, because it is not clear enough to put a reasonable person on notice of what is required for compliance, or makes the order susceptible to a court’s arbitrary interpretation of whether a party is in compliance with the order.**” (Internal quotation marks omitted.) [Parisi v. Parisi](#), 315 Conn. 370, 382, 107 A.3d 920 (2015).
- “A person who is before the court in a civil contempt proceeding involving the failure to comply with the order of a judicial authority in a family matter and who faces potential incarceration shall be advised of his or her right to be represented by counsel and his or her right to court-appointed counsel if he or she is indigent.” Conn. Practice Book [§ 25-63](#) (2024).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2024).
[Chapter 23](#). Miscellaneous Remedies and Procedures
§ 23-20. Review of civil contempt
[Chapter 25](#). Superior Court—Procedure in Family Matters
§ 25-27. Motion for contempt

§ 25-63. Right to counsel in family civil contempt proceedings

§ 25-64. —Waiver

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Wethington v. Wethington](#), 223 Conn. App. 715, 725, 309 A.3d 356 (2024). "Pursuant to the clear and unambiguous language of Practice Book § 25-5, the defendant was not subject to the automatic orders until they had been served on him, through counsel, in November, 2019. It necessarily follows that, as a matter of law, the defendant could not be adjudicated in contempt of the automatic orders for his actions in October, 2019..."
- [Ingles v. Ingles](#), 216 Conn. App. 782, 791–92, 286 A.3d 908 (2022). "In other words, even though the court found that the plaintiff had been late in making certain mortgage payments, it did not find that the plaintiff had failed to make his 'best effort' to make those mortgage payments on time, in violation of the court's order, or that any such **violation was 'wilful.'** Thus, the court determined that the defendant failed to establish a prima facie case of contempt and, therefore, the burden of production did not shift to the plaintiff to provide evidence in support of a defense of inability to comply with the court's order.

Accordingly, we conclude that the court correctly placed the burden on the defendant to demonstrate the plaintiff's wilful noncompliance with the court's order, and, on the basis of the evidence presented, the court did not abuse its discretion by declining to hold the plaintiff in contempt."

- [III v. Manzo-III](#), 210 Conn. App. 364, 365, 270 A.3d 108, cert. denied, 343 Conn. 909 (2022). "In this postdissolution matter, the plaintiff, Charles III, appeals from the judgment of the trial court finding him in contempt and subsequently awarding interest and attorney's fees to the defendant, Ellen Manzo-III. On appeal, the plaintiff claims that the court improperly... (5) by virtue of its scheduling order, limited his defense at the contempt hearing and the attorney's fees hearing. We agree with the plaintiff's fifth claim and reverse the judgments of the court and remand the case for a new contempt hearing.
- [Leonova v. Leonov](#), 201 Conn. App. 285, 312, 242 A.3d 713 (2020), cert. denied, 336 Conn. 906 (2021). "We address the defendant's third and fourth claims jointly in this part of the opinion, as both claims pertain to alleged violations of the automatic order provisions set forth in Practice Book § 25-5(b). In the defendant's third claim, he contends that the court improperly found the defendant in contempt for one of the alleged violations of the automatic

orders set forth in Practice Book § 25-5, his expenditure of \$10,000 to rent a ski lodge, because there was no contempt motion pending alleging such a violation; and, in his fourth claim, the defendant contends that the court abused its discretion by finding the defendant in contempt for two violations of the automatic orders, by renting the ski lodge and by investing \$39,000 in cryptocurrency, despite the fact that both of these financial expenditures **were within the 'usual course of business' exception in the rule.** See Practice Book § 25-5(b)(1). For the reasons that follow, we agree with the defendant's third claim."

- [Casiraghi v. Casiraghi](#), 200 Conn. App. 771, 786, 241 A.3d 717 (2020). "Specifically, he claims that the court improperly found him in wilful noncompliance with his unallocated support obligation and with the lump sum property distribution order despite conclusive and un rebutted evidence that he lacked the ability to pay because of a reduction in his annual earnings. We agree that the court failed to give due consideration to whether the plaintiff had the ability to pay his financial obligations, particularly in light of the court's express findings regarding the amount of the plaintiff's net income."
- [Giordano v. Giordano](#), 200 Conn. App. 130, 148, 238 A.3d 113, cert. denied, 335 Conn. 970 (2020). "**In the absence** of a clear and unambiguous order underpinning the court's finding of contempt, and on the basis of the court's own finding of ambiguity within the alimony order, we conclude that the record does not support the court's conclusion that the defendant's failure to pay the then existing alimony order was wilful, and, therefore, that the standard for a finding of contempt was not satisfied.

The judgment is reversed only as to the finding of contempt and the case is remanded with direction to deny **the plaintiff's motion for contempt;**"

- [Barr v. Barr](#), 195 Conn. App. 479, 480, 225 A.3d 972, (2020). "The defendant...appeals from the trial court's judgment granting the postjudgment motion for contempt brought by the plaintiff.... The defendant claims that, with respect to the motion, the plaintiff did not properly serve the defendant with process. We agree with the defendant and, accordingly, reverse the judgment of the court and remand the case with direction to dismiss the motion for contempt."
- [Bolat v. Bolat](#), 182 Conn. App. 468, 480, 190 A.3d 96 (2018). "[A] court may not find a person in contempt without considering the circumstances surrounding the violation to determine whether such violation was wilful.... [A] contempt finding is not automatic and depends on the

facts and circumstances underlying it.... [I]t is well settled that the inability of [a] defendant to obey an order of the court, without fault on his part, is a good defense to the charge of contempt The contemnor must establish that he cannot comply, or was unable to do so.... It is [then] within the sound discretion of the court to deny a claim of contempt when there is an adequate factual basis to explain the failure ... *Mekrut v. Suits*, 147 Conn. App. 794, 799–800, 84 A.3d 466 (2014).” (Internal quotation marks omitted.)

