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2017 Edition

Child Support in Connecticut

A Guide to Resources in the Law Library

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For modification of child support orders, see our research guide on [Modification of Judgments in Family Matters](#).

These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to his or her own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

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This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar. The online versions are for informational purposes only.

See also:

- [Alimony in Connecticut](#)
- [Bankruptcy and the Family](#)
- [Discovery \(Financial\) in Family Matters](#)
- [Enforcement of Family and Foreign Matrimonial Judgments](#)
- [Glossary of Family Law Terms](#)

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Introduction

A Guide to Resources in the Law Library

- **“Child support award’ means the entire** payment obligation of the noncustodial parent, as determined under the child support and arrearage guidelines, and includes current support payments, health care coverage, child care contribution, and periodic **payment on arrearages.”** *Regs., Conn. State Agencies* § 46b-215a-1 (6). “[T]he purpose of a child support order is to provide for the care and well-being of minor children...” *Battersby v. Battersby*, 218 Conn. 467, 473, 590 A.2d 427 (1991).” [Rostad v. Hirsch](#), 148 Conn. App. 441, 460, 85 A. 3d 1212 (2014).
- “Child support therefore furnishes the custodian with the resources to maintain a household to provide for the care and welfare of the children; in essence, the custodian holds the payments for the benefit of the child.” [Tomlinson v. Tomlinson](#), 305 Conn. 539, 556, 46 A.3d 112 (2012).
- **Purposes of guidelines:** “The primary purposes of the child support and arrearage guidelines are:
 - (1) To provide uniform procedures for establishing an adequate level of support for children, and for repayment of child support arrearages, subject to the ability of parents to pay.
 - (2) To make awards more equitable by ensuring the consistent treatment of persons in similar circumstances.
 - (3) To improve the efficiency of the court process by promoting settlements and by giving courts and the parties guidance in setting the levels of awards.
 - (4) To conform to applicable federal and state statutory and regulatory mandates.” State of Connecticut, Commission for Child Support Guidelines, [Child Support and Arrearage Guidelines](#) (Effective July 1, 2015). *Preamble to Child Support and Arrearage Guidelines* (c)
- “The **income shares model** considers the income of both parents and ‘presumes that the child should receive the same proportion of parental income as he or she would have received if the parents lived together.’ *Id.*; accord *Maturo v. Maturo*, supra, 296 Conn. at 93, 995 A.2d 1. Accordingly, ‘the determination of a parent’s child support obligation must account for all of the income that would have been available to support the children had the family remained together.’ *Jenkins v. Jenkins*, 243 Conn. 584, 594, 704 A.2d 231 (1998); see also *Dowling v. Szymczak*, 309 Conn. 390, 408, 72 A.3d 1 (2013) (‘the calculation of child support is based on the income shares model and the parties’ combined net income rather than on the actual costs associated with raising a child’). This means that, unlike when considering a request for the modification of an alimony order, the trial court may consider a substantial increase in the supporting spouse’s income, standing alone, as sufficient justification for granting a motion to modify a child support order to ensure that the child receives the same proportion of parental income that he or she would have received if the parents had remained together.” [McKeon v. Lennon](#), 321 Conn. 323, 335, 138 A.3d 242 (2016).

Section 1: Duty to Support Children

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the duty of parent to support child including child who is adopted or the issue of a subsequently annulled marriage.

DEFINITIONS:

- “The independent nature of a child’s right to parental support was recognized by this court long before that right was codified in our statutes.” [Guille v. Guille](#), 196 Conn. 260, 263, 492 A.2d 175 (1985).
- **Child support order** “does not operate to crystallize or limit the duty of the parent to support his minor child, but merely defines the extent of the duty during the life of the order.” [Roshier v. Superior Court](#), 9 Cal.2d 556, 559, 71 P.2d 918 (1937).
- **Maintenance.** “Under General Statutes . . . [§] 46b-84, the court is authorized to make orders regarding the maintenance of the minor children of the marriage. The word ‘maintenance’ means ‘the provisions, supplies, or funds needed to live on.’ Webster, Third New International Dictionary. It is synonymous with support Such orders may be in kind as well as in money.” [Valante v. Valante](#), 180 Conn. 528, 532, 429 A.2d 964 (1980).
- **Unallocated support order.** “[e]ven though an unallocated order incorporates alimony and child support without delineating specific amounts for each component, the unallocated order, along with other financial orders, necessarily includes a portion attributable to child support in an amount sufficient to satisfy the guidelines.” [Gabriel v. Gabriel](#), 324 Conn. 324, 337, Not yet reported in A.3d (2016).

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. (2017)
 - § [46b-37](#)(b). Joint duty of spouses to support family
 - § [46b-56](#). Superior court orders re custody and care
 - § [46b-58](#). Custody, maintenance and education of adopted children
 - § [46b-60](#). Orders re children and alimony in annulment cases
 - § [46b-84](#). Parents’ obligation for maintenance of minor child. Order for health insurance coverage.
 - § [46b-215](#). Relatives obliged to furnish support. Attorney General and attorney for town as parties. Orders.
- [Schull v. Schull](#), 163 Conn. App. 83, 93-94, 134 A.3d 686 (2016). “The term ‘unreimbursed medical expenses’ ... Indeed, the regulations governing the child support

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.

guidelines illuminate the meaning of that phrase: 'An order shall be made under this subdivision for payment of the child's medical and dental expenses that are not covered by insurance or reimbursed in any other manner....' Regs., Conn. State Agencies (Rev. to 2005) § 46b-215a-2b (g)(3). Additionally, the guideline regulations define "Health care coverage" as 'any provision of the child support award that addresses the child's medical or dental needs, and includes an order for either parent to ... (B) pay all or part of such child's medical and dental expenses that are not covered by insurance or reimbursed in any other manner.' Regs., Conn. State Agencies (Rev. to 2005) § 46b-215a-1 (12). Thus, in light of the foregoing explanations, to be classified as an unreimbursed medical expense, the medical expense must: (1) not be paid by medical insurance; or (2) not be reimbursed in any other manner."

- Pelrin v. Shemet, Superior Court, Judicial District of New Haven, No. FA13-4018057-S (Apr. 8, 2015) (60 Conn. L. Rptr. 176, 177-178) (2015 WL 2166546) (2015 Conn. Super. LEXIS 789). "This seemingly anomalous and arguably unjust result may be explained, at least in part, by the possibly unintuitive reality that a guardian does not have a legal duty to support her ward. See *Favrow v. Vargas*, supra. The petitioner is free to support the child voluntarily but cannot be required to continue to do so if she decides not to continue. When a non-parental custodian volunteers to care for a minor child, the parents are accountable to the custodian for the child's support because the custodian is discharging their legal responsibility to the child for them. If the custodian continues to care for the adult child after emancipation, she is not discharging a legal obligation of the parents and, therefore, arguably, cannot claim support from them."
- Commissioner of Social Services v. Lewis, Superior Court, Judicial District of Hartford, No. FA11-4059024-S (Oct. 21, 2013) (56 Conn. L. Rptr. 937, 939-940) (2013 WL 5969110) (2013 Conn. Super. LEXIS 2346). "In Connecticut there is a specific statutory provision that excludes a sperm donor from an obligation of support, however, at this time there are no statutes that relieve a parent of a child conceived through in vitro fertilization (IVF) from the duty to support. The magistrate found and relied upon a body of law recognizing that in the absence of statutory authority it is in the best interest of the child to be supported by both parents. The magistrate further found that the trend in sister states suggests a disinclination to disqualify an eligible parent from a duty to support. He specifically noted that a number of

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jurisdictions have held that in the absence of statutorily required written consent, the best interest of children and society are served by recognizing that parental responsibility may be imposed based on conduct evincing **actual consent to the artificial insemination procedure.**"

- [Kalinowski v. Kropelnicki](#), 92 Conn. App. 344, 350, 885 A.2d 194 (2005). **"We agree that the defendant has such a duty to support her minor child. 'The defendant's duty to support . . . is a continuing obligation, which ordinarily exists even apart from any judgment or decree of support.'** *Atlas Garage & Custom Builders, Inc. v. Hurley*, 167 Conn. 248, 255, 355 A.2d 286 (1974); see also *Pezas v. Pezas*, 151 Conn. 611, 617, 201 A.2d 192 (1964). **'A parent has both a statutory and common law duty to support his minor children within the reasonable limits of his ability.'** *Weisbaum v. Weisbaum*, 2 Conn. App. 270, 272-73, 477 A.2d 690 (1984)."
- [Foster v. Foster](#), 84 Conn. App. 311, 322, 853 A.2d 588 (2004). **"It is a well established principle that child support is premised upon a parent's obligation to provide for the care and well being of the minor child. See *Raymond v. Raymond*, 165 Conn. 735, 739, 345 A.2d 48 (1974) ('t]he needs of the child, within the limits of the financial abilities of the parent, form the basis for the amount of support required'). Although the trial court is given wide discretion to modify child support on the basis of a substantial change in circumstances, interference with visitation alone is insufficient to warrant a reduction in child support. See *id.* (concluding that 'duty to support is wholly independent of the right of visitation'). Although we do not condone the plaintiff's actions in this case, the court may not punish the child, who is the beneficiary of child support, for the sins of her mother. See *id.* Accordingly, because the court incorrectly applied the law regarding a parent's obligation to provide child support, it was an abuse of discretion for the court to have eliminated the defendant's child support obligations on the basis of the plaintiff's chronic interference with visitation. Accordingly, the order eliminating the defendant's child support obligation is vacated."**
- [Decamillis v. Hasiotis](#), Superior Court, Judicial District of Hartford, No. FA00-0630369 (Sep. 11, 2001) (2001 WL 1199924) (2001 Conn. Super. LEXIS 2670). **"It is implicit in the computation of current support orders that each parent's share must be computed, regardless of who requests the support order. Clearly, if either parent's support obligation is not met by providing direct support to a child in that parent's custody or by satisfactory and appropriate voluntary payments, it is not only the court's fight, but its duty, to set a support order."**

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

DIGESTS:

- Dowling's Digest: *Parent and Child*
§ 5 Liability of Parent.
Support.
- Cynthia C. George and Amy Calvo MacNamara, [Connecticut Family Law Citations](#) (2016).
Chapter 10. Child Support
§ 10.05. Health insurance coverage
[1] Generally
[2] Unreimbursed medical expenses
§ 10.06. Life insurance coverage

WEST KEY NUMBERS:

- Child Support.*
- II. Duty to support in general, #20-37.
 - #24. Duty of father.
 - #25. Duty of mother.
 - #26. Equality of duty of mother and father.
 - #27. Other particular relationships.
 - #32. Effect of custody.

ENCYCLOPEDIAS:

- 59 [Am. Jur. 2d Parent and Child](#) (2012).
Support and maintenance of child, In general; Liability for expenses regarding child
 - § 42. Generally; basis for duty
 - § 43. What law governs
 - § 44. —Uniform Interstate Family Support Act
 - § 45. Charter and extent of parental obligation
 - § 46. **Obligations as limited to "necessaries"**
 - § 47. Amount; Discretion of court
 - § 48. Termination of obligation by act of child
 - § 49. Effect of Agreements on support obligations

agreements —Between parents
§ 50. —For support by third person
§ 51. Obligations of respective parents-Generally

- 24A [Am. Jur. 2d Divorce and Separation](#) (2008)
§§ 961-1027. Child Support
- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law And Practice with Forms](#) 3d (2010).
Chapter 38. Child Support
 - § 38:1 Duty to support child
 - § 38:2 Statutory duty to support
 - § 38:3 **Comparison of “child support” and “alimony”**
 - § 38:4 Children to whom duty of support applies
- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
Chapter 7. Child Support.
Part III: Determining Who is Liable for Child Support

TEXTS & TREATISES:

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Table 1: Statutory Duty to Support Children

<p>§ 46b-56</p>	<ul style="list-style-type: none"> In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under section 46b-45, the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children if it has jurisdiction under the provisions of chapter 815p.
<p>§ 46b-58</p>	<ul style="list-style-type: none"> The authority of the Superior Court to make and enforce orders and decrees as to the custody, maintenance and education of minor children in any controversy before the court between husband and wife brought under the provisions of this chapter is extended to children adopted by both parties and to any natural child of one of the parties who has been adopted by the other.
<p>§ 46b-60</p>	<ul style="list-style-type: none"> In connection with any petition for annulment under this chapter, the Superior Court may make such order regarding any child of the marriage and concerning alimony as it might make in an action for dissolution of marriage. The issue of any void or voidable marriage shall be deemed legitimate. Any child born before, on or after October 1, 1976, whose birth occurred prior to the marriage of his parents shall be deemed a child of the marriage.
<p>§ 46b-61</p>	<ul style="list-style-type: none"> In all cases in which the parents of a minor child live separately, the superior court for the judicial district where the parties or one of them resides may, on the [complaint] application of either party and after notice given to the other party, make any order as to the custody, care, education, visitation and support of any minor child of the parties, subject to the provisions of sections 46b-54, 46b-56, 46b-57 and 46b-66. Proceedings to obtain such orders shall be commenced by service of an application, a summons and an order to show cause.
<p>§ 46b-84(a)</p>	<ul style="list-style-type: none"> Upon or subsequent to the annulment or dissolution of any marriage or the entry of a decree of legal separation or divorce, the parents of a minor child of the marriage, shall maintain the child according to their respective abilities, if the child is in need of maintenance. 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>§ 46b-215(a)</p>	<ul style="list-style-type: none"> (1) The Superior Court or a family support magistrate may make and enforce orders for payment of support against any person who neglects or refuses to furnish necessary support to such person's spouse or a child under the age of eighteen or as otherwise provided

in this subsection, according to such person's ability to furnish such support, notwithstanding the provisions of section 46b-37. If such child is unmarried and a full-time high school student, such support **shall continue according to the parents' respective abilities**, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever occurs first.

