



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

2018 Edition

Alimony in Connecticut

A Guide to Resources in the Law Library

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The online versions are for informational purposes only.

See Also:

- [Child Support in Connecticut](#)
- [Discovery \(Financial\) in Family Matters](#)
- [Divorce in Connecticut](#)
- [Equitable Distribution of Marital Property in Connecticut](#)
- [Modification of Judgments in Family Matters.](#)
- [Post-Judgment Proceedings in Connecticut Family Matters](#)
- [Premarital \(Antenuptial\) and Postnuptial Agreements in Connecticut](#)

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<http://www.jud.ct.gov/policies.htm>

Introduction

A Guide to Resources in the Law Library

- **Alimony:** "Money a court requires one spouse to pay the other spouse for support before and/or after the divorce is granted. If you do not ask for alimony at the final hearing, you can never get it in the future." [State of Connecticut Judicial Branch Common Legal Words](#)
- "The difference between the assignment of property under § 46b-81 and alimony under § 46b-82 The purpose of property assignment is equitably to divide the ownership of the parties' property On the other hand, periodic and lump sum alimony is based primarily upon a continuing duty to support" [Dubicki v. Dubicki](#), 186 Conn. 709, 714, footnote 2, 443 A.2d 1268 (1982).
- "The generally accepted purpose of ... alimony is to enable a spouse who is disadvantaged through divorce to enjoy a standard of living commensurate with the standard of living during marriage...*Brody v. Brody*, 315 Conn. 300, 313, 105 A.3d 887 (2015). In addition to the marital standard of living, the trial court must also consider the factors in [General Statutes] § 46b-82 when awarding alimony. *Hornung v. Hornung*, 323 Conn. 144, 163, 146 A.3d 912 (2016)." (Internal quotation marks omitted.) [Horey v. Horey](#), 172 Conn. App. 735, 740, 161 A.3d 579 (2017).
- "... § 46b-82 (a) provides in relevant part: In determining whether alimony should be awarded, and the duration and amount of the award, the court ... shall consider the length of the marriage ... the age ... station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties and the award, if any, which the court may make pursuant to section 46b-81.... The court is to consider these factors in making an award of alimony, but it need not give each factor equal weight. ... We note also that [t]he trial court may place varying degrees of importance on each criterion according to the factual circumstances of each case. ... There is no additional requirement that the court specifically state how it weighed the statutory criteria or explain in detail the importance assigned to each statutory factor." (Citation omitted; internal quotation marks omitted.) [Wood v. Wood](#), 170 Conn. App. 724, 729, 155 A.3d 816 (2017).
- "... alimony typically is modifiable, while disposition of marital property are not." [Dombrowski v. Noyes-Dombrowski](#), 273 Conn. 127, 133, 869 A.2d 164 (2005).

Section 1: Duty to Support Spouse

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to joint duty to support spouse as basis for awarding alimony. Also, liability of one spouse for purchases and contracts made by other spouse.

DEFINITION:

- “An award of alimony is based primarily on a spouse’s continuing duty to support General Statutes § 46b-82 governs the award of alimony and specifically states it may be in addition to a property distribution award” [Martone v. Martone](#), 28 Conn. App. 208, 217, 611 A.2d 896 (1992).
- **Periodic alimony:** “is a type of permanent alimony paid at scheduled intervals. The purpose of periodic alimony is primarily to continue the duty to support the recipient spouse.” [Bijur v. Bijur](#), 