- [Medeiros v. Medeiros](#), 175 Conn. App. 174, 167 A.3d 967 (2017). **“The defendant’s second claim is that the trial court failed to determine that the evidence establishing its finding of contempt met the required clear and convincing standard of proof. We disagree.”**

“Neither the court's oral decision nor its written order, both issued on June 3, 2015, indicate what standard of proof the court applied, and the defendant did not seek articulation or reargument of its decision. Consequently, because it is not otherwise clear from the record that an improper standard was applied, we presume that the court applied the clear and convincing evidence standard. Accordingly, we are not persuaded by the defendant's second claim. (p. 192)

The defendant's final claim is that the court erred in the imposition of sanctions for his contempt. Specifically, the defendant challenges the propriety of both fines, the ten day order of incarceration, and the award to the plaintiff of attorney's fees and costs. The plaintiff counters that all of the court's imposed sanctions were appropriate. We agree with the defendant that the fines imposed were improper but conclude that there are no grounds to reverse any of the other sanctions the court ordered.” (p. 194)

- [O'Brien v. O'Brien](#), 326 Conn. 81,96, 161 A.3d 1236 (2017). **“...[W]e conclude in part I A of this opinion that a trial court possesses inherent authority to make a party whole for harm caused by a violation of a court order, even when the trial court does not find the offending party in contempt. In part I B of this opinion, we conclude that the trial court properly exercised that authority in the present case.”**
- [Gabriel v. Gabriel](#), 324 Conn. 324, 152 A.3d 1230 (2016). **“In the present case, the two specified conditions were satisfied, namely, the trial court transferred primary physical custody to the plaintiff in May, 2012, and made no determination with respect to the preexisting unallocated alimony and child support order. Therefore, § 46b–224 was automatically invoked and the portion of the preexisting unallocated alimony and child support order**

that was attributable to child support was suspended. As a result, at the time that the plaintiff unilaterally reduced his payment to the defendant in October, 2012, there was no longer a clear and unambiguous order of the trial court requiring him to pay a specific amount of money to the defendant. To the contrary, because the original order of the court provided for unallocated alimony and support and an unspecified portion of that order was subsequently suspended, there was no longer a clear and unambiguous order of the trial court regarding the plaintiff's support obligations." (p. 333)

"In light of the applicability of § 46b-224 in the present case, at the time that the plaintiff unilaterally reduced his payment to the defendant, there was no clear order of support." (p. 334)

- [Parisi v. Parisi](#), 315 Conn. 370, 384-385, 107 A.3d 920 (2015). "Applying the foregoing principles to the present matter, we conclude that the alimony buyout provision of the parties' separation agreement is ambiguous, thereby precluding a finding of contempt. To begin, it is unclear whether the payment at issue was intended to be in the nature of a property distribution or lump sum alimony The nature of the payment, if it were clear, might have been instructive as to what the parties intended regarding the manner of payment because, as the defendant contends, alimony is intended to provide the payee spouse ongoing support and, as such, ought to be readily accessible. Additionally, it is unclear whether the parties, in specifying that the payment be 'nontaxable and nondeductible,' were contemplating, as the plaintiff claims, that only the initial transfer itself meet those qualifications, or rather, as the defendant suggests, the qualifications apply more broadly to include her subsequent liquidation of the funds for her use Finally, as to what forms of payment were acceptable for the satisfaction of the alimony buyout provision, the agreement is completely silent. Taken together, the foregoing factors render the parties' agreement unclear as to the issue at hand."
- [Marshall v. Marshall](#), 151 Conn. App. 638, 97 A.3d 1 (2014). "The defendant next claims that the court erred in failing to find the plaintiff in contempt. The trial court found that paragraph 4.4 of the agreement was self-executing, and that the plaintiff was entitled to reduce his alimony and support payments without resort to an order of modification by the court. The court determined, however, that the separation agreement did not provide for the complete cessation of alimony payments in the circumstances, as the plaintiff continued to receive some compensation. The court determined that the plaintiff should have reduced his alimony and support payments to

40 percent of his pretax income, as set forth in paragraph 4.4, and should not have stopped making alimony payments altogether. The court declined to find the plaintiff in wilful contempt.” (p. 649)

“...we discern no basis on which to disturb the court's conclusions regarding contempt. The court's failure to find wilfulness — an issue on which the defendant had the burden of proof — would not logically be altered on remand. Factors such as whether the plaintiff did not have the ability to pay at the time or whether he misunderstood the obligation in good faith would not be different at the **time of remand.**” (p. 651)

- [Aliano v. Aliano](#), 148 Conn. App. 267, 277-278, 85 A.3d 33 (2014). “The court articulated that the defendant lacked the ability to pay \$100,000 to the plaintiff . . . The court also stated in its articulation that it found that the **defendant’s** interpretation of the court order was reasonable and made in good faith, and thus did not **amount to wilful disobedience.** ‘The contempt remedy is particularly harsh . . . and may be founded solely upon some clear and express direction of the court. . . . 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.**’ (Internal quotation marks omitted.) *Behrns v. Behrns*, supra, 124 Conn.App. at 808, 6 A.3d 184; see also *Martocchio v. Savoie*, supra, 130 Conn.App. at 630, 23 A.3d 1282.”
- [Carpender v. Sigel](#), 142 Conn. App. 379, 67 A.3d 1011 (2013). “The defendant filed a post-judgment motion for contempt requesting that the plaintiff be held in contempt for her failure to comply with the payment of educational **and other expenses. . . .**” (p. 382)

“On the basis of the record provided, we cannot determine that **there was error in the court’s** judgment. There was evidence in the record to support the court’s factual findings that the plaintiff **did not believe that the parties’** son was ready to attend Long Island University, that he was not a good student and that a different school would be better. Given the evidence, the court had a reasonable basis on which to conclude that the plaintiff did not unreasonably withhold her consent to their son’s enrollment at Long Island University, and, therefore, there **was no abuse of discretion.**” (p. 385)

- [Miller v. Miller](#), 124 Conn. App. 36, 38, 3 A.3d 1018 (2010). **"The defendant also filed a 'motion for contempt, modification and termination,' alleging that the plaintiff had violated the separation agreement by failing to notify him that she had been cohabiting with another individual. In its ruling on the contempt motions, filed January 2, 2009, the court found that the defendant had failed to establish that the plaintiff had been cohabiting with another individual. The court did not find the defendant in contempt, however, because the court concluded that his actions did not constitute a willful violation of the court's order. In this regard, the court found that although he was mistaken in his belief that the plaintiff was cohabiting, the defendant, nonetheless, honestly believed that he was no longer required to make alimony payments."**
- [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). We do not agree, however, that the plaintiff can invoke that duty in the context of a motion for contempt.