(4) For purposes of this section, the term "child" shall include one born out of wedlock whose father has acknowledged in writing paternity of such child or has been adjudged the father by a court of competent jurisdiction, or a child who was born before marriage whose parents afterwards intermarry.

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. (2017)

Section 2: Child Support Guidelines

A Guide to Resources in the Law Library

Child support and arrearage guidelines: “means the rules, schedule and worksheet established under this section and sections 46b-215a-2c, 46b-215a-3a, 46b-215a-4b and 46b-215a-5c, and 46b-215a-6 of the Regulations of Connecticut State Agencies for the determination of an appropriate child support award, to be used when initially establishing or modifying both temporary and permanent orders.” Conn. Agencies Regs. § [46b-215a-1\(5\)](#) [amended July 1, 2015].

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

- (1) To provide uniform procedures for establishing an adequate level of support for children, and for repayment of child support arrearages, subject to the ability of parents to pay.
- (2) To make awards more equitable by ensuring the consistent treatment of persons in similar circumstances.
- (3) To improve the efficiency of the court process by promoting settlements and by giving courts and the parties guidance in setting the levels of awards.
- (4) To conform to applicable federal and state statutory and regulatory mandates.” State of Connecticut, Commission for Child Support Guidelines, [Child Support and Arrearage Guidelines](#) (Effective July 1, 2015). Preamble to Child Support and Arrearage Guidelines (c)

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

Section 2a: When Applicable

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the [Child Support and Arrearage Guidelines](#) (eff. July 1, 2015) including applicability and instructions on using.

DEFINITIONS:

- **Applicability.** "This section shall be used to determine the current support, health care coverage and child care contribution components of all child support awards within the state, subject to section 46b-215a-5c of the Regulations of Connecticut State Agencies. When the parents' combined net weekly income exceeds \$4,000, child support awards shall be determined on a case-by-case basis, consistent with statutory criteria, including that which is described in subsection (d) of section 46b-84 of the Connecticut General Statutes. The amount shown at the \$4,000 net weekly income level shall be the minimum presumptive support obligation. The maximum presumptive support obligation shall be determined by multiplying the combined net weekly income by the applicable percentage shown at the \$4,000 net income level." Conn. Agencies Regs. § [46b-215a-2c\(a\)](#) (2015).

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. (2017)
§ [46b-215b](#). Guidelines to be used in determination of amount of support and payment on arrearages and past due support.

REGULATIONS:

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

- Conn. Agencies Regs. (7/15)
§§ [46b-215a-1](#) et seq.
Child Support and Arrearage Guidelines
Regulations
§§ [17b-179\(b\)-1](#). Use of child support and arrearage guidelines

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [Malpeso v. Malpeso](#), 165 Conn. App. 151, 166-167, 138 A.3d 1069 (2016). "Therefore, "[t]o the extent that the parties' combined net weekly income exceeds ... the upper limit of the schedule ... the schedule cannot, and does not, apply, except insofar as the guidelines mandate a minimum child support payment. This does not mean, however, that the guideline principles that inform the schedule, including equity, consistency and uniformity in the treatment of

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persons in similar circumstances ... do not continue to apply merely because the parties' income exceeds the schedule's upper limit. As previously discussed, § 46b-215b requires that the guidelines shall be considered in all determinations of child support amounts.... Accordingly, the guidelines cannot be ignored when the combined net family income exceeds the upper limit of the schedule, but remain applicable to **all determinations of child support.**" (Citations omitted; emphasis omitted; internal quotation marks omitted.) *Maturo v. Maturo*, 296 Conn. 80, 109, 995 A.2d 1 (2010)."

- [O'Brien v. O'Brien](#), 138 Conn. App. 544, 553, 53 A.3d 1039 (2012). "In any marital dissolution action involving minor children, it is axiomatic that the court must fashion orders providing for the support of those children. There is no exception to this mandate, and certainly none for unallocated awards of alimony and child support, which necessarily include amounts for both child support and spousal support. Indeed, our Supreme Court recently confirmed in *Tomlinson v. Tomlinson*, 305 Conn. 539, 558, 46 A.3d 112 (2012), that an unallocated order 'necessarily includes a portion attributable to child support in an amount sufficient to satisfy the guidelines.' (Emphasis added.)"
- [Korsgren v. Jones](#), 108 Conn. App. 521, 529-530, 948 A.2d 358 (2008). "As this court emphasized in *Lefebvre*, § 46b-215a-3(b)(6)(A) of the regulations provides that a deviation is warranted only when the shared parenting arrangement substantially increases or decreases a parent's financial obligation. *Lefebvre v. Lefebvre*, supra, 75 Conn. App. at 669, 817 A.2d 750."
- [Reininger v. Reininger](#), 49 Conn. Supp. 238, 241, 871 A.2d 422 (2005). "When a judgment incorporates a separation agreement in accordance with a stipulation of the parties, it is to be regarded and construed as a contract."
- [Evans v. Taylor](#), 67 Conn. App. 108, 111-112, 786 A.2d 525 (2001). "Although the court noted that it was unclear whether the earnings that were reported by the plaintiff were his actual earnings, it also noted that the defendant had income from various investments that she did not include on her financial affidavit. Further, the court found that pursuant to the financial affidavit of the plaintiff, his 'expenses' were, for the most part, all being paid, despite the fact that the total of those 'expenses' exceeded the amount he had listed as 'income,' which led the court to conclude that the plaintiff's income was at least equal to that of his 'expenses.' In light of that situation, the court calculated the net income of each party using the same method; it substituted the amount listed as 'expenses' on each party's financial affidavit for gross income and

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deducted the applicable payroll taxes from that amount to **arrive at each party's net income.**"

- [Favrow v. Vargas](#), 222 Conn. 699, 707-714, 610 A.2d 1267 (1992). *History of the child support guidelines.*
- [Battersby v. Battersby](#), 218 Conn. 467, 469-470, 590 A.2d 427 (1991). "The statute [46b-215b] does not . . . require the trial courts to apply the Guidelines to all determinations of child support, but creates only a rebuttable presumption as to the amount of child support. It requires only that the trial court consider the Guidelines."
- [Miklos v. Miklos](#), Superior Court, Judicial District of Litchfield, No. 049049 (June 5, 1991) (4 Conn. L. Rptr. 185, 186) (1991 WL 107513) (1991 Conn. Super. LEXIS 1341). "...the child support guidelines may be applied to motions for modification of support filed in cases where judgment was entered prior to the effective date of the child support guidelines."
- Cynthia C. George and Amy Calvo MacNamara, [Connecticut Family Law Citations](#) (2016).
 Chapter 10. Child Support
 § 10.03. Child Support Guidelines
 [1] Income
 [2] Additional sources of income other than salary and wages
- Family Support Magistrate Decisions and Digest
 II. Child Support Guidelines
 III. Support guidelines

DIGESTS:

WEST KEY NUMBERS:

Child Support.

- IV. Amount and incidents of award, #140-165.
 - #142. Validity of guidelines.
 - #143. Applicability of guidelines.
 - #144. Retroactive effect of guidelines.
 - #145. Incomes outside guidelines range.
 - #146. Construction, operation, and effect of guidelines.
 - #147. Adjustments to guidelines.

TEXTS & TREATISES:

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- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law and Practice with Forms](#) 3d (2010).
 Chapter 38. Child Support
 § 38: 19. Guidelines and formulas for support
 § 38: 52. Connecticut Child Support Guidelines
 § 38: 53. Child Support Guidelines Worksheet—Form
- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
 Chapter 7. Child Support.

Part V: Using the Child Support Guidelines
Part VII: Establishing Permanent Child Support
Orders

- Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#) (2003).
Chapter 9. Child Support
 - How to make the Child Support Guidelines work for you, p. 215
 - If the Guidelines do not apply, pp. 215-216
 - Using the Guidelines and schedule of basic child support obligations, pp. 217-228
- [Family Law Practice in Connecticut](#) (1996).
Chapter 11. Child Support by M. Carron
 - I. Calculation of Child Support Obligations under the Guidelines
 - A. Definitions [11.1 - 11.8]
 - B. Calculations
 - Guideline worksheet [11.9]
 - Corrections for low income obligor [11.10]

LAW REVIEWS:

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

- Molly E. Christy, *Unjust and inequitable: An argument against strict application of the child support guidelines when the obligor parent and child live in different countries*, 20 [Quinnipiac Prob. L.J.](#) 260 (2005).
- *Calculating And Collecting Child Support: Sixteen Years After The Guidelines...And Counting*, 23 [Family Advocate](#) no. 2 (Fall 2000). Special issue
- *1999 Child Support Symposium*, 33 [Family Law Quarterly](#) no. 1 (Spring 1999).
- Lewis Becker, *Spousal and Child Support and the "Voluntary Reduction of Income" Doctrine*, 29 [Connecticut Law Review](#) 647 (1997).

Section 2b: Deviation from Guidelines

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to deviation from the [Child Support and Arrearage Guidelines](#) (eff. July 1, 2015).
- DEFINITIONS:**
- **Deviation criteria:** “means those facts or circumstances described in sections 46b-215a-5c of the Regulations of Connecticut State Agencies which may justify an order **different from the presumptive support amounts.**” Conn. Agencies Regs. § [46b-215a-1\(10\)](#) (7-15).
 - **Shared physical custody** “means a situation in which the physical residence of the child is shared by the parents in a manner that ensures the child has substantially equal time and contact with both parents. An exactly equal sharing of physical care and control of the child is not required for a finding of shared physical custody.” Conn. Agencies Regs. § [46b-215a-1\(23\)](#) (7-15).
- 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. (2017)
§ [46b-215b\(a\)](#). Guidelines to be used in determination of amount of support and payment on arrearages and past-due support.
- REGULATIONS:**
- You can visit your local law library or browse the [recently adopted regulations page](#) on the Secretary of the State website to check if a regulation has been updated.
- Conn. Agencies Regs. (7-15)
§§ [46b-215a-5c](#). Deviation criteria
(b) Criteria for deviation from presumptive support amounts
 - (1) Other financial resources available to parent
 - (2) Extraordinary expenses for care and maintenance of the child
 - (3) Extraordinary parental expenses
 - (4) Needs of a parent’s other dependents**
 - (5) Coordination of total family support
 - (6) Special circumstances
 - (A) Shared physical custody
 - (B) Extraordinary disparity in parental income
 - (C) Total child support award exceeds 55% of **obligor’s net income.**
 - (D) Best interests of the child
 - (E) Other equitable factors
- AGENCY REPORTS:**
- [Child Support and Arrearage Guidelines](#) (eff. July 1, 2015)
Preamble to Child Support and Arrearage Guidelines,
 - (j) Deviation criteria
 - (3) Existing criteria
 - (D). **Shared physical custody.** “The commission

refined the shared physical custody deviation by removing references to “custodial” and “noncustodial” parents and substituting the designations of “lower net weekly income” and “higher net weekly income” parents. The commission also added a provision to allow deviation from the presumptive support amount when both parents have substantially equal income. The commission continues to reject the notion of a mathematical formula based on the time spent with each parent to determine support amounts in the shared physical custody context. Application of such a formula would tend to shift the focus away from the best interests of the child and more toward financial considerations, which would be inconsistent with Connecticut law. A finding of shared physical custody should be made only where each parent exercises physical care and control of the child for periods *substantially in excess of* two overnights on alternate weekends, alternate holidays, some vacation time, and other visits of short duration, which may occasion an overnight stay during the week. While periods substantially in excess of this schedule are required for a finding of shared physical custody, the commission emphasizes that an *equal* time-sharing is *not* required for such finding. Courts still must determine what precise level of sharing is sufficient to warrant a deviation from presumptive support amounts. The commission continues to **reject a “bright-line” definitional test as well as a formula** approach to shared custody situations to discourage disputes over time-sharing as a means of affecting support amounts. The commission believes the approach continued in these regulations leaves sufficient room for the exercise of judicial discretion while providing a measure of predictability for the parties.”