A motion for contempt addresses only whether a party has violated a particular court order. It does not address what that particular court order should be. Here, the plaintiff filed a motion for contempt on August 4, 2003, claiming, among other things, that the defendant had failed to **reimburse him for 'medical expenses' that he alleged had been the subject of prior court orders. No such orders existed. Accordingly, the court improperly ordered payment of medical expenses other than those provided for in the initial December 31, 1990 order. The court's finding arose in the context of a motion for contempt and not a motion for order that the defendant pay all unreimbursed medical bills. We thus find the plaintiff's argument that the defendant be ordered to fulfill her legal duty to provide child support misplaced and unpersuasive."**

- [Fromm v. Fromm](#), 108 Conn. App. 376, 378, 948 A.2d 328 (2008). **"Unlike [Bozzi](#), the claimed prejudice in the present case is the fact that the defendant deliberately made it impossible for the plaintiff to comply with his alimony and support obligations. She also made no 'motion in the Superior Court alleging the plaintiff's wilful failure to pay**

alimony and child support.’ The record supports the plaintiff’s contention that he changed his position regarding his obligations as a result of her conduct.”

- [Nunez v. Nunez](#), 85 Conn. App. 735, 739-740, 858 A.2d 873 (2004). “In *Mallory v. Mallory*, 207 Conn. 48, 57, 539 A.2d 995 (1988), the defendant father claimed that he was too poor to meet his court-ordered financial obligations. Our Supreme Court, after stating that inability to obey an order qualifies as a proper defense to contempt, stated: ‘**The defendant in the case at bar, however, failed to seek a modification of his child support obligations until after the plaintiff had instituted contempt proceedings against him. In these circumstances, the trial court did not err in finding the defendant in contempt, at least in regard to the child support arrearage accumulated before he sought a modification of the child support orders.’** *Id.* It concluded that under those circumstances, a finding of contempt was proper. Subsequently, in *Sablosky v. Sablosky*, supra, 258 Conn. 713, our Supreme Court stated that ‘[a]lthough one party may believe that his or her situation satisfies this standard [of changed circumstance], until a motion is brought to and is granted by the court, that party may be held in contempt in the discretion of the trial court if, in the interim, the **complaining party fails to abide by the support order.**’ (Emphasis added.) *Id.*, at 722, 784 A.2d 890; see also *Bunche v. Bunche*, 36 Conn. App. 322, 325, 650 A.2d 917 (1994) (order of court must be obeyed until modified or successfully challenged).”
- [Issler v. Issler](#), 50 Conn. App. 58, 65, 716 A.2d 938 (1998). “...an equivocal court order will not support a finding of contempt....”
- [Tatro v. Tatro](#), 24 Conn. App. 180, 186, 587 A.2d 154 (1991). “The inability of a contemnor to obey a court order through no fault of her own is a defense to a claim of contempt... [T]he act for which the penalty was imposed cannot constitute contempt if the actor was **unable to obey the order.**”

WEST KEY NUMBERS:

- *Divorce*
 - # 1100-1123. Contempt.
 - # 1106. Defenses and excuses.
- *Child Custody – Visitation*
 - XII. Enforcement
 - # 850. In general
 - # 851. Contempt
 - # 852. —In general
 - # 853. —Excuses and defenses

ENCYCLOPEDIAS:

- 24A *Am. Jur. 2d* Divorce and Separation, Thomson West, 2018 (Also available on Westlaw).

- III. Spousal Support; Alimony and Other Allowances
Enforcement of Judgment, Decree, or Order;
Provisional Remedies
§§ 926-931. Contempt proceedings—Defenses
- IV. Child Custody and Support; Visitation Rights
Child Support
§§ 941-943. Contempt—Defenses

TEXTS &
TREATISES:

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
Chapter 17. Enforcement of Orders
Part III. Asserting Defenses to a Motion for Contempt
 - § 17.11. CHECKLIST: Asserting defenses to a motion for contempt
 - § 17.12. Asserting defenses to a motion for contempt—In general
 - § 17.13. Defending a contempt motion based on inability to pay
 - § 17.15. Asserting waiver as a defense

- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
Chapter 34. Enforcement of Alimony and Child Support Provisions of Judgment
 - § 34:11. Excuse or defense to contempt claim
 - § 34:12. Inability to comply
 - § 34:13. Irregularities or uncertainties as to terms of original order
 Chapter 43. Enforcement of custody and visitation orders
 - § 43.1. In general
 - § 43.2. Parties entitled to seek enforcement
 - § 43.3. Venue for enforcement proceedings
 - § 43.4. Contempt proceedings, generally
 - § 43.5. Notice and hearing requirements for contempt proceedings
 - § 43.6. Defenses to contempt claims

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2024.
Chapter 12: Enforcement of Orders
§ 12.01[2] Defenses

- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.
Chapter 19. Dissolution of Marriage, Barbara A. Stark and Sheri L. Berman
Enforcement

- 5 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2024 (also available on Lexis).
 - Chapter 47. Enforcement of Court Orders
 - § 47.06. Contempt, relief to litigant and incarceration
 - [7] Contempt defenses
 - [a] Generally
 - [b] Inability to comply
 - [c] Substantial compliance
 - [d] Waiver and agreement
 - [e] Reconciliation
 - [f] Other defenses

LEGAL
PERIODICALS:

- Daniel J. Klau, *Reconsidering Wilfulness as an Element of Civil Contempt*, Connecticut Lawyer, Volume 32, Number 3, January/February 2022.

Section 2a: Laches and Estoppel

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to laches and/or estoppel as a defense to contempt in alimony or child support cases in Connecticut.

ADDITIONAL INFORMATION:

- **"Laches consists of two elements. 'First, there must have been a delay that was inexcusable, and, second, that delay must have prejudiced the defendant.' . . . The mere lapse of time does not constitute laches; . . . unless it results in prejudice to the defendant."** [Bozzi v. Bozzi](#), 177 Conn. 232, 239, 413 A.2d 834, 838 (1979).
- **"There are two essential elements to an estoppel-the party must do or say something that is intended or calculated to induce another to believe in the existence of certain facts and to act upon that belief; and the other party, influenced thereby, must actually change his position or do some act to his injury which he otherwise would not have done.'** *Fawcett v. New Haven Organ Company*, 47 Conn. 224, 227." [Tradesmens National Bank of New Haven v. Minor](#), 122 Conn. 419, 424, 190 A. 270, 272 (1937).
- **"It is fundamental that a person who claims an estoppel must show that he exercised due diligence to know the truth, and that he not only did not know the true state of things but also lacked any reasonably available means of acquiring knowledge. *Myers v. Burke*, 120 Conn. 69, 76, 179 A. 88."** [Spear-Newman, Inc. v. Modern Floors Corporation](#), 149 Conn. 88, 91-92, 175 A.2d 565, 567 (1961).
- **"In its traditional form the doctrine of equitable estoppel states that a party (1) who is guilty of a misrepresentation of existing fact including concealment, (2) upon which the other party justifiably relies, (3) to his injury, is estopped from denying his utterances or acts to the detriment of the other party.'** Calamari & J. Perillo, *Contracts* (3d Ed.1987) § 11-29(b), p. 489." [Connecticut National Bank v. Voog](#), 233 Conn. 352, 366, 659 A.2d 172, 179 (1995).

CASES:

- [Carpender v. Sigel](#), 142 Conn. App. 379, 67 A.3d 1011 (2013). "In the present case, no evidence was admitted on which the court could have found that the plaintiff was prejudiced by the defendant's failure to seek payment for a number of years or that she changed her position in reliance on the defendant's actions. Further, no evidence was presented that the delay was inexcusable. The only evidence presented to the court with regard to the laches defense was that the defendant waited for seven to eight years to file the motion for contempt. Accordingly, the

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

court improperly concluded that the defendant's claim for reimbursement for extracurricular activities expenses was barred by laches." (p. 387)

"As previously noted, the plaintiff did not claim that the defendant ever told her that she did not need to contribute to the cost of the extracurricular activities in which their son participated. The defendant simply did not ask. Moreover, no evidence was admitted on which the court could have found that the defendant's failure to seek contribution induced her to change her position in any way in reliance on his inactivity. She did not testify regarding whether she exercised due diligence to find out if the defendant wanted her to contribute or if she lacked any reasonably available means of acquiring such information. Accordingly, there was no evidence of estoppel and the court, therefore, improperly concluded that the defense of estoppel barred the defendant from seeking reimbursement of the fees associated with the extracurricular activities." (p. 389-390)

- [Kasowitz v. Kazowitz](#), 140 Conn. App. 507, 513-514, 59 A.3d 347 (2013). "Laches is an equitable defense that consists of two elements. First, there must have been a delay that was inexcusable, and, second, that delay must have prejudiced the defendant.... The mere lapse of time does not constitute laches ... unless it results in prejudice to the defendant ... as where, for example, the defendant is led to change his position with respect to the matter in question.... Thus, prejudicial delay is the principal element in establishing the defense of laches.... The standard of review that governs appellate claims with respect to the law of laches is well established. A conclusion that a plaintiff has been guilty of laches is one of fact.... We **must defer to the court's** findings of fact unless they are clearly erroneous.' (Citations omitted; internal quotation marks omitted.) *Cifaldi v. Cifaldi*, 118 Conn. App. 325, 334-35, 983 A.2d 293 (2009); see also *Jarvis v. Lieder*, 117 Conn. App. 129, 149, 978 A.2d 106 (2009); *Sablosky v. Sablosky*, 72 Conn. App. 408, 413, 805 A.2d 745 (2002) . . . On the **basis of this record, the court's finding that the plaintiff's** delay was excusable was not clearly erroneous. Therefore, the court properly rejected the **defendant's** claim of laches."
- [Culver v. Culver](#), 127 Conn. App. 236, 247-248, 17 A.3d 1048 (2011). ". . . the facts of this case do not demonstrate that the defendant exercised due diligence in ascertaining **the legal effect of the parties' oral agreement.** 'It is fundamental that a person who claims an estoppel must show that he has exercised due diligence to know the truth, and that he not only did not know the true state of things but also lacked any reasonably available means of acquiring **knowledge.**' (Internal quotation marks

omitted.) *Riscica v. Riscica*, supra, 101 Conn.App. at 205, 921 A.2d 633; see also *Boyce v. Allstate Ins. Co.*, 236 Conn. 375, 385–86, 673 A.2d 77 (1996) . . . 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.**"

- [Fromm v. Fromm](#), 108 Conn. App. 376, 387-388, 948 A.2d 328 (2008). "Unlike *Bozzi*, [*Bozzi v. Bozzi*, 177 Conn. 232] the claimed prejudice in the present case is the fact that the defendant deliberately made it impossible for the plaintiff to comply with his alimony and support **obligations. She also made no 'motion in the Superior Court alleging the plaintiff's wilful failure to pay alimony and child support.'** The record supports the plaintiff's contention that he changed his position regarding his obligations as a result of her conduct . . . In light of the foregoing, we conclude as a matter of law that the defendant is guilty of laches in the present case. Her delay of more than one decade in filing her claim for arrearages, during which the plaintiff had no means of contacting her, **was inexcusable and prejudiced the plaintiff.**"
- [Papcun v. Papcun](#), 181 Conn. 618, 620, 436 A.2d 608 (1980). "The defendant's contention that the plaintiff is barred by laches from collecting the arrearage is also unpersuasive. '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, 685, 116 A.2d 906 (1955); *Kievman v. Grevers*, 122 Conn. 406, 411, 189 A. 609 (1937); 27 Am. Jur. 2d, Equity § 152. The mere lapse of time does not constitute laches; [Finucane v. Hayden](#), 86 Idaho 199, 206, 384 P.2d 236 (1963); 27 Am. Jur. 2d, Equity § 163; unless it results in prejudice to the defendant; see [Leary v. Stylarama of New Haven, Inc.](#), 174 Conn. 217, 219, 384 A.2d 377 (1978); [Blanco v. Darien](#), 157 Conn. 548, 556, 254 A.2d 898 (1969); as where, for example, the defendant is led to change his position with respect to the matter in question. [Pukas v. Pukas](#), 104 R.I. 542, 545-46, 247 A.2d 427 (1968).' [Bozzi v. Bozzi](#), 177 Conn. 232, 239, 413 A.2d 834 (1979).

A conclusion that a plaintiff has been guilty of laches is one of fact for the trier and not one that can be made by this court, unless the subordinate facts found make such a conclusion inevitable as a matter of law. *Bozzi v. Bozzi*, supra, 240. Although the defendant claims that he was prejudiced in that he remarried and incurred debts for the purchase of land, a truck, furniture and a boat in reliance on the plaintiff's failure to collect the court-ordered periodic payments, the court found that it was not the plaintiff's inactivity which led him to change his position.

The defendant has not presented to this court facts which would make a conclusion that the plaintiff was guilty of laches inevitable as a matter of law.