(4) **New Deviation Criteria** “A new deviation criterion was adopted by the commission which provides that **if the total child support award exceeds 55% of the obligor’s net income, it may be appropriate to deviate downward on any components of the award other than current support to reduce the total award to not less than 55% of the obligor’s net income.**”

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [Gabriel v. Gabriel](#), 324 Conn. 324, 337-338, Not yet reported in **A.3d (2016)**. “Consistent with General Statutes § 46b-215b (a), the guidelines provide that the support amounts calculated thereunder are the correct amounts to be ordered by the court unless rebutted by a specific finding on the record that the presumptive support amount would be inequitable or inappropriate. Regs., Conn. State Agencies § 46b-215a-3 (a). The finding must include a statement of the presumptive support amount and explain how application of the deviation criteria justifies the variance. Id.; see also General Statutes § 46b- 215b (a). (Emphasis omitted.) *Kiniry v. Kiniry*, 299 Conn. 308, 319-20, 9 A.3d 708

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(2010).” (Internal quotation marks omitted)

- [Hornung v. Hornung](#), 323 Conn. 144, 167, 146 A.3d 912 (2016). “The trial court also did not specify how much of the periodic alimony and child support award should go toward the children’s maintenance, as opposed to the plaintiff’s support. The trial court, at least, found it appropriate to deviate from the presumptive minimum child support amount under the guidelines based on the defendant’s income. Moreover, the parties’ four minor children are entitled to maintain the standard of living of the marriage, to the extent possible. See *Maturo v. Maturo*, supra, 296 Conn. at 108, 995 A.2d 1; see also id., at 168– 69, 995 A.2d 1 (*Vertefeuille, J.*, dissenting in part) (noting “new wave” of cases recognizing “the significance of the standard of living of children of affluent parents” [internal quotation marks omitted]).
- [Malpeso v. Malpeso](#), 165 Conn. App. 151, 167-168, 138 A.3d 1069 (2016). “[T]he guidelines emphasize that the support amounts calculated thereunder are the correct amounts to be ordered by the court unless rebutted by a specific finding on the record that such an amount would be inequitable or inappropriate. [Regs., Conn. State Agencies] § 46b-215a- 3 (a). Any such finding shall include the amount required under the guidelines and the court’s justification for the deviation, which must be based on the guidelines’ “[c]riteria for deviation....” Id., at § 46b-215a-3 (b).’ *Maturo v. Maturo*, supra, 296 Conn. at 92, 995 A.2d 1. ‘The deviation criteria are narrowly defined and **require the court to make a finding on the record as to why the guidelines are inequitable or inappropriate.**’ (Emphasis added.) Id., at 100, 995 A.2d 1.”
- [Mingo v. Blake](#), Superior Court, Judicial District of Hartford at Hartford, No. HHD-FA15-4077658-S (January 22, 2016) (61 Conn. L. Rptr. 714, 717) (2016 WL 572028) (2016 Conn. Super. LEXIS 149). “The FSM then entered an order of weekly support based upon a valid deviation from the child support guidelines. General Statutes § 46b-215e and the relevant Regulations of Connecticut State Agencies permit a court to deviate from a presumptive order of support upon an adequate finding that the presumptive order would be inequitable or inappropriate. The record presently before the court indicates that the FSM made such a finding. See, e.g., *Syragakis v. Syragakis*, 79 Conn.App. 170, 177 (2003) (court found that defendant had ‘substantial assets’ and that ‘such amount would be inequitable or inappropriate in this particular case’). Because *Rousseau v. Perricone*, supra, 148 Conn.App. at 837, and other relevant cases hold that a chose in action is property and because an obligor’s substantial assets, including income-producing and nonincome- producing property, can justify a deviation from

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a presumptive order of support; Regs. Conn. State Agencies § 46b-215a-3(b)(1)(A), the defendant's pending civil actions in the present case are substantial assets under the applicable deviation criteria and pursuant to General Statutes § 46b-215e." *Incarcerated obligor*.

- [Berger v. Finkel](#), 161 Conn. App. 416, 427, 128 A.3d 508 (2015). "What especially is telling in this matter is what the dissolution court did not do. The court did not detail the necessary elements that are required of a court relying on earning capacity rather than actual or purported income to determine child support. **As we previously have stated:** "[a] party's earning capacity is a deviation criterion under the guidelines, and, therefore, a court must specifically invoke the criterion and specifically explain its justification for calculating a party's child support obligation by virtue of the criterion instead of by virtue of the procedures outlined in the **guidelines.**" *Fox v. Fox*, 152 Conn.App. 611, 633, 99 A.3d 1206, cert. denied, 314 Conn. 945, 103 A.3d 977 (2014). The dissolution court in this case did not cite both the actual (or projected) 2011 earnings of the defendant and his earning capacity, it did not set forth a different presumptive support amount calculated with the defendant's actual net income and find that this amount was inequitable, and it did not specifically invoke the defendant's earning capacity as a deviation criterion in calculating the defendant's child support obligation. See footnote 2 of this opinion; see also *Barcelo v. Barcelo*, 158 Conn.App. 201, 215, 118 A.3d 657, cert. denied, 319 Conn. 910, 123 A.3d 882 (2015). Had the court used the defendant's earning capacity rather than his actual projected income, the court would have been required to justify the use of such a criterion in calculating child support."
- [Fox v. Fox](#), 152 Conn. App. 611, 633, 99 A.3d 1206 (2014). "A party's earning capacity is a deviation criterion under the guidelines, and, therefore, a court must specifically invoke the criterion and specifically explain its justification for calculating a party's child support obligation by virtue of the criterion instead of by virtue of the procedures outlined in the guidelines. The court in the present case did not invoke the defendant's earning capacity as a deviation criterion in calculating the defendant's modified child support obligation, and it did not explain why an obligation calculated in accordance with the defendant's actual income, pursuant to the guidelines, would be inequitable or inappropriate, thus warranting an obligation calculated in accordance with the defendant's earning capacity instead."
- [Dowling v. Szymczak](#), 309 Conn. 390, 404, 72 A.3d 1 (2013). "But while the guidelines do not indicate that the percentage of income dedicated to child related expenditures will presumptively remain static at income levels exceeding

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those provided by the schedule, neither do they offer any indication that the percentage will decline at any particular rate in exceptionally high income cases. The legislature and the commission established to oversee the guidelines are the appropriate bodies from which particular standards must originate. See *Battersby v. Battersby*, supra, 218 Conn. at 471, 590 A.2d 427; see also *Maturo v. Maturo*, supra, at 90, 995 A.2d 1 (observing that legislature 'has thrown its full support behind the guidelines')."

- [Kavanah v. Kavanah](#), 142 Conn. App. 775, 782, 66 A. 3d 922 (2013). "In this case, the only criterion stated for the deviation from the child support guidelines was the travel expenses of the defendant. To the extent that the court referenced 'family obligations' we note that such a vague and generalized statement would not support a deviation on its own. See *Baker v. Baker*, 47 Conn. App. 672, 676-77, 707 A.2d 300 (1998) (failure of trial court specifically to identify criteria justifying deviation from child support guidelines warranted reversal and remand for new hearing). The court failed to identify why the defendant's travel costs did not fall into the 'ordinary' category, but rather were 'extraordinary' so as to warrant a deviation from the child support guidelines."
- [Wallbeoff v. Wallbeoff](#), 113 Conn. App. 107, 112, 965 A.2d 571 (2009). "Indeed, our Supreme Court has expressly held that with respect to a related regulation requiring identical findings of fact in cases involving child support arrearage, it is an abuse of discretion for a court to deviate from the guidelines without making these findings. *Unkelbach v. McNary*, 244 Conn. 350, 367, 710 A.2d 717 (1998)."
- [Utz v. Utz](#), 112 Conn. App. 631, 637, 963 A.2d 1049 (2009). "The guidelines are used by the court to determine a presumptive child support payment, which is to be deviated from only under extraordinary circumstances.' *Golden v. Mandel*, 110 Conn. App. 376, 386, 955 A.2d 115 (2008)."
- [Brent v. Lebowitz](#), 67 Conn. App. 527, 532, 787 A.2d 621 (2002) [cert. granted, 260 Conn. 902 but limited to the issue "Did the Appellate Court properly conclude that the trial court improperly applied the child support and arrearage guidelines under General Statutes 46b-215b to the arrearage owed by the plaintiff?"]. "Accordingly, support agreements that are not in accordance with the financial dictates of the guidelines are not enforceable unless one of the guidelines' deviation criteria is present, such as when the terms of the agreement are in the best interest of the child."

DIGESTS:

- Cynthia C. George and Amy Calvo MacNamara, [Connecticut Family Law Citations](#) (2016).
Chapter 10. Child Support

§ 10.03. Child Support Guidelines
[3] Deviation from Child Support Guidelines

- Family Support Magistrate Decisions and Digest
Deviation from Child Support Guidelines

**WEST KEY
NUMBERS:**

Child Support.

- IV. Amount and incidents of award, #140-165.
#148. Exceptions and deviations from guidelines in general.

**TEXTS &
TREATISES:**

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law and Practice with Forms](#) 3d (2010).
Chapter 38. Child Support
 - § 38:19. Guidelines and formulas for support
 - § 38:22. –Guideline criteria for deviation
 - § 38:29. –Deviation based on agreement
 - § 38:30. –Income beyond the Guideline schedule
- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
Chapter 7. Child Support.
Part V: Using the Child Support Guidelines
 - § 7.32 Determining Deviation Criteria Under the Child Support Guidelines
- [Family Law Practice in Connecticut](#) (1996).
Chapter 11 Child Support by M. Carron
- Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#) (2003).
Chapter 9. Child Support
 - o Deviation: what if the recommended support is too high or too low for you? pp. 228-229
 - o **Dealing with Children’s Expenses-The “Budgeting Approach to Deviation”.** pp. 230-234
- Charles J. Meyer, Justin W. Soulen, & Ellen Goldberg Weiner, *Child Support Determinations in High Income Families – A Survey of the Fifty States*, 28 [J. Am. Acad. Matrimonial Lawyers](#) 483 (2015-2016).

LAW REVIEWS:

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

Section 2c: When Not Applicable

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to when the [Child Support and Arrearage Guidelines](#) (July 1, 2015) do not apply.

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. (2017)
§ [46b-215b](#). Guidelines to be used in determination of amount of support and payment on arrearages and past due support.

REGULATIONS:

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

- Conn. Agencies Regs. (7-15)
§ [46b-215a-2c](#). Child support guidelines
(a) Applicability
(2) Income scope.
When the parents' combined net weekly income exceeds \$4,000, child support awards shall be determined on a case-by-case basis, consistent with statutory criteria, including that which is described in subsection (d) of section 46b-84 of the Connecticut General Statutes. The amount shown at the \$4,000 net weekly income level shall be the minimum presumptive support obligation. The maximum presumptive support obligation shall be determined by multiplying the combined net weekly income by the applicable percentage shown at the \$4,000 net income level.

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.

- [Dowling v. Szymczak](#), 309 Conn. 390, 402-403, 72 A.3d 1 (2013). "It may be that the commission, which updates the guidelines every four years 'to ensure the appropriateness of criteria for the establishment of child support awards'; General Statutes § 46b-215a(a); see also *Maturo v. Maturo*, supra, at 90, 995 A.2d 1; will account for the exceptionally affluent families in this state in future revisions to the guidelines. Until that day, however, the uppermost multiplier will provide the presumptive ceiling that will guide the trial courts in determining an appropriate child support award 'on a case-by-case basis'; Regs., Conn. State Agencies § 46b-215a-2b(a)(2); without the need to resort to deviation criteria. We underscore, however, that, in exercising discretion in any given case, the magistrate or trial court should consider evidence submitted by the parties regarding actual past and projected child support expenditures to determine the appropriate award, with due regard for the principle that such expenditures generally decline as income rises."

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- [Maturo v. Maturo](#), 296 Conn. 80, 95, 995 A.2d 1 (2010). “Although the guidelines grant courts discretion to make **awards on a ‘case-by-case’ basis above the amount** prescribed for a family at the upper limit of the schedule when the combined net weekly income of the parents exceeds that limit, which is presently \$4000; Regs., Conn. State Agencies § 46b-215a-2b (a) (2); the guidelines also indicate that such awards should follow the principle expressly acknowledged in the preamble and reflected in the schedule that the child support obligation as a percentage of the combined net weekly income should decline as the income level rises. Thus, an award of child support based on a combined net weekly income of \$8000 must be governed by the same *principles* that govern a child support award based on a combined net weekly income of \$4000, even **though the former does not fall within the guidelines’ schedule.**”
- [Benedetto v. Benedetto](#), 55 Conn. App. 350, 355, 738 A.2d 745 (1999). “**The defendant next claims that the trial court** improperly ordered child support without any reference to the child support guidelines. This claim is without merit. The court found that the defendant's income exceeded the maximum level in the guidelines and, therefore, the **guidelines did not apply.**”
- [Carey v. Carey](#), 29 Conn. App. 436, 440, 615 A.2d 516 (1992). “**Although the trial court correctly recognized that** the guidelines generally are not applicable to parents with a weekly net income below the self-support reserve of \$135, the trial court failed to consider the entire mandate of the guidelines. They state that ‘**[e]xcept as provided under the deviation criteria**, the guidelines do not apply to a parent whose net weekly income is less than \$135.’ (Emphasis added.) Connecticut Child Support Guidelines (b)(2). As a result, even where income does not exceed the self-support reserve, the guidelines are applicable and must be considered ‘**as provided under the deviation criteria.**’

WEST KEY NUMBERS:

Child Support.

- IV. Amount and incidents of award, #140-165.
 - #143. Applicability of guidelines.
 - #145. Incomes outside guidelines range.