To further support his claim, the defendant attempts to invoke the doctrine of equitable estoppel in that the plaintiff was precluded from asserting her claims for alimony and support payments. **"There are two essential elements to an estoppel— the party must do or say something that is intended or calculated to induce another to believe in the existence of certain facts and to act upon that belief; and the other party, influenced thereby, must actually change his position or do some act to his injury which he otherwise would not have done."** [Spear-
Newman, Inc. v. Modern Floors Corporation](#), 149 Conn. 88, 91, 175 A.2d 565 (1961). The trial court found that the defendant had not changed his position in reliance on the plaintiff's nonenforcement of the orders of alimony and support. In the absence of prejudice, estoppel does not exist. The trial court also found that there is nothing in the record to indicate that the defendant did some act to his injury which he otherwise would not have done, which act was induced by any representations by the plaintiff. We cannot say that the trial judge was in error."

- [Piacquadio v. Piacquadio](#), 22 Conn. Supp. 47, 50, 159 A.2d 628, 630 (1960). **"...while a wife's long delay in attempting to enforce alimony payments does not destroy or affect the obligation of the husband to obey the order of the court, such delay is properly to be considered in determining whether a husband should be held in contempt for failure to pay. Not only may a wife's right to alimony be abandoned . . . but by her laches a divorced wife may be barred from the equitable aid of the court to secure payment of alimony arrears through use of the power of the court to punish for contempt."**

WEST KEY
NUMBERS:

- *Divorce*
 - 1007. Estoppel and waiver.
 - 1054. Time for proceedings; laches.
 - 1113. Time for proceedings; laches.
 - 1132. Estoppel, waiver and objections.

DIGESTS:

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2024.
 - Chapter 12: Enforcement of Orders
 - Chapter 18: Miscellaneous
 - § 18.04[1] Equitable Estoppel
 - § 18.04[2] Laches
 - § 18.04[3] Waiver

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *22 ALR 7th 1, Laches or Acquiescence as Defense, So As to Bar Recovery of Arrearages of Permanent Alimony or Child Support*, by George L. Blum, Thomson West, 2017.
- *24A Am. Jur. 2d Divorce and Separation*, Thomson West, 2018 (Also available on Westlaw).
 - III. Spousal Support; Alimony and Other Allowances Enforcement of Judgment, Decree, or Order; Provisional Remedies
 - § 784. Contempt proceedings—Defenses—Generally
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
 - Chapter 17. Enforcement of Orders
 - Part III. Asserting Defenses to a Motion for Contempt
 - § 17.14. Defending a motion for contempt based upon laches and equitable estoppel
- *8 Connecticut Practice Series, Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 34. Enforcement of Alimony and Child Support Provisions of Judgment
 - § 34:14. Laches and/or estoppel as a defense to contempt
 - § 34:15. Estoppel—In kind payments or other modifications
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2024.
 - Chapter 12: Enforcement of Orders
 - Chapter 18: Miscellaneous
 - § 18.04[1] Equitable Estoppel
 - § 18.04[2] Laches

Section 3: Collection Procedures in Family Matters

A Guide to Resources in the Law Library

- SCOPE: Bibliographic resources relating to collection procedures in family law judgments in Connecticut.
- SEE ALSO:
- [Enforcing Money Judgments](#)
- ADDITIONAL INFORMATION:
- **“Although the court does not have the authority to modify a property assignment, a court, after distributing property, which includes assigning the debts and liabilities of the parties, does have the authority to issue postjudgment orders effectuating its judgment.”** (Internal quotation marks omitted.) [Richman v. Wallman](#), 172 Conn. App. 616, 620, 161 A.3d 666 (2017).
 - “The Superior Court and any family support magistrate shall enter an order for withholding pursuant to this section against the income of an obligor to enforce a support order when the support order is entered or modified or when the obligor is before the court in an enforcement proceeding.” **Conn. Gen. Stat. § 52-362(b)** (2023). ([2024 Supplement](#))
 - “Whenever an order of the Superior Court or a family support magistrate for support of a minor child or children is issued and such payments have been ordered to be made to the state acting by and through the IV-D agency and the person against whom such support order was issued owes past-due support in the amount of five hundred dollars or more, the state shall have a lien on any property, real or personal, in which such person has an interest to enforce payment of such past-due support. The lien for past-due child support shall be secured by the IV-D agency pursuant to procedures contained in the general statutes applicable to the type of property to be secured. After securing the lien, the IV-D agency shall provide such person with notice of the lien and an opportunity for a hearing before a hearing officer of the Department of Social Services pursuant to section 17b-60 to contest the lien. The IV-D agency shall file a release of such lien if a hearing officer determines that the conditions for the existence of a lien are not satisfied. Any such lien on real property may, at any time during which the obligor owes the amount of past-due child support secured by such lien, be foreclosed in an action brought in a court of competent jurisdiction by the Commissioner of Social Services in a title IV-D case or by the person to whom the child support is due. A lien for past-due support arising in any other state shall be given full faith and credit by this state provided such other state has complied with its

procedural rules relating to recording or serving of liens.”
Conn. Gen. Stat. § [52-362d](#) (2023).

- “The order for imprisonment in this class of cases, therefore, is not to vindicate the authority of the law, but is remedial and is intended to coerce the defendant to do the thing required by the order for the benefit of the complainant. If imprisoned, as aptly said in *In Re Nevitt*, 54 C. C. A. 622, 117 Fed. 451, ‘he carries the keys of his prison in his own pocket.’ He can end the sentence and discharge himself at any moment by doing what he had previously refused to do.” [Gompers v. Bucks Stove & Range Co.](#), 221 U.S. 418, 442 (1911).
- “The issue to be decided by the court is whether contempt proceedings are available as a remedy to collect support arrearages after the child has reached the age of majority . . . This court will hold that it has jurisdiction in a contempt proceeding to enter an order to pay child support on unpaid installments which accrued before the child reached majority, where the proceedings were commenced after the child reached majority.” [Arnold v. Arnold](#), 35 Conn. Supp. 244, 245-246, 407 A.2d 190, 191 (1979).
- “In essence, a writ of ne exeat is an order, directed to the sheriff, commanding him to commit a party to custody until he gives security in the amount set by the court to guarantee his appearance in court. *National Automobile & Casualty Ins. Co. v. Queck*, [1 Ariz. App. 595, 599, 405 P.2d 905 (1965)]supra, 600. The writ of ne exeat is executed in all respects like an ordinary *capias*, and the bond is taken in the same way. The defendant, if arrested under the writ, may give bond at any time and be discharged. *Griswold v. Hazard*, 141 U.S. 260, 280-81, 11 S.Ct. 972, 35 L.Ed. 678 (1891).” [Beveridge v. Beveridge](#), 7 Conn. App. 11, 16-17, 507 A.2d 502, 504 (1986).
- Family support magistrate: “may make and enforce child support orders, ... he or she may find a person in contempt for failure to comply with such support orders, and ... he or she may enter such orders as are provided by law necessary to enforce a support obligation. As previously defined in the act, ‘law’ includes both statutory and common law. General Statutes § 46b-231 (b) (9).” [O’Toole v. Hernandez](#), 163 Conn. App. 565, 574, 137 A. 3d 52 (2016).
- IV-D: “means 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.” Regs. of Conn. State Agencies § [17b-179\(a\)-1](#)(11).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023).
[Chapter 816](#) – Support ([2024 Supplement](#))
§ [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 ... ([2024 Supplement](#))

[Chapter 906](#). Postjudgment Procedures ([2024 Supplement](#))

§ [52-362](#). Income withholding and unemployment compensation for support. ([2024 Supplement](#))

§ [52-362d](#). Lien against property of obligor for unpaid child support. Securing, releasing or foreclosing lien. Notice of lien and opportunity for hearing. Information re unpaid support reported to participating consumer reporting agency. Offset for child support arrearage against money payable by state to obligor. Notification by Connecticut Lottery Corporation. Hearings re alleged arrearages. Regulations.

§ [52-362f](#). Enforcement of child support orders by income withholding.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2024).
[Chapter 25](#). Superior Court—Procedure in Family Matters
§ 25-27. Motion for contempt

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- [Regulations of Connecticut State Agencies](#)
[Title 17b](#). IV-D Child Support Enforcement Program
§ 17b-179(a)-2. Publication of names of delinquent obligors
§ 17b-179(f)-1. Referrals to the federal parent locator service
§ 17b-179(i)-1. Application fee for non-assistance cases
§ 17b-179(m)-2. Location of noncustodial parents
§ 17b-179(m)-6. Collection of support payments
§ 17b-179(m)-7. Medical support
§ 17b-179(m)-9. Enforcement of support orders

[Title 52](#). Civil Actions

§ 52-362d-2. Child support liens

§ 52-362d-3. Reporting overdue support to consumer reporting agency

§ 52-362d-4. Withholding of lottery winnings

- § 52-362e-2. Withholding of federal income tax refunds
- § 52-362e-3. Withholding of state income tax refunds

COURT FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [Filing a Motion for Contempt – Connecticut Judicial Branch](#)
- [JD-FM-173](#). Motion for Contempt/Contempt Citation
- [JD-FM-173P](#). Motion for Contempt/Contempt Citation - Polish
- [JD-FM-173PT](#). Motion for Contempt/Contempt Citation - Portuguese
- [JD-FM-173S](#). Motion for Contempt/Contempt Citation - Spanish
- [JD-FM-124](#). Contempt Proceedings Upon Failure of Payer of Income to Comply with Withholding Order for Support
- [JD-CV-3](#). Wage Execution Proceedings Application, Order, Execution

LEGISLATIVE REPORTS:

- *Child Support Enforcement Options*, Susan Price, Connecticut General Assembly, Office of Legislative Research Report, [2005-R-0452](#) (May 10, 2005).

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Family Support Magistrate Decisions](#) are available through **the Law Libraries’ website**.
- [Mazza v. Mazza](#), 216 Conn. App. 285, 304–305, 285 A.3d 90 (2022), cert. granted 346 Conn. 904 (2023).
 "Accordingly, the court had the authority to fashion 'an appropriate remedy to protect the integrity of the original judgment.' (Internal quotation marks omitted.) *Lawrence v. Cords*, 165 Conn. App. 473, 486, 139 A.3d 778, cert. denied, 322 Conn. 907, 140 A.3d 221 (2016). That is precisely what the court did. The court's order of alternative relief—requiring the preservation, restricting the transfer, and permitting the imposition of a judgment lien on the Kent property valued at \$110,000—ensured that the plaintiff would be compensated for the \$108,800 she was owed pursuant to the agreement. Furthermore, the defendant is not necessarily required to relinquish his Kent property to the plaintiff because the court's order of relief was alternative. The court left open the possibility that the defendant can instead pay to the plaintiff the \$108,800 that she is owed. Accordingly, 'the court ensured that the plaintiff would receive the sum owed to her within a specified span of time one way or another.' *Id.*, at 488, 139 A.3d 778.

Contrary to the defendant's argument, the court had the authority to include the Kent property in its contempt order despite the fact that the Kent property was not contemplated by the agreement incorporated into the judgment of dissolution. The court did not modify the terms of the property distribution because the Kent

property was not part of the agreement. Rather, the Kent property was purchased by the defendant with the funds **from the \$200,000 workers' compensation payment that** was contemplated by § 13 of the agreement. A trial court 'has authority to order additional measures not contained in the original order if they are necessary to effectuate the original judgment.' (Internal quotation marks omitted.) *Behrns v. Behrns*, supra, 124 Conn. App. at 822, 6 A.3d 184. The court's order of relief in the present case was a proper exercise of its remedial contempt authority to effectuate the terms of the judgment of dissolution."

- [Dep't of Soc. Servs. v. Freeman](#), 197 Conn. App. 281, 285, 232 A.3d 27, cert. denied, 335 Conn. 922, 233 A.3d 1090 (2020). "Pursuant to General Statutes § 52-362d, the plaintiff commenced the present action against the defendant to recover the remaining \$9500.70 in child support still owed by Rivera because the defendant had failed to withhold that sum from the settlement proceeds of Rivera's civil action to satisfy the lien."
- [Lavy v. Lavy](#), 190 Conn. App. 186, 189, 210 A.3d 98 (2019). "The plaintiff...appeals from the judgment of the trial court granting the motion of the defendant...to open and reform the parties' marital dissolution judgment because the plaintiff failed to disclose on his financial affidavit two marital assets: a savings account with First Niagara Bank, N.A., formerly known as NewAlliance Bank (Niagara account), and real property located in the Middle East (Jerusalem property). The plaintiff later amended this appeal to challenge the court's subsequent decision to grant the defendant's motion for an award of postjudgment interest. On appeal, the plaintiff claims that the court improperly (1) found that his failure to disclose the Niagara account and Jerusalem property on his financial affidavit constituted material omissions that triggered remedial measures set forth in the parties' separation agreement, which was incorporated by reference into the judgment of dissolution, (2) awarded the defendant prejudgment interest despite her having requested such relief for the first time in her posthearing brief, and (3) awarded the defendant postjudgment interest during the pendency of the appeal, purportedly in violation of the automatic appellate stay. We reject the plaintiff's claims and, accordingly, affirm the judgment of the trial court."
- [Profetto v. Lombardi](#), 164 Conn. App. 658, 663-665, 137 A.3d 922, 925-926 (2016). "In the present case, the judgment of dissolution contained no orders for alimony or child support. A money judgment may be enforced by postjudgment procedures, including the foreclosure of a judgment lien. See General Statutes §§ 52-350f and 52-380a. A money judgment is defined as an order for the