DIGESTS:

- Cynthia C. George and Amy Calvo MacNamara, [Connecticut Family Law Citations](#) (2016).
 - Chapter 10. Child Support
 - § 10.03. Child Support Guidelines
- Family Support Magistrate Decisions and Digest
 - IV. Child Support Guidelines
 - V. Support guidelines

TEXTS & TREATISES:

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- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law And Practice with Forms](#) 3d (2010).
Chapter 38. Child Support
 - § 38: 19. Guidelines and formulas for support
 - § 38: 22. –Guideline criteria for deviation
 - § 38: 30. –Income beyond the Guideline schedule
- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
Chapter 7. Child Support.
Part V: Using the Child Support Guidelines
 - § 7.32 Determining Deviation Criteria Under the Child Support Guidelines
- [Family Law Practice in Connecticut](#) (1996).
Chapter 11. Child Support
- Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#) (2003).
Chapter 9. Child Support

LAW REVIEWS:

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

- Lewis Becker, *Spousal and Child Support and The "Voluntary Reduction Of Income" Doctrine*, 29 [Connecticut Law Review](#) 647 (1997).

Section 3: Child Support Pendente Lite

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the awarding of temporary child support including modification and enforcement.

DEFINITIONS:

- “The function of an order for alimony and support pendente lite is to provide support for a spouse who the court determines requires financial assistance, and for any dependent children, until the court makes a final determination of the issues.” [Trella v. Trella](#), 24 Conn. App. 219, 222, 587 A.2d 162 (1991).

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. (2017)
 - § [46b-83](#). Alimony, support and use of family home or other residential dwelling unit awarded pendente lite. Voluntary leaving of family home by one parent.
 - § [46b-84](#)(d). Parents' obligation for maintenance of minor child. Order for health insurance coverage.
 - § [46b-86](#)(a). Modification of alimony or support orders and judgments.

FORMS:

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

- **Official Forms**
 - [JD-FM-176](#). Motion For Orders Before Judgment (Pendente Lite) In Family Cases (Rev. 6/12)
- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law and Practice with Forms](#) 3d (2010).
 - § 37:5. Motion for temporary child support–Form
 - § 37:6. Motion to determine child support obligation–Form
- Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#) (2003).
- Amy Calvo MacNamara, Aidan R. Welsh, and Cynthia Coulter George, Editors., [Library of Connecticut Family Law Forms](#) 2d (2014).
 - 5-008 Motion for Child Support (Pendente Lite)
 - 5-009 Motion for Alimony and Support (Pendente Lite)
 - 5-010 Motion for Orders Before Judgment in Family Cases (Court Form JD-FM-176)
 - 5-011 Claims for Relief Re: Alimony and Child Support (Pendente Lite)
 - 5-035 Motion for Contempt re: Unallocated Alimony and Support (Pendente Lite)
 - 5-038 Motion for Modification of Unallocated Alimony and Support (Pendente Lite)

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.

- [Dumbauld v. Dumbauld](#), 163 Conn. App. 517, 533, 136 A. 3d 669 (2016). "Section 46b-56c provides in relevant part: . . . '(b) ... (2) On motion or petition of a parent, the court may enter an educational support order at the time of entry of an order for support pendente lite pursuant to section 46b-83.... (f) The educational support order may include support for any necessary educational expense, including room, board, dues, tuition, fees, registration and application costs, **but such expenses shall not be more than the amount charged by The University of Connecticut for a full-time in-state student** at the time the child for whom educational support is being ordered matriculates, except this limit may be exceeded by agreement of the parents....' (Emphasis added.)"
- [Peterson v. Peterson](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST-FA09-4015636-S (Sept. 21, 2011) (2011 WL 4908846) (2011 Conn. Super. LEXIS 2415). "The court finds that Gen. Stat. §§ 46b-83 and 46b-84 are silent as to the requirement of the parties living separate and apart. Nowhere in these statutes does there exist any requirement that the parties live separate and apart as a condition of a pendente lite alimony order. The court finds that the **older decisions citing 'abandoned'** and 'living apart' have been rejected by the current decisions that consistently do not mention either phrase. The court finds that there is no current statutory authority or case law authority for the parties living apart as a condition for pendente lite alimony or child support. The court finds that the Superior Court has the authority to enter pendente lite alimony and child support orders when the two parties continue to reside together. **Boyce v. Boyce**, Superior Court, judicial district of Fairfield at Bridgeport, Docket Number FA01-0387600S (January 3, 2002, Bassick, JTR) [31 Conn. L. Rptr. 177]"
- [Misthopoulos v. Misthopoulos](#), 297 Conn. 358, 373, 999 A.2d 721 (2010). "**It is well established that the prohibition against retroactive modification of support orders applies to pendente lite support orders. See, e.g., Trella v. Trella**, supra, 24 Conn.App. at 222, 587 A.2d 162 ('in the absence of express legislative authorization for retroactive modification of unallocated alimony and support pendente lite, the trial court has no authority to order such **modification'**); see also *Evans v. Taylor*, 67 Conn.App. 108, 117-18, 786 A.2d 525 (2001)."
- [Friezo v. Friezo](#), 84 Conn. App. 727, 732, 854 A.2d 1119 (2004). "**Awards of pendente lite alimony and child support are modifiable on the court's determination of a substantial change in the circumstances of the parties. See General Statutes § 46b-86(a).**"

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.

- [Evans v. Taylor](#), 67 Conn. App. 108, 118, 786 A.2d 525 (2001). **"It was improper for the court to omit the pendente lite arrearage in its final judgment of dissolution even though the defendant may not have specifically requested that in her claims for relief."**
- [Priol v. Priol](#), 67 Conn. App. 7, 13, 787 A.2d 50 (2001). **"General Statutes § 46b-86 (a) provides that a court may modify an order for alimony or support pendente lite upon a showing that the final order for the child support substantially deviates from the child support guidelines established pursuant to section 46b-215 (a)."**
- [Wolk v. Wolk](#), 191 Conn. 328, 331, 464 A.2d 780 (1983). **"Since the purposes of pendente lite awards and final orders are different, there is no requirement that the court give any reason for changing the pendente lite orders."**
- [Fitzgerald v. Fitzgerald](#), 169 Conn. 147, 152-153, 362 A.2d 889 (1975). **"In deciding the motions for temporary orders, the court could rely on the primary duty of the defendant to support his minor children pending the disposition of the first count of the plaintiff's complaint upon a trial on the merits."**
- [Beaulieu v. Beaulieu](#), 18 Conn. Supp. 497, 498 (1954). **"There should be no distinction between permanent and temporary alimony as respects collection."**
- [England v. England](#), 138 Conn. 410, 414, 85 A.2d 483 (1951). **"It is within the sound discretion of the trial court whether such an allowance should be made and, if so, in what amount. Its decision will not be disturbed unless it clearly appears that it involves an abuse of discretion."**

DIGESTS:

- Dowling's Digest: Parent and Child § 5
- Cynthia C. George and Amy Calvo MacNamara, [Connecticut Family Law Citations](#) (2016).
Chapter 10. Child Support
§ 10.02. Pendente lite child support
- Family Support Magistrate Decisions and Digest
Words and phrases—Pendente lite

ENCYCLOPEDIAS:

- 24A [Am. Jur. 2d Divorce and Separation](#) (2008).
§§ 965-968. Temporary support

TEXTS & TREATISES:

- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law And Practice with Forms](#) 3d (2010).
Chapter 37. Temporary Child Support
§ 37:2. Comparison with temporary alimony
§ 37:3. Time and method for raising claim

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- § 37:4. Preparation of pendente lite claim
- § 37:7. Hearing
- § 37:8. Amount of order; factors to be considered
- § 37:9. Order, stipulation or voluntary compliance
- § 37:10. Enforcement
- § 37:11. Modification
- § 37:12. Effect of prenuptial or other agreements relating to child support

- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
 - Chapter 7. Child Support.
 - Part VI: Establishing Temporary Child Support Orders

Section 4: Enforcement

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to enforcement of child support orders including both state and federal laws.
- SEE ALSO:**
- [Enforcement of Family and Foreign Matrimonial Judgments in Connecticut](#)
 - [Modification of Judgments in Family Matters](#)
- DEFINITIONS:**
- **“Contempt** is a disobedience to the rules and orders of a court which has power to punish for such an offense A **civil contempt** is one in which the conduct constituting the contempt is directed against some civil right of an opposing party and the proceeding **is initiated by him.**” (Emphasis added.) [Stoner v. Stoner](#), 163 Conn. 345, 359, 307 A.2d 146 (1972).
 - **IV-D:** “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.” Conn. Agencies Regs. (3/7/2015) § [17b-179\(a\)-1](#)(11).
 - **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).
 - **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, 574, 137 A. 3d 52 (2016).
 - “The fact that the order had not been complied with fully, however, does not dictate that a finding of contempt must enter. It is within the sound discretion of the court to deny a claim for contempt when there is an adequate factual **basis to explain the failure to honor the court’s order.**” [Marcil v. Marcil](#), 4 Conn. App. 403, 405, 494 A.2d 620 (1985).

PUBLIC ACTS:

- [Public Act 16-13](#) *An Act Renaming The Bureau Of Child Support Enforcement To The Office Of Child Support Services.* (Effective from passage).

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. (2017)
 - § [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. . .
 - § [52-362f](#). Enforcement of child support orders by income withholding
- 42 U.S.C. (2017)
 - [§§ 651-669b](#). Title IV-D of the Social Security Act

See [Table 5](#)

REGULATIONS:

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

- [Conn. Agencies Regulations](#)
 - Title 17b IV-D 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

FORMS:

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

- **Official Forms**
 - [Filing a Motion for Contempt](#)
 - [JD-FM-173](#). Motion for Contempt (Rev. 2/15)
 - [JD-FM-173H](#). Motion for Contempt/Contempt Citation Help File
- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law And Practice with Forms](#) 3d (2010).
 - § 34:6. Motion for contempt—Form
 - § 34:9. Schedule for production at hearing—Form
- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law and Practice with Forms](#) 2d (2000).

[manuscript forms]

§ 34.6. Motion for contempt—Form

§ 34.7. Application for contempt citation and order to show cause—Form

§ 34.9. Schedule for production at hearing—Form

CASES:

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.

- [Nuzzi v. Nuzzi](#), 164 Conn. App. 751, 770-771, 138 A. 3d 979 (2016). “[W]e conclude that the court did not abuse its discretion when it found the defendant to be in wilful contempt of the dissolution order when he enlisted self-help to reduce his support payments to the plaintiff in July, 2008. **“An order of the court must be obeyed until it has been modified or successfully challenged.”** (Internal quotation marks omitted.) *Eldridge v. Eldridge*, 244 Conn. 523, 530, 710 A.2d 757 (1998). Even if the terms of the dissolution order were ambiguous, the appellate courts of this state have held that a party may not resort to self-help. See, e.g., *Sablosky v. Sablosky*, 258 Conn. 713, 720, 784 A.2d 890 (2001) (“where there is an ambiguous term in a judgment, a party must seek a clarification upon motion rather than resort to self-help”). **The defendant's claim, therefore, fails.”**
- [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, 925 A.2d 1086.”
- [Holly v. Holly](#), Superior Court, Judicial District of Litchfield at Litchfield, No. LLI-FA95-4015038-S (May 17, 2016) (62 Conn. L. Rptr. 347, 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.”

“[T]his court concludes that the language of §§ 46b-231(s)(1) and (4), and 52-362d (a) and (f), are applicable

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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

- [Keegan v. Keegan](#), Superior Court, Judicial District of Hartford at Hartford, No. FA10-4053507-S (April 20, 2016) (62 Conn. L. Rptr. 178, 179) (2016 WL 2728336) (2016 Conn. Super. LEXIS 827). “The issue is now whether the defendant is in contempt for unilaterally reducing the child support amount. ‘Contempt is a disobedience to the rules and orders of a court which has the power to punish for such an offense ... If the underlying court order was sufficiently clear and unambiguous ...’ the issue is whether the violation was “willful, excused by a good faith dispute or misunderstanding.” *Johnson v. Johnson*, 111 Conn. App. 413, 420–21 (2008). ‘Under Connecticut law, such proceedings should be proven by clear and convincing evidence.’ *Brody v. Brody*, 315 Conn. 300, 318 (2014). The orders of the court were clear and unambiguous. The issue is whether the defendant willfully failed to obey the court order. The court finds the defendant's testimony credible in that he believed he was properly calculating child support. The conduct, although misguided, does not rise to the level of contempt.”
- [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.”
- [Culver v. Culver](#), 127 Conn. App. 236, 247, 17 A.3d 1048 (2011). “Consequently, we conclude that the defendant reasonably knew or should have known that the parties’ oral agreement was unenforceable absent proper authorization by the court, and that by not seeking such authorization, he did not exercise the diligence required to establish a claim of equitable estoppel. The defendant

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cannot seek equitable relief premised on a theory of estoppel due to his own failure to cause the parties' oral agreement to become a court order. See *Celentano v. Oaks Condominium Assn.*, 265 Conn. 579, 615, 830 A.2d 164 (2003); see also *Novella v. Hartford Accident & Indemnity Co.*, 163 Conn. 552, 565, 316 A.2d 394 (1972)."

- [Barber v. Barber](#), 114 Conn. App. 164, 167, 968 A.2d 981 (2009). "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)."
- [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.
- [Sablosky v. Sablosky](#), 258 Conn. 713, 720, 784 A.2d 890 (2001). "The appropriate remedy for doubt about the meaning of a judgment is to seek a judicial resolution of any ambiguity; it is not to resort to self-help."
- [Eldridge v. Eldridge](#), 244 Conn. 523, 529, 710 A.2d 757 (1998). "A good faith dispute or legitimate misunderstanding of the terms of an alimony or support obligation may prevent a finding that the payor's nonpayment was willful. This does not mean, however, that such a dispute or misunderstanding will preclude a finding of willfulness as a predicate to a judgment of contempt. Whether it will preclude such a finding is ultimately within the trial court's discretion."

**FAMILY SUPPORT
MAGISTRATE
DECISIONS:**

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

DIGESTS:

- Cynthia C. George and Amy Calvo MacNamara, [Connecticut Family Law Citations](#) (2016).
Chapter 10. Child Support
§ 10.08. Arrearages

**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

ENCYCLOPEDIAS:

- 24A [Am. Jur. 2d](#) *Divorce and Separation* (2008).
 - §§ 969-997. Enforcement of child support orders or decrees
 - §§ 988-997. Contempt
 - §§ 978-983. Defenses
 - §§ 984-987. Setoff or credits
- 23 [Am. Jur. 2d](#) *Desertion and Nonsupport* (2013).
 - §§ 29-72. Criminal offense of Abandonment, Defense & Nonsupport of Child

**TEXTS &
TREATISES:**

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law And Practice with Forms](#) 3d (2010).
 - Chapter 34. Enforcement of alimony and child support provisions of judgment
 - § 34: 4. Contempt proceedings
 - § 34: 5. Contempt procedure
 - § 34: 8. Hearing
 - § 34: 10. Necessity of counsel in contempt proceedings
 - § 34: 11. Excuse or defense to contempt claim
 - § 34: 12. Inability to comply
 - § 34: 13. Irregularities or uncertainties as to terms of original order
 - § 34: 14. Laches and/or estoppel as a defense to contempt
 - § 34: 15. Estoppel—in-kind payments or other modifications
 - § 34: 16. Misconduct by the complaining party
 - § 34: 17. Contempt penalties and terms of payment
 - § 34: 18. Contempt penalties—incarceration
 - § 34: 19. Criminal action based on nonpayment of alimony or child support
 - § 34: 20. Enforcement of alimony or support obligation against property
 - § 34: 34. Claims for interest and/or damages
- 8A Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law and Practice with Forms](#) 3d (2010).
 - Chapter 56. Federal law affecting Connecticut domestic relations practice

§ 56: 3. The federal role in child-support enforcement

- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
Chapter 17. Enforcement of Orders.
Part II: Filing Motions for Contempt.
Part IV: Determining General Relief That May Be Sought in a Motion for Contempt
Part V: Crafting Orders to Enforce Alimony and Child Support
- 3 Joel M. Kaye and Wayne D. Efron, [Connecticut Practice Series, Civil Practice Forms](#) 4d (2004). *Authors' comments* following Form 506.2.
- 5 Arnold H. Rutkin et al., [Family Law and Practice](#) (2016).
Chapter 48. Interstate Support Proceedings
§ 48.03. Uniform Interstate Family Support Act
§ 48.08. Civil support actions in state court
§ 48.09. Enforcing an order across state lines without leaving home
§ 48.11. Enforcement across national boundaries
§ 48.12. Non-support as an interstate crime
§ 48.13. Support enforcement in federal court
- Stacy Brustin & Lisa Martin, *Bridging the Justice Gap in Family Law: Repurposing Federal IV-D Funding to Expand Community-Based Legal and Social Services for Parents*, 67 *Hastings Law Journal* 1265 (2015-2016).
- *Calculating And Collecting Child Support: Sixteen Years After The Guidelines...And Counting*, 23 [Family Advocate](#) no. 2 (Fall 2000). Special issue.
 - Diane M. Fray, *Strong-Arm Enforcement*, p. 42
 - Janet Atkinson, *Long-Arm Collections*, p. 46
 - Darrell Baughn, *Throw The Book At Deadbeat Parents*, p. 49
 - Gary Caswell, Making *Long-Distance Parents Pay Up*, p. 52

LAW REVIEWS:

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

Table 2: 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>	
§ 46b-84 (a).	"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."
§ 46b-220	Suspension of license of delinquent child support obligor.
Chapter 817	Uniform Interstate Family Support Act (<i>effective July 1, 2015</i>) Enforcement of out-of-state support orders .
§ 52-362	Withholding wage and unemployment compensation for support.
§ 52-362d(a)	"...the State shall have a lien on any property , real or personal..."
§ 52-362d(b)	"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."
§ 52-362d(c)	"...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..."
§ 52-362e	Withholding income tax refunds [state and federal] in amount equal to support arrearage.
§ 53-304(a)	"Any person who neglects or refuses to furnish reasonably necessary support to his spouse, child under the age of eighteen or parent under the age of sixty-five shall be deemed guilty of nonsupport and shall be imprisoned not more than one year.... "

Table 3: Federal Statutes & Regulations Enforcing Child Support

Title IV-D of the Social Security Act 42 U.S.C. §§ 651 to 669 (2017)	
<i>" . . . current federal child support enforcement legislation clearly demonstrates a federal policy of ensuring the financial support of children by their parents." In re Bruce R., 234 Conn. 194, 209 (1995)</i>	
42 USC § 652(a)	Establishes federal agency: Office of Child Support Enforcement (OCSE)
42 USC § 653	Federal Parent Locator Service (FPLS)
42 USC § 654	State plan for child and spousal support
42 USC § 656	Support obligation as obligation to State; amount; discharge in bankruptcy
42 USC § 659	Consent by the United States to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligations
42 USC § 660	Civil action to enforce child support obligations; jurisdiction of district courts
42 USC § 663	Use of Federal Parent Locator Service in connection with enforcement or determination of child custody in cases of parental kidnaping of child
42 USC § 664	Collection of past-due support from Federal tax refunds
42 USC § 665	Allotments from pay for child and spousal support owed by members of uniformed services on active duty
42 USC § 666	Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
Federal Regulations 45 CFR Part 302-303	
§ 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
§ 303.71	Requests for full collection services by the Secretary of the Treasury
§ 303.72	Requests for collection of past-due support by Federal tax refund offset
§ 303.73	Applications to use the courts of the United States to enforce court orders

Table 4: History of Federal Legislation Dealing with Child Support

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

Table 5: Child Support and Parental Agreements

Cases	
<p>Nuzzi v. Nuzzi, 164 Conn. App. 751, 765-766, 138 A. 3d 979 (2016).</p>	<p>"Pursuant to §§ 8.3 and 8.4 of the agreement, both parties were entitled to a de novo hearing to establish the defendant's support obligation after the first year grace period. In failing to adjudicate the motion to modify pursuant to the agreement, the court failed to afford the parties the benefit of the agreement they had entered into at the time of the dissolution of their marriage, and therefore abused its discretion by denying the motion to modify without considering its merits. We reverse the judgment with respect to the motion to modify and remand the matter to the trial court for further proceedings."</p>
<p>Digiuseppe v. Digiuseppe, Superior Court, Judicial District of Litchfield at Litchfield, No. LLI-FA13-4013019-S (November 23, 2015) (61 Conn. L. Rptr. 310, 311) (2015 WL 9242356) (2015 Conn. Super. LEXIS 2900).</p>	<p>"While it is true that CGS Section 46b–56c is the vehicle which allows the court to enter an order for college expenses, the parties are free to enter into an agreement separate and apart from the dictates of the statute. The Appellate Court stated in <i>Histen v. Histen</i>, 98 Conn.App. 729, 734 n. 4, 911 A.2d 348 (2006): 'We reject at the outset the [father's] contention, pressed throughout his appellate brief, that the educational support provision of the parties' separation agreement must be construed with reference to language contained in General Statutes § 46b–56c, a fairly recent enactment authorizing courts to enter educational support orders in dissolution proceedings <i>in the event the parties fail to reach a voluntary agreement regarding their children's college expenses</i>. It is abundantly clear from the record in this case that the parties reached a voluntary settlement agreement that addressed the question of their children's post-majority educational expenses, and, therefore, there was no need for the court to issue an educational support order under the authority of § 46b–56c. It is further clear that neither party requested such an order, nor did the court at the time of dissolution make the predicate findings necessary to issue such an order. See General Statutes § 46b–56c(b)(4) (c). Accordingly, the terms used in that statute have no bearing whatsoever on the construction of the language chosen by the parties when they drafted their voluntary settlement agreement.' (Emphasis added.)"</p>
<p>Zitnay v. Zitnay, 90 Conn. App. 71, 75, 875 A.2d 583 (2005).</p>	<p>"In his appeal to this court, the father has raised three issues. He maintains that (1) the shared parenting plan manifested the parents' agreement that neither parent would ever have primary custody of their children, (2) the court impermissibly deviated from the support guidelines because the mother did not satisfy the definition of a custodial parent under the guidelines, and (3) the parents' incomes and their shared parenting responsibilities were approximately equal. We are</p>

	not persuaded.”
Brent v. Lebowitz , 67 Conn. App. 527, 532, 787 A.2d 621, cert. granted , 260 Conn. 902 (2002).	“Accordingly, support agreements that are not in accordance with the financial dictates of the guidelines are not enforceable unless one of the guidelines' deviation criteria is present, such as when the terms of the agreement are in the best interest of the child. ”
In re Bruce R. , 234 Conn. 194, 210-211, 662 A.2d 107 (1995).	“In addition, we repeatedly have recognized that children must be supported adequately This commitment would be undermined if we permitted a consensual petition, which frees the petitioner from any further obligations to support his or her children, to be granted without considering the financial condition of the parents. ”
Masters v. Masters , 201 Conn. 50, 67-68, 513 A.2d 104 (1986)	“To ensure that the court's ultimate, nondelegable responsibility to protect the best interests of the child is not short-circuited by this process, some courts have devised special provisions for court review, permitting a full de novo hearing under certain specified circumstances. ”
Guille v. Guille , 196 Conn. 260, 265, 492 A.2d 175 (1985)	“In light of the legislature's evident concern for the rights of minor children in marital dissolution proceedings, we cannot conclude that General Statutes 46b-86 (a) was designed to change the common law and permit divorcing parents, by stipulation incorporated into the divorce decree, to contractually limit their children's right to support. ”
In re Juvenile Appeal (85-BC), 195 Conn. 344, 352, 488 A.2d 790 (1985)	“We recognize initially that the established public policy in this state is ‘[t]o protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children.’”
In re Juvenile Appeal (83-DE), 190 Conn. 310, 318-319, 460 A.2d 1277 (1983)	“Parents have a constitutionally protected right to raise and care for their own children. <i>Stanley v. Illinois</i> , 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972). This right is not free from intervention by the state, however, when the continuing parens patriae interest of the state in the well being of children is deemed by law to supercede parental interests.”
State v. Anonymous , 179 Conn. 155, 170-171, 425 A.2d 939 (1979)	“It is important to note in this relation that the ultimate standard underlying the whole statutory scheme regulating child welfare is the ‘best interest of the child’ This furthers the express public policy of this state to provide all of its children a safe, stable nurturing environment. ”
Burke v. Burke , 137 Conn. 74, 80, 75 A.2d 42 (1950)	“This is because no such contract by a father can restrict or preclude the power of the court to decree what he shall pay for the support of a dependent minor child. A husband and wife cannot make a contract with each other regarding the maintenance or custody of their child which the court is

	<p>compelled to enforce, nor can the husband relieve himself of his primary liability to maintain his child by entering into a contract with someone else to do so. The welfare of the child is the primary consideration."</p>
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Section 5: Out-of-State Child Support Orders in Connecticut Courts

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the recognition, enforcement and modification of foreign matrimonial judgments and foreign support orders in Connecticut courts.

SEE ALSO:

- [Enforcement of Family and Foreign Matrimonial Judgments in Connecticut](#)
- [Modification of Judgments in Family Matters](#)

DEFINITIONS:

- **Foreign Matrimonial Judgment:** “means any judgment, decree or order of a court of any state in the United States in an action for divorce, legal separation, annulment or dissolution of marriage, for the custody, care, education, visitation, maintenance or support of children or for alimony, support or the disposition of property of the parties to an existing or terminated marriage, in which **both parties have entered an appearance.**” Conn. Gen. Stat. § [46b-70](#) (2017).
- **Registration of Support Orders:** “A support order or income-withholding order issued in another state or a foreign support order may be registered in this state for enforcement.” Conn. Gen. Stat. § [46b-370](#) (2017).
- **Threshold Requirement:** “The requirement of the **entry of an appearance by both parties** is a ‘threshold requirement for enforcement’ pursuant to the statute [Conn. Gen. Stat. § 46b-71 (2005)] Even a one time special appearance in another state to contest jurisdiction is sufficient to allow enforcement in Connecticut of a judgment subsequently rendered for support arrearages obtained in the other state The statutory language reflects the intent of the legislature to ensure that both parties have actual notice of an out of state proceeding, and to preclude adoption of foreign judgments obtained by a default in appearance Even states with statutes that specifically preclude enforcement of default judgments will enforce judgments obtained by default where a party **has defaulted in pleading after an initial appearance.**” [Rule v. Rule](#), 6 Conn. App. 541, 544, 506 A.2d 1061 (1986). [emphasis added]
- **Modification:** “Clearly, when modifying a foreign matrimonial judgment, Connecticut courts must apply the **substantive law of the foreign jurisdiction.**” [Burton v. Burton](#), 189 Conn. 129, 134, 454 A.2d 1282, 1285 (1983).