payment of a sum of money, but expressly excludes a family support judgment. See General Statutes § 52-350a (13). A family support judgment is an order for payment of a legal obligation for support or alimony to a spouse or former spouse or child. See General Statutes § 52-350a (7). The relevant statutes are clear and unambiguous, and the court's order for the defendant to repay a loan made by the plaintiff to the defendant during the marriage falls squarely within the definition of a money judgment and outside the definition of a family support judgment . . . Accordingly, for all of the foregoing reasons, we conclude that the trial court properly determined that it had jurisdiction over the present action to foreclose a **judgment lien.**"

- [Holly v. Holly](#), Superior Court, Judicial District of Litchfield at Litchfield, No. LLI-FA95-4015038-S (May 17, 2016) (62 Conn. L. Rptr. 347) (2016 WL 3202372) (2016 Conn. **Super. LEXIS 1101**). **"Pursuant to General Statutes § 52-362d, Support Enforcement acquired a lien against the defendant's workers' compensation settlement."** (p. 347)

"[T]his court concludes that the language of §§ 46b-231(s)(1) and (4), and 52-362d (a) and (f), are applicable to the present case, and plainly and unambiguously provide Support Enforcement with the statutory authorization to assist parties in seeking enforcement of their Title IV-D child support orders. This statutory authorization includes allocating the defendant's workers' compensation settlement amongst his two open Title IV-D child support orders, which Support Enforcement attempted to do in order to remain in compliance with 45 C.F.R. § 303.100(a)(5) and § 52-362d(f)." (p. 349)

- [Kupersmith v. Kupersmith](#), 146 Conn. App. 79, 91, 78 A.3d 860 (2013). **"The legislative history makes it clear that the amended language of § 46b-84(a) was enacted with the intention that it would enable a party to address the default of a final order for child support, or alimony; see footnote 8 of this opinion; through utilization of the postjudgment procedures set forth in chapter 906. The intention behind the promulgation of § 46b-84(a), therefore, clearly conflicts with the language in §§52-350a and 52-350f restricting family support judgments.... Because § 46b-84(a) is more specific and was promulgated later, we conclude that where the language of § 52-350a and § 46b-84(a) conflicts, § 46b-84(a) must prevail."**
- [Barber v. Barber](#), 114 Conn. App. 164, 167, 968 A.2d 981 (2009). **"The court concluded, on two grounds, that the plaintiff could enforce her family support agreement in a contract action and not by way of an execution on a**

judgment....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).” [Distinguished by *Kupersmith v. Kupersmith*, above.]

- [Cooke v. Cooke](#), 99 Conn. App. 347, 352, 913 A.2d 480, 382-483 (2007). “In this instance, the record makes it plain that the order did not oblige Richard T. Cooke to pay a money judgment which is defined statutorily as ‘a judgment, order or decree of the court calling in whole or in part for the payment of a sum of money, other than a family support judgment. Money judgment includes any such money judgment of a small claims session of the Superior Court, any foreign money judgment filed with the Superior Court pursuant to the general statutes and in IV-D cases, overdue support in the amount of five hundred dollars or more accruing after the entry of an initial family support judgment.’ General Statutes § 52-350a(13). Because the marital dissolution judgment in effect on the date of the imposition of the judgment lien did not order Richard T. Cooke to pay a certain sum, it cannot fairly be characterized as a money judgment.”
- [Niles v. Niles](#), 15 Conn. App. 718, 720-721, 546 A.2d 329, 330 (1988). “It is apparent that an order for the payment of money from the sale of real estate constitutes a ‘money judgment’ and not a ‘family support judgment,’ as those terms are defined, despite the judgment’s origin in an action on the family docket. One party cannot, at its whim, deprive another of monies due and owing simply by changing the characterization of the obligation owed. While similarities exist between support payments and property settlements, we recognize that each serves a distinct purpose. Support, which is generally modifiable, often serves to satisfy an ongoing obligation, whereas a property settlement constitutes a final resolution of a dispute, and as such, warrants the penalty of interest when satisfaction is not obtained. We therefore conclude that the trial court properly ordered that postjudgment interest be paid.”

WEST KEY
NUMBERS:

Child Support

- IX. Enforcement, #440-498
 - #442. Garnishment and wage execution
 - #443. Contempt
 - #447. Arrearages; retroactive modification
 - #462. Execution
 - #463. Liens
 - #464. Attachment
 - #467. Tax withholding
 - #468. Child custody and visitation

Divorce

#1000-1077. Enforcement of judgment or decree.
#1100-1123. Contempt.

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 24A *Am. Jur. 2d* Divorce and Separation, Thomson West, 2018 (Also available on Westlaw).
 - III. Spousal Support; Alimony and Other Allowances Enforcement of Judgment, Decree, or Order Provisional Remedies and Ne Exeat
 - F. Enforcement of Judgment, Decree, or Order; Provisional Remedies
 - 1. In general
 - A. General considerations §§ 718-728
 - B. Limitation of actions; laches; acquiescence §§ 729-733
 - 2. What property may be reached
 - A. In general §§ 734-742
 - B. Trust interest of obligor §§ 743-747
 - 3. Security for payment §§ 748-752
 - 4. Lien of judgment or decree
 - A. In general §§ 753-759
 - B. Property subject to lien §§ 760-761
 - 5. Provisional remedies and ne exeat
 - § 762. Attachment of property to secure payment support
 - § 763. Receivership of property to secure payment support
 - IV. Child Custody and Support; Visitation Rights Child Support—Contempt
 - § 867. Generally

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
 - Chapter 17. Enforcement of Orders
 - Part IV. Determining General Relief That May Be Sought in a Motion for Contempt
 - § 17.19. CHECKLIST: Determining general relief that may be sought in a motion for contempt
 - § 17.20. Seeking an award of counsel fees
 - § 17.21. Incarcerating the party held in contempt
 - § 17.22. Assessing interest
 - § 17.23. Enforcing a judgment through a separate civil action
 - Part V. Crafting Orders to Enforce Alimony and Child Support
 - § 17.26. Enforcing alimony orders
 - § 17.27. Calculating arrearages
 - § 17.30. Obtaining wage executions
 - § 17.32. Ordering the payment of an arrearage by a QDRO
 - § 17.34. Levying a Writ of Execution