PUBLIC ACTS:

- [Public Act 16-193](#) *An Act Concerning The Revisor's Technical Corrections To The General Statutes.* (effective 10/1/2016).
- [Public Act 16-13](#) *An Act Renaming The Bureau Of Child Support Enforcement To The Office Of Child Support Services.* (effective from passage).
- [Public Act 15-71](#) *An Act Adopting the Uniform Interstate Family Support Act Of 2008* (effective 7/1/2015).

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. (2017)
 - Chapter 815j. Dissolution of Marriage, Legal Separation, and Annulment
 - § [46b-70](#). Foreign matrimonial judgment defined
 - § [46b-71](#). Filing of foreign matrimonial judgment; enforcement in this state
 - § [46b-72](#). Notification of filing
 - § [46b-73](#). Stay of enforcement; modifications; hearing
 - § [46b-74](#). Right to action on foreign judgment unimpaired
 - § [46b-75](#). Uniformity of interpretation
 - Chapter 815y. Paternity Matters
 - § [46b-179](#). Foreign paternity judgments.
 - [Chapter 817](#). Uniform Interstate Family Support Act
 - § 46b-302. Definitions.
 - § 46b-311. Bases for jurisdiction over nonresident
 - § 46b-312. Duration of personal jurisdiction
 - § 46b-314. Simultaneous proceedings
 - § 46b-315. Continuing, exclusive jurisdiction to modify child support order
 - § 46b-316. Continuing jurisdiction to enforce child support order
 - § 46b-317. Determination of controlling child support order
 - § 46b-329. Application of law of State of CT Judicial Branch
 - § 46b-370. Registration of order for enforcement
 - § 46b-371. Procedure to register order for enforcement
 - § 46b-377. Notice of registration of order
 - § 46b-378. Procedure to contest validity or enforcement of registered support order
 - § 46b-384. Procedure to register child support order of another state for modification
 - § 46b-388. Jurisdiction to modify child support order of another state when individual parties reside in this state.
 - § 46b-393. Jurisdiction to modify child support

order of foreign country
§ 46b-394. Procedure to register child support order
of foreign country for modification

- 28 U.S.C. (2017)
[§ 1738B](#) Full faith and credit for child support orders
- Conn. Agencies Regs.
Title IV-D Child Support Enforcement Program
§ [17b-179\(m\)-5](#). Establishment of support orders
§ [17b-179\(m\)-10](#). Provision of services in interstate
IV-D cases
 - (a) Central registry
 - (b) Responding state functions
 - (c) Initiating state functions

REGULATIONS:

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

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.

- [Studer v. Studer](#), 320 Conn. 483, 484, 131 A.3d 240 (2016). "The sole issue in this appeal is whether the trial court properly concluded that the duration of a child support order was governed by the law of the state in which it was originally issued. ... **We disagree with the defendant's claim and, accordingly, affirm the judgment of the trial court.**"
- [Lewis v. Paddy](#), Superior Court, Judicial District of New London at New London, No. FA12-4118666-S (Nov. 29, 2012) (55 Conn. L. Rptr. 93, 93) (2012 WL 6634678) (2012 Conn. Super. LEXIS 2895). "**A review of the applicable statutes and case law, supports the position that the Connecticut Child Support and Arrearage Guidelines should be utilized in determining the amount of the child support order but that Wisconsin substantive law is controlling as to the duration of the order.**"

"Likewise, Gen. Stat. § 46b-213q(d), which pertains to the modification of support orders from another state, expressly provides that "[i]n a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support." p. 94

- [Cartledge v. Evans](#), Superior Court, Judicial District of Hartford at Hartford, No. FA07-4028072 (Apr. 23, 2010) (49 Conn. L. Rptr 731, 732) (2010 WL 2132739) (2010 Conn. Super. LEXIS 999). "**This court is aware that numerous courts of this state have held that § 46b-71 governs modification of foreign child support orders....** None of these cases, however, have considered the applicability of § 46b-213q(f) to child support orders where all relevant individuals now live in Connecticut or the mandate of the full faith and credit clause. The court thus concludes that Massachusetts no longer has continued,

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exclusive jurisdiction over the child support order and that the courts of this state may now exercise jurisdiction to modify the original Massachusetts child support order, and in doing so the proper substantive and procedural law to be applied now and thenceforth to the setting of the order for payment of current weekly child support is that of the **State of Connecticut.**"

- [Colby v. Colby](#), 33 Conn. App. 417, 421, 635 A.2d 1241 (1994). "While this court has the authority to determine jurisdiction; . . . we are unable to determine from the record whether the plaintiff here ever filed an appearance in the divorce proceedings in accordance with the Massachusetts rules of civil procedure. The threshold requirement for enforcement of the foreign matrimonial judgment not having been satisfied leaves unresolved the question of the jurisdiction of the trial court. This court is not in a position to hold a hearing to determine this fact and thus remands the case to the trial court for a hearing **to determine whether the threshold issue has been met.**"
- [Rule v. Rule](#), 6 Conn. App. 541, 545, 506 A.2d 1061 (1986). "The purpose of General Statutes 46b-70 and 46b-71 is to prevent a defendant from avoiding the execution of a valid and enforceable judgment by fleeing the jurisdiction."
- Cynthia C. George and Amy Calvo MacNamara, [Connecticut Family Law Citations](#) (2016).
Chapter 10. Child Support
§ 10.01. Uniform Interstate Family Support Act (UIFSA)

DIGESTS:

WEST KEY NUMBERS:

Child Support.
X. Interstate issues, #500-510
#502. What law governs
#503. Preemption
#506. Foreign decree or proceeding
#507. Jurisdiction of forum court to act
#508. Enforcement of foreign judgments
#509. Modification of foreign judgments
#510. Stipulations and agreements
XI. International issues, #525-531

ENCYCLOPEDIAS:

- 23 [Am. Jur. 2d](#) *Desertion and nonsupport* (2013).
 §§ 73-84. Uniform acts
 §§ 73-74. In general
 §§ 75-84. Interstate enforcement of support order
- *Interstate Enforcement of Child Support Orders*, 37 Am Jur Trials 639 (1988).
- Kurtis A. Kemper, Annotation, *Construction and Application*

of Uniform Interstate Family Support Act, 90 ALR5th 1 (2001).

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law And Practice with Forms](#) 3d (2010).
Chapter 34. Enforcement of alimony and child-support provisions of judgment
§ 34:28. Limitations on income withholding
- 8A Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law and Practice with Forms](#) 3d (2010).
Chapter 55. Foreign Divorces
§ 55:5. Necessity that both parties appeared in foreign action
§ 55:11. Enforcement of foreign judgments—Filing of judgment in Connecticut
§ 55:12. Enforcement of foreign judgments—Stays or modification
- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
Chapter 2. Jurisdiction.
Part X: Applying the Uniform Interstate Family Support Act.
Part XI: Domesticating and Enforcing Foreign Matrimonial Judgments.
Chapter 7. Child Support.
Part II: Asserting Jurisdiction for Child Support and UIFSA.

Table 6: Connecticut's Long Arm Statute

Jurisdiction over nonresident party for child support	
<p>§ 46b-311 <i>Bases for jurisdiction over nonresident</i></p>	<p>"In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if (1) the individual is personally served with process within this state; (2) the individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; (3) the individual resided with the child in this state; (4) the individual resided in this state and provided prenatal expenses or support for the child; (5) the child resides in this state as a result of the acts or directives of the individual; (6) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse; or (7) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction."</p>
<p>§ 46b-46</p>	<p>"(b) The court may exercise personal jurisdiction over the nonresident party as to all matters concerning temporary or permanent alimony or support of children, only if: (1) The nonresident party has received actual notice under subsection (a) of this section; and (2) the party requesting alimony meets the residency requirement of section 46b-44."</p>
<p>§ 46b-44</p>	<p>"(c) A decree dissolving a marriage or granting a legal separation may be entered if: (1) One of the parties to the marriage has been a resident of this state for at least the twelve months next preceding the date of the filing of the complaint or next preceding the date of the decree; or (2) one of the parties was domiciled in this state at the time of the marriage and returned to this state with the intention of permanently remaining before the filing of the complaint; or (3) the cause for the dissolution of the marriage arose after either party moved into this state."</p>

Section 6: Duration and Termination

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the duration of child support obligations including post majority support and educational support orders

DEFINITIONS:

- **Age of Majority:** "shall be deemed to be eighteen years." Conn. Gen. Stat. § [1-1d](#) (2017).
- **Educational Support Order:** "an order entered by a court requiring a parent to provide support for a child or children to attend for up to a total of four full academic years an institution of higher education or a private occupational school for the purpose of attaining a bachelor's or other undergraduate degree, or other appropriate vocational instruction. An educational support order may be entered with respect to any child who has not attained twenty-three years of age and shall terminate not later than the date on which the child attains **twenty-three years of age.**" Conn. Gen. Stat. § [46b-56c](#)(a) (2017).

STATUTES AND PUBLIC ACTS:

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.

HISTORIES:

LEGISLATIVE REPORTS:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication.

- 2002 Conn. Acts 128 (Reg. Sess.). [An act concerning Educational Support Orders](#) [eff. October 1, 2002].
- Conn. Gen. Stat. (2017)
 - § [46b-56c](#) Educational support orders
 - § [46b-84](#). **Parents' obligation for maintenance of minor child.** Order of health insurance coverage
 - § [46b-66](#). Review of agreements; incorporation into decree. Arbitration.
- [Legislative History of Public Act No. 02-128: an act concerning educational support orders](#)
- [Legislative history of Public Act No. 94-61: an act concerning post majority support \(high school and certain post secondary education\)](#)
- [Legislative history of Public Act No. 97-321: an act concerning post majority child support \(dependent disabled child\)](#)
- Michelle Kirby, *Child and Education Support Age Limits*, OLR Research Report No. [2016-R-0234](#) (November 1, 2016).
- Susan Price-Livingston, *Post-Majority Child Support Laws*, OLR Research Report No. [2002-R-0101](#) (January 23, 2002).
- Susan Price-Livingston, *Educational Support Orders*, OLR Research Report No, [2004-R-0093](#) (January 23, 2004).

CASES:

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- [Malpeso v. Malpeso](#), 165 Conn. App. 151, 176, 138 A.3d 1069 (2016). “[T]his court has held that [w]hen, as part of a divorce decree, a parent is ordered to pay a specified amount periodically for the benefit of more than one child, the emancipation of one child does not automatically affect the liability of the parent for the full amount.... The proper **remedy ... is to seek a modification of the decree.**”
- [Rosner v. Rosner](#), Superior Court, Judicial District of New Haven at New Haven, No. FA06-4019316 (September 20, 2016) (63 Conn. L. Rptr. 131, 131) (2016 WL 6128098) (2016 Conn. Super. LEXIS 2446). “The question presented is whether the court can enter an order compelling a parent to pay for postmajority educational support expenses which have already occurred or stated another way, whether a post-majority educational support order pursuant to General Statutes § 46b-56c can be rendered **retroactively? The short answer is no.**”
- [Keegan v. Keegan](#), Superior Court, Judicial District of Hartford at Hartford, No. FA10-4053507-S (April 20, 2016) (62 Conn. L. Rptr. 178, 179) (2016 WL 2728336) (2016 Conn. Super. LEXIS 827). “**Although the defendant** testified credibly that he believed he could simply reduce the original child support figure by 25% each time a child reached the age of majority, this approach and method of calculation was clearly erroneous. Two recent 2016 decisions of our appellate court are dispositive on this issue. In *Nuzzi v. Nuzzi* (AC 36496) ‘The court noted that “[o]ur Supreme Court repeatedly has advised parties against engaging in self-help and has stressed that an order must be obeyed until it has been modified or successfully **challenged.**” (Internal quotation marks omitted.) *Culver v. Culver*, 127 Conn.App. 236, 242, 17 A.3d 1048, cert. denied, 301 Conn. 929, 23 A.3d 724 (2011).’”
- [Stallings v. Stallings](#), Superior Court, Judicial District of Waterbury at Waterbury, No. UWY-FA06-4010011-S (February 17, 2016) (61 Conn. L. Rptr. 783, 784-785) (2016 WL 1099014) (2016 Conn. Super. LEXIS 388). “**Pursuant** to § 46b-56c, this court must make a reasonable finding of Shariya's college expenses before issuing an educational support order. Specifically, § 46b-56c(c) requires the court— after making the appropriate preliminary findings—to determine whether to enter an educational support order by considering ‘all relevant circumstances, including: ... (2) the child's need for support to attend an institution of higher education or private occupational school considering the child's assets and the child's ability to earn income; (3) the availability of financial aid from other sources, including grants and loans

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...’ The court cannot consider those factors solely by reference to a report card. The court must have access to Shariya’s college financial records, including the cost of tuition, loans, grants, or scholarships received or available, to determine the total amount of her college expenses and the resources available to her to meet those expenses. Accordingly, the court finds that the term ‘academic records’ as used in § 46b–56c(e) encompasses financial information kept by the university and imposes upon Shariya the obligation to provide both parents with full access to all information regarding her college expenses and the financial resources available to her. If Shariya does not make the relevant financial information available to her father, she does not ‘qualify for payments under an educational support order’ pursuant to § 46b–56c(e).”