Part VI. Crafting Orders to Enforce a Property Division

Part VII. Crafting Orders to Enforce Custody and Visitation

- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 34. Enforcement of Alimony and Child Support Provisions of Judgment
 - § 34:17. Contempt penalties and terms for payment
 - § 34:18. Contempt penalties—Incarceration
 - § 34:19. Criminal action based on nonpayment of alimony or child support
 - § 34:20. Enforcement of alimony or support obligation against property
 - § 34:21. Receivership
 - § 34:22. Garnishment or income withholding
 - § 34:23. Voluntary income withholding
 - § 34:24. Court-ordered income withholding
 - § 34:25. Income withholding based on delinquency
 - § 34:26. Priorities and exemptions associated with income withholding
 - § 34:27. Employer obligations associated with income withholding
 - § 34:28. Limitations of income withholding
 - § 34:29. Payment through support enforcement office
 - § 34:30. Withholding tax refunds
 - § 34:31. Other federal remedies
 - § 34:32. Writ of ne exeat
 - § 34:33. Security for performance
 - § 34:34. Claims for interest and/or damages
 - § 34:35. Effect of pending claim for modification
 - § 34:36. Effect of pending appeal

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2024.
 - Chapter 12: Enforcement of Orders

- 4 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2024 (also available on Lexis).
 - Chapter 47. Enforcement of Court Orders
 - § 47.01. Introduction
 - § 47.02. Entry of money judgment
 - § 47.03. Supplemental discovery in aid of recovery
 - § 47.04. General execution and sale
 - § 47.05. Wage garnishment and income withholding
 - § 47.06. Contempt, relief to litigant and incarceration

§ 47.07. Security
§ 47.08. Sequestration
§ 47.09. Attachment
§ 47.10. Counsel fees in enforcement proceedings
§ 47.11. Alternative remedies

- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.
Chapter 19. Dissolution of Marriage, Barbara A. Stark and Sheri L. Berman
Enforcement

Table 1: 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." In re Bruce R., 234 Conn. 194, 209, 662 A.2d 107 (1995).</p>	
<p>§ 46b-84(a). (2024 Supplement)</p>	<p>"Any postjudgment procedure afforded by chapter 906 shall be available to secure the present and future financial interests of a party in connection with a final order for the periodic payment of child support.."</p>
<p>§ 46b-220</p>	<p>"The Superior Court and any family support magistrate may issue a suspension order, which suspends the license of a delinquent child support obligor, to enforce a child support order."</p>
<p>Chapter 817</p>	<p>Uniform Interstate Family Support Act (<i>effective July 1, 2015</i>) Enforcement of out-of-state support orders.</p>
<p>§ 52-362 (2024 Supplement)</p>	<p>Income withholding and unemployment compensation for support.</p>
<p>§ 52-362d(a)</p>	<p>"...the state shall have a lien on any property, real or personal..."</p>
<p>§ 52-362d(b)</p>	<p>"The state shall report to any participating consumer reporting agency, as defined in 15 USC 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."</p>
<p>§ 52-362d(c)</p>	<p>"...the Connecticut Lottery Corporation shall withhold from any lottery winnings payable to such person... 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 the amount of such claim for support owed to the state, provided the Connecticut Lottery Corporation shall notify such person that (1) lottery winnings have been withheld as a result of the amount due for such support, and (2) such person has the right to a hearing before a hearing officer designated by the Commissioner of Social Services...."</p>
<p>§ 52-362e</p>	<p>Withholding income tax refunds [state and federal] in amount equal to support arrearage.</p>
<p>§ 53-304(a)</p>	<p>"Any person who neglects or refuses to furnish reasonably necessary support to the person's spouse, child under the age of eighteen or parent under the age of sixty-five shall be deemed guilty of nonsupport and shall be imprisoned not more than one year...."</p>

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

Table 2: Federal Statutes & Regulations Enforcing Child Support

Title IV-D of the Social Security Act 42 U.S.C. §§ 651 to 669b (2022)	
<p><i>"... current federal child support enforcement legislation clearly demonstrates a federal policy of ensuring the financial support of children by their parents."</i> <i>In re Bruce R.</i>, 234 Conn. 194, 209, 662 A. 2d 107 (1995)</p>	
42 U.S.C. § 652(a)	Establishes federal agency: Office of Child Support Enforcement (OCSE)
42 U.S.C. § 653	Federal Parent Locator Service (FPLS)
42 U.S.C. § 654	State plan for child and spousal support
42 U.S.C. § 656	Support obligation as obligation to State; amount; discharge in bankruptcy
42 U.S.C. § 659	Consent by United States to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligations
42 U.S.C. § 660	Civil action to enforce child support obligations; jurisdiction of district courts
42 U.S.C. § 663	Use of Federal Parent Locator Service in connection with enforcement or determination of child custody in cases of parental kidnaping of child
42 U.S.C. § 664	Collection of past-due support from Federal tax refunds
42 U.S.C. § 665	Allotments from pay for child and spousal support owed by members of uniformed services on active duty
42 U.S.C. § 666	Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
<p>You can visit your local law library or search the most recent U.S. Code on the U.S. Code website to confirm that you are accessing the most up-to-date laws.</p>	
Federal Regulations 45 C.F.R. Part 302-303 (2022)	
§ 302.33	Services to individuals not receiving Title IV-A assistance
§ 302.35	State parent locator service
§ 302.36	Provision of services in intergovernmental IV-D cases

§ 302.56	Guidelines for setting child support orders
§ 302.60	Collection of past-due support from Federal tax refunds
§ 302.65	Withholding of unemployment compensation
§ 302.70	Required State laws
§ 302.80	Medical support enforcement
§ 303.3	Location of noncustodial parents in IV-D cases
§ 303.31	Securing and enforcing medical support obligations
§ 303.72	Requests for collection of past-due support by Federal tax refund offset
§ 303.100	Procedures for income withholding
§ 303.102	Collection of overdue support by State income tax refund offset
§ 303.106	Procedures to prohibit retroactive modification of child support arrearages

You can visit your local law library or search the most recent C.F.R. on the [e-CFR website](#) to confirm that you are accessing the most up-to-date regulations.