- [Barbour v. Barbour](#), 156 Conn. App. 383, 400-01, 113 A.3d 77, 87 (2015). “To the extent that the scope of necessary educational expenses could be considered ambiguous, our conclusion that expenses for restaurant meals, lodging and transportation are not within the scope of § 46b–56c is consistent with the statute’s legislative history and purpose. Section 46b–56c was enacted by the legislature in 2002 and became effective on October 1, 2002. See Public Acts 2002, No. 02–128.15 Prior to its enactment, the law with respect to postmajority support was well established. ‘As a general matter, [t]he obligation of a parent to support a child terminates when the child attains the age of majority, which, in this state, is eighteen. General Statutes § 1–1d....’ (Internal quotation marks omitted.) *Crews v. Crews*, 107 Conn.App. 279, 301, 945 A.2d 502 (2008), aff’d, 295 Conn. 153, 989 A.2d 1060 (2010). This rule was modified by the provisions of § 46b–56c, allowing the issuance of an educational support order upon motion of a party and after the making of certain subsidiary findings by a court. *Id.*, at 302, 945 A.2d 502. ‘In the absence of a statute or agreement providing for postmajority assistance, however, a parent ordinarily is **under no legal obligation to support an adult child.**’ (Internal quotation marks omitted.) *Id.*”
- [Pelczar v. Pelczar](#), Superior Court, Judicial District of Waterbury at Waterbury, No. UWY-FA12-4027204-S (October 20, 2015) (61 Conn. L. Rptr. 156, 156) (2015 WL 7269650) (2015 Conn. Super. LEXIS 2650). “It is axiomatic that one who graduates from high school receives a high school diploma, just as Jacob will when he earns his GED. Our courts have consistently viewed graduation from high school and receipt of a general equivalency diploma as separate and distinct. . . . Consequently, the court finds that the defendant’s obligation to pay child support for his eldest child terminated when Jacob withdrew from high school and did

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not re-enroll after turning eighteen.” (Internal citations omitted) (Internal quotations omitted).

- [McKeon v. Lennon](#), 147 Conn. App. 366, 375-76, 83 A.3d 639, 644-45 (2013). “**Stated another way**, ‘[a] child support order may not extend beyond the child’s age of majority unless the parties expressly agree to the contrary.’ (Emphasis added.) *Passamano v. Passamano*, 228 Conn. 85, 88 n. 2, 634 A.2d 891 (1993). ‘It is now axiomatic that support for a minor child extends to age eighteen only....’ (Internal quotation marks omitted.) *Lowe v. Lowe*, 47 Conn.App. 354, 357, 704 A.2d 236 (1997). ‘The legislature amended ... § 46b-66 ... in order to provide for the support of postmajority children only if there is an agreement to do so and if it is in writing.... The language of the statute is clear and unambiguous and we cannot by our construction substitute other words for the words in writing.... Absent ... a written agreement by the parties, the court does not have jurisdiction to order payment of child support beyond the age of majority and may not enforce **such an order**.’ (Citations omitted; internal quotation marks omitted.) *Id.*; see also *Bock v. Bock*, 127 Conn.App. 553, 559-60, 14 A.3d 479 (2011) (rejecting argument that court had subject matter jurisdiction over written post-majority educational support agreements under § 46b-66, **where there was** ‘no mention of § 46b-66’ **and no** ‘evidence that the agreements were entered into pursuant to § 46b-66’).
- [Sutherland v. Sutherland](#), 107 Conn. App. 1, 8-9, 944 A.2d 395 (2008). “**We** conclude that by crafting a child support order that provided a single dollar amount for the support of all children, and did not provide a mechanism for dividing the support between the children once the elder child reached the age of majority, the parties clearly and unambiguously provided only for the support of minor children, as required by § 46b-84(a), and did not enter into an agreement for postmajority support. Accordingly, at the time it rendered judgment, the dissolution court did not enter a postmajority support order pursuant to § 46b-66.”
- [Hughes v. Hughes](#), 95 Conn. App. 200, 209-210, 895 A.2d 274 (2006). “**Thus, although the attainment of majority by** each child may not automatically entitle the plaintiff to a reduction in his alimony and support obligation, it provides a basis for the plaintiff to seek a modification. Because the order as framed by the court does not, by its own terms, require a payment of combined alimony and support beyond the dates on which the children reach the age of majority, and because the order is subject to modification as each child reaches the age of majority, it does not violate the proscription against orders for the payment of

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support beyond the permissible age.”

- [Eidson v. Eidson](#), Superior Court, Family Support Magistrate Division, Judicial District of Windham at Willimantic, No. 646-98-0060 (Mar. 13, 2002) (2002 WL 532401) (2002 Conn. Super. LEXIS 941). **“For example, parents may provide for support of a child beyond the age of eighteen by written agreement which is enforceable by the court notwithstanding that such child is an adult. General Statutes § 46b-66. Child support orders pursuant to dissolution of marriage, legal separation or annulment after July 1, 1994 are extended by statute to age nineteen or completion of high school. General Statutes § 46b-84 (b). Support for a child who is disabled or mentally retarded may extend to age twenty-one. General Statutes § 46b-84 (c). Thus recognition of a foreign order with a duration that extends beyond the Connecticut age of majority is not violative of the public policy of this state since it is mandated by statute.”**
- [Keeyes v. Keeyes](#), 43 Conn. App. 575, 577, 684 A.2d 1214 (1996). **“There was no written agreement in this case and the plaintiff concedes that the court lacked jurisdiction to extend postmajority orders until age twenty-two.”**
- [Hirtle v. Hirtle](#), 217 Conn. 394, 400-401, 586 A.2d 578 (1991). **“a written agreement is a jurisdictional prerequisite to be the valid modification of an order for postmajority support.”**
- [Van Wagner v. Van Wagner](#), 1 Conn. App. 578, 583-584, 474 A.2d 110 (1984). **“Connecticut public policy does not prohibit the enforcement of a foreign contempt order, requiring a defendant to pay for support of a child beyond the age of eighteen years pursuant to an agreement which is incorporated in a dissolution decree executed in another state and which agreement, as to support payments, is consonant with the laws of that state both as of the date of the dissolution and as of the date of the contempt order.”**
- [Town v. Anonymous](#) (1983). 39 Conn. Supp. 35, 38, 467 A.2d 687 (1983). **“While current law permits a minor to move out of her parents' home without legal sanction, it does not compel her parents to pay the bill for whatever lifestyle she may select. Parents who offer a home, food, shelter, medical care and other necessities of life to their minor child have adequately discharged their obligation of support under § 46b-215 and are not subject to orders of support.”**

**FAMILY SUPPORT
MAGISTRATE
DECISIONS:**

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

**WEST KEY
NUMBERS:**

Child Support.

- VII. Termination, #375-409
 - #375. In general
 - #376. Ability of non-obligor parent or custodian to support child
 - #379. Death of obligor
 - #380. Military service of obligor or custodian
 - #386. Emancipation of child in general
 - #387. Marriage of child
 - #388. Military service of child
 - #393. Education
 - #394. Deprivation of custody or visitation rights
 - #395. Abandonment of relation with non-obligor parent or custodian
 - #396. Assumption of custody by obligor
 - #397. Misconduct of non-obligor adult
 - #398. Life insurance

DIGESTS:

- Cynthia C. George and Amy Calvo MacNamara, [Connecticut Family Law Citations](#) (2016).
 - Chapter 10. Child Support
 - § 10.09. Duration of support obligation
 - § 10.10. Educational support
 - [1] In general
 - [2] College expenses
 - [3] Private school

ENCYCLOPEDIAS:

- 24A [Am. Jur. 2d Divorce and Separation](#) (2008).
 - §§ 956-964. Duration and termination of award

**TEXTS &
TREATISES:**

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- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law and Practice with Forms](#) 3d (2010).
 - Chapter 38 Child Support
 - § 38:31. Duration of support obligation
 - § 38:32. Postmajority payments– Agreements and special circumstances
 - § 38:33 –Educational support order
- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
 - Chapter 7. Child Support.
 - Part VII: Establishing Permanent Child Support Orders
 - § 7.42 Determining the Duration of a Child Support Order
 - Part VIII: Providing for the Payment of College Education

Section 7: Child Support and Taxes

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to federal tax treatment of child support including dependency exemption, child care credit, child tax credit, and Hope and life-long learning credit.

DEFINITIONS:

- **Tax treatment of child support:** "A payment that is specifically designated as child support or treated as specifically designated as child support under your divorce or separation instrument is not alimony. The amount of child support may vary over time. Child support payments are not deductible by the payer and are not taxable to the **payee.**" Internal Revenue Service [Publication 504](#) for use in preparing 2016 return (2016) [Internal Revenue Code § 71(c)]

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.

- 26 U.S.C. (2017). Internal Revenue Code
- § [1](#). Tax on individuals—Tax imposed
 - § [21](#). Expenses for household and dependent care services necessary for gainful employment
 - § [24](#). Child tax credit
 - § [25A](#). Hope and lifetime learning credits
 - § [71\(c\)](#). Payments to support children
 - § [151\(c\)](#). Additional exemption for dependents
 - § [152](#). Dependent defined
 - (a) In general
 - (b) Exceptions
 - (c) Qualifying child
 - (e) Special rule for divorced parents, etc.
 - (f) Other definitions and rules
 - § [213](#). Medical, dental, etc., expenses
 - (d)(5) Special rule in the case of child of divorced parents, etc.
 - § [2516](#). Certain property settlements
 - § [6015](#). Relief from joint and several liability on joint return [Innocent spouse rule]

REGULATIONS:

You can [search the most recent C.F.R.](#) to confirm that you are viewing the most up-to-date regulations.

- 26 CFR (2016)
 - § [1.152-4](#). Special rule for a child of divorced or separated parents or parents who live apart.

FORMS:

Internal Revenue Service Form 8332
[Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent](#)

CASES:

- [Lavoie v. Lavoie](#), Superior Court, Judicial District of New London at New London, No. FA03-0565151, (Aug. 25, 2014) (2014 WL 4817831) (2014 Conn. Super. LEXIS

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2092). **"The plaintiff seeks an order from the court that allows plaintiff to claim the children for his 2012 taxes, and requires defendant to amend her 2012 tax returns without the children as claimed exemptions. '[W]hen confronted with the question of whether a court may allocate tax exemptions, actions for dissolution of marriage are inherently equitable proceedings ... The power to act equitably is the keystone to the court's ability to fashion relief in the infinite circumstances which arise out of the dissolution of a marriage.'** *Boyne v. Boyne*, 112 Conn.App. 279, 288, 962 A.2d 818 (2009), citing *Fish v. Fish*, 90 Conn.App. 744, 763-64, 881 A.2d 342 (2005), rev'd in part on other grounds, 285 Conn. 24, 939 A.2d 1040 (2008). The court denies the plaintiff's request based on equitable considerations. The plaintiff was not current in his child support obligations during the 2012 tax year, therefore, fairness dictates that the defendant be allowed **to claim the children for tax exemption purposes."**

- Teschendorf v. Teschendorf, Superior Court, Judicial District of New Haven at New Haven, No. FA10-4040704, (April 16, 2012) (2012 WL 1592201) (2012 Conn. Super. LEXIS 1027). **"After a review of relevant Connecticut and other states' cases this court concludes the allocation of dependency exemptions is in the nature of support and therefore a proper subject for a postjudgment motion for modification. The *Serrano* court eloquently opined: 'As we have consistently reaffirmed, actions for dissolution of marriage are inherently equitable proceedings ... the [*Serrano*] trial court therefore did not commit error by exercising its equity jurisdiction in an attempt to fashion a just remedy under the circumstances of this case.'** Id. at 12. That said however, any contemplated modification **cannot contravene the intent of a separation agreement."**
- Ciolino v. Ciolino, Superior Court, Judicial District of Waterbury at Waterbury No. FA98-0147294, (Jan. 12, 2005) (38 Conn. L. Rptr. 525, 526) (2005 WL 407650) (2005 Conn. Super. LEXIS 106). **"Connecticut's appellate courts have not yet directly addressed whether the allocation of tax deductions is a modifiable post-judgment; however, they have examined these deductions in the context of child support. Our Supreme Court has held that amendments to the Internal Revenue Code have not divested the state courts of their authority to allocate the deduction to a non-custodial parent. *Serrano v. Serrano*, 213 Conn. 1, 566 A.2d 413 (1989). Our Supreme Court has also held that the allocation of tax deductions is one factor to be considered in determining the applicability of the Child Support Guidelines. *Battersby v. Battersby*, 218 Conn. 467, 590 A.2d 427 (1991)."**

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

WEST KEY NUMBERS:

Child Support.

IV. Amount and incidents of award, #140-165
#141. Tax consequences

IX. Enforcement, #440-498
#467. Tax withholding

ENCYCLOPEDIAS:

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

PAMPHLETS:

- *Divorced or Separated Individuals*, Internal Revenue Service [Publication 504](#) for use in preparing 2016 return (2016).

FLOWCHARTS:

- *Divorced Or Separated Individuals*. Internal Revenue Service Publication 504 for use in preparing 2016 return, (2016).
[Special Rule for Qualifying Child of More Than One Person](#)
[Special rule for divorced or separated parents \(or parents who live apart\)](#)

TEXTS & TREATISES:

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- 8A Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law and Practice with Forms](#) 3d (2010).
Chapter 56. Federal law affecting Connecticut Domestic Relations Practice.
§ 56: 9. The innocent spouse rule
§ 56: 10. The dependent child exemption under federal law
§ 56: 11. Federal taxes and child support
- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
Chapter 7. Child Support.
Part VII: Establishing Permanent Child Support Orders
§ 7.49 Allocating Dependency Exemptions
Part IX: Preparing Motions for Modification
§ 7.57 Modifying the Dependency Exemption Allocation
- Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#)

(2003).

- o Tax filing status, pp. 299-300
- o Tax exemptions, pp. 301-303
- o Tax deductions, p. 304
- o Tax credits, pp. 304-305

- Leon Gabinet and Harold G. Wren, [Tax Aspects of Marital Dissolution](#) 2nd ed. rev. (2005).
 - Chapter 7. Spousal and child support
 - § 7:8. Exception of child support
 - § 7:10. Child support arrearages; tax consequences to custodial parents
 - § 7:26. State-federal issues in alimony and child support
 - Chapter 10. Dependency exemptions
 - § 10:7. Planning strategies for dependency exemption
 - § 10:8. **Deduction of child's medical expenses**
 - § 10:9. Child and dependent care expenses
 - § 10:10. Earned income tax credit; head-of-household status
- Marian F. Dobbs, [Determining Child and Spousal Support](#) (1995).
 - Chapter 5. Tax considerations and consequences of support

LAW REVIEWS:

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

- Martin J. McMahon, Jr., *Tax Aspects Of Divorce And Separation*, 32 [Family Law Quarterly](#) 221 (1998).
 - Child support and dependency exemptions, pp. 234-238

Section 8: Bankruptcy and Child Support

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic sources relating to the effect of bankruptcy on child support
- SEE ALSO:**
- [Bankruptcy and the Family](#)
- DEFINITIONS:**
- **Domestic support obligation:** “means a debt that accrues before, on, or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is- (A) owed to or recoverable by- (i) a spouse, former spouse, or child of the debtor or such child’s parent, legal guardian, or responsible relative; or (ii) a governmental unit; (B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child’s parent, without regard to whether such debt is expressly so designated; (C) established or subject to establishment before, on, or after the date of the order for relief in a case under this title, by reason of applicable provisions of- (i) a separation agreement, divorce decree, or property settlement agreement; (ii) an order of a court of record; or (iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and (D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child’s parent, legal guardian, or responsible relative for the purpose of collecting the debt.” [11 U.S.C. § 101\(14A\)](#) (2017).
- STATUTES:**
- 11 U.S.C. (2017).
 - § [362](#). Automatic stay
 - § [522](#). Exemptions
 - § [523\(a\)\(5\)](#). Exceptions to discharge—domestic support obligation
 - § [507\(a\)\(1\)](#). Priorities
 - § [541](#). Property of the estate
 - § [1328](#). Discharge
- COURT RULES:** Federal Rules of Bankruptcy Procedure (2016)
[Rule 4007](#) Determination of dischargeability of a debt
- FORMS:**
- 4B [Federal Procedural Forms, L.Ed., Bankruptcy](#) (2012).
§ *9B:1093. Complaint—By debtor—To determine dischargeability of domestic support obligation* [*11 U.S.C.A. § 523(a)(5); Fed. R. Bankr. P. 4007*]
 - Ronald L. Brown, ed., [Bankruptcy Issues in Matrimonial Cases: A Practical Guide](#) (1992).

- Form 1 Suggestion and notice of filing of bankruptcy (in state court), p. F-6
- Form 4 Notice of removal—filed in state court, p. F-10
- Form 6 Motion for relief from automatic stay—to pursue divorce proceeding , p. F-12
- Form 8 Motion for relief from automatic stay—to pursue state court remedies to enforce support and collect arrears, p. F-18
- Form 13 Motion to determine dischargeability—by divorce obligee/creditor—seeking nondischarge of divorce obligations, F-35

CASES:

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.

- [Boyne v. Boyne](#), 112 Conn. App. 279, 289, 962 A.2d 818 (2009). **“Although the court does not have the authority to determine the nature of a debt in contravention of a determination by the federal Bankruptcy Court, it was well within its discretion to indicate in its judgment that it was intending all of the orders to be in the nature of support as guidance to the Bankruptcy Court because ‘[t]he main principle guiding bankruptcy courts in determining whether a debt is non dischargeable alimony, maintenance or support is the intent of the parties or the state court in creating the obligation and the purpose of the obligation in light of the parties’ circumstances at the time.’ 4 W. Collier, Bankruptcy (15th Ed. Rev. 2003) § 523.11 [6].”**
- [In re Peterson](#), 410 B.R. 133, 135 (Bkrcty.D.Conn. 2009) **“BAPCPA was intended to strengthen the rights of a spouse and children by redefining their support as a ‘domestic support obligation’ regardless whether ‘established or subject to establishment before, on, or after’ bankruptcy § 101(14A)(C).”**
- [Bettini v. Bettini](#), Superior Court, Judicial District of Waterbury at Waterbury, No. FA 94119494 (February 25, 1997) (19 Conn. L. Rptr. 7) (1997 Conn. Super. LEXIS 449) (1997 WL 112803). ***Dischargeability of obligations to assign a portion of pension plan benefits.***
- [Matthews v. Matthews](#), 9 FSMD 33 (1995). Superior Court, Judicial District of Ansonia-Milford at Derby, Family Support Magistrate Division, No. FA80-006341 (Frankel, FSM) (March 20, 1995). ***Dischargeability of medical and dental payments.***
- [Taylor v. Freeland & Kronz](#), 503 U.S. 638 (1992). ***Failure to object to debtor’s claimed exemption within 30 days.***
- [In Re Sailsbury](#), 13 Kan. App. 2d 740, 779 P2d 878 (Kan. Ct. App. 1989). ***Concurrent jurisdiction of state and federal court in determining whether or not an obligation is dischargeable.***

- [Lesser v. Lesser](#), 16 Conn. App. 513, 516, 548 A.2d 6 (1988). *Factors to determine nondischargeable duty.*
- [In Re Soderholm](#), 33 B.R. 83, 85 (1983). "Although the plaintiff's complaint failed to allege that the defendant's debt to the bank was actually in the nature of child maintenance or support, evidence was offered on that subject without objection Accordingly, I conclude that the defendant's debt to the bank is actually in the nature of child maintenance and support."

WEST KEY NUMBERS:

Child Support.

- V. Proceedings, #170-226
 - (D) Judgment, #220-226
 - #220. In general
- VI. Modification, #230-364
 - (B) Particular factors and grounds, #236-307
 - 2. Factors relating to obligors, #250-266
 - #254. Financial condition in general
- IX. Enforcement, #440-498
 - #444. Contempt—In general

Bankruptcy.

- IV. Effect of bankruptcy relief; injunction and stay, #2361-2490
 - (B) Automatic stay, #2391-2420
 - #2401. Domestic relations claims and proceedings
- X. Discharge, #3251-3440
 - (C) Debts and liabilities discharged, #3341-3394
 - 2. Debts arising from divorce or separation, #3363-3368
 - #3365(13). Child support
 - #3366. Effect of state law
 - (A) Determination of dischargeability, #3395-3410
 - #3400. Parties; standing

ENCYCLOPEDIAS:

- 9D [Am. Jur. 2d Bankruptcy](#) (2016).
§§ 3584-3598 Debts for Domestic-Support Obligations
- Joseph E. Edwards, Annotation, *Wife's Claim To Alimony Or Other Allowances In Divorce Or Separation Suit As Passing, To Trustee In Wife's Bankruptcy, Under §70(A) Of Bankruptcy Act*, 10 A.L.R. Fed. 881 (1972).

TEXTS & TREATISES:

- 8A Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law and Practice with Forms](#) 3d (2010).
Chapter 56. Federal law affecting Connecticut Domestic Relations Practice
 - § 56: 4. The impact of federal bankruptcy policy on state divorce practice
 - § 56: 5. —State court measures to remedy the

effect of bankruptcy

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- 4 Arnold H. Rutkin et al., [Family Law and Practice](#) (2016).
Chapter 44. The effect of bankruptcy laws on marital dissolutions, agreements and property
§ 44.03. The automatic stay
§ 44.06. Determining the dischargeability of obligations for alimony, support and maintenance

- Louise Truax, Ed., [LexisNexis Practice Guide: Connecticut Family Law](#) (2017).
Chapter 17. Enforcement of orders.
Part III: Asserting defenses to a motion for contempt.
§ 17.16. Seeking a discharge of obligations through bankruptcy.

- Judith K. Fitzgerald and Ramona M. Arena, [Bankruptcy and Divorce Support and Property Division](#) 2d (1994).
Chapter 1. Overview
§ 1.8. Child support
Chapter 2. What is support?
§ 2.4. Child support
§ 2.6. Modification of alimony or support awards in state court after discharge in bankruptcy [2002 supp.]
Chapter 5. Dischargeability of assigned support
Chapter 6. Chapter 13 bankruptcy and support
§ 6.3. Are arrearages support?
§ 6.9. Issues concerning the automatic stay

- [Collier on Bankruptcy](#) 16th ed. (2016).
Chapter 362. Automatic stay
§ 362.05[2]. Exceptions to the stay—Family Law Proceedings; § 362(b)(2)
Chapter 522. Exemptions
§ 522.09[10][a]. Categories of exempt property—Federal exemptions; § 522(d)—Benefits akin to future earnings—The scope of the Section 522(d)(10) exemption
§ 522.11[5]. Avoidance of judicial liens on exempt property and nonpossessory nonpurchase-money security interests in certain categories of exempt property; § 522(f)—Special rule for domestic support obligation liens
Chapter 1328. Discharge
§ 1328.02[3][g]. **Chapter 13's full-compliance discharge**; § 1328(a)—Effect of a full-compliance Chapter 13 discharge—Discharge exception for debts for domestic support obligations; §§ 523(a)(5) and 1328(a)(2)

- Henry J. Sommer and Margaret Dee McGarity, [Collier Family Law and the Bankruptcy Code](#) (2016).
Chapter 5. Jurisdiction of the bankruptcy court in domestic relations matters and the applicability of the automatic stay
Chapter 6. The dischargeability of marital obligations in bankruptcy
Chapter 7. Lien and transfer avoidance in connection with marital or family obligations
Chapter 8. Chapter 13 and the divorced or separated debtor
- Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#) (2003).
Bankruptcy at the time of your divorce, p. 277s

LAW REVIEWS:

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

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

Section 9: Termination of Parental Rights and Child Support

A Guide to Resources in the Law Library

SCOPE: Bibliographic sources relating to the effect of TPR (Termination of Parental Rights) on child support.

SEE ALSO: • [Termination of Parental Rights](#)

DEFINITIONS: • **Termination of Parental Rights (TPR):** "A judgment terminating a parent's rights not only severs the emotional and physical ties between parent and child, but also absolves that parent of all future support obligations." [In Re Bruce R.](#), 234 Conn. 194, 200 (1995).

• **Best Interests of the Child:** "The principal issue in this certified appeal is whether the trial court properly granted the petitioner father's petitions to terminate his parental rights pursuant to General Statutes § 45a-715 et seq. without first considering his financial condition and the financial condition of his children's custodial parent. The trial court granted the petitions to terminate his parental rights pursuant to General Statutes § 45a-717 (f)." *Ibid.*, 196.

• **State Policy:** "Connecticut child support enforcement legislation clearly evinces a strong state policy of ensuring that minor children receive the support to which they are entitled." *Ibid.*, 209.

• **Nonconsensual Termination:** "the overwhelming public policy of this state and our nation mandate that the financial condition of the parents be considered in determining the best interest of the child when terminating, pursuant to a consensual petition initiated by the parent, parental rights. As such, we do not reach the question of whether the parents' financial condition must be considered in nonconsensual termination proceedings." *Ibid.* 216.

STATUTES:

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. (2017) § [45a-717](#)(f). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

CASES:

• [In re Bruce R.](#), 234 Conn. 194, 213, 662 A.2d 107 (1995). "Legislative and judicial efforts to hold parents to their financial responsibility to support their children would be eviscerated if we were to allow an unfettered legal avenue

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.

through which a parent without regard to the best interest of the child could **avoid all responsibility for future support**. 'We must avoid a construction that fails to attain a rational and sensible result that bears directly on the purpose the legislature sought to achieve. *Peck v. Jacquemin*, 196 Conn. 53, 63–64, 491 A.2d 1043 (1985). [*Turner v. Turner*, supra, 219 Conn. at 713, 595 A.2d 297]. *Scrapchansky v. Plainfield*, 226 Conn. 446, 453, 627 A.2d 1329 (1993); see also *State v. Johnson*, [227 Conn. 534, 542, 630 A.2d 1059 (1993)]; *Fairfield Plumbing & Heating Supply Corp. v. Kosa*, 220 Conn. 643, 650–51, 600 A.2d 1 (1991).' (Internal quotation marks omitted.) *Concept Associates, Ltd. v. Board of Tax Review*, 229 Conn. 618, 624, 642 A.2d 1186 (1994). Surely the legislature did not intend that § 45a-717(f) be used as a means for a parent to avoid the obligation to support his or her children. To interpret the statutory scheme as such would alter radically the parental support obligation which our laws consistently have reinforced."

LAW REVIEWS

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

- John J. McGrath, Jr. *A Look at the State of the Law on Consensual Termination of Parental Rights in the Context of the Limitations Contained in In Re Bruce R. and the Evolving Composition of the American Family*, 26 [Quinnipiac Prob. L.J.](#) 22 (2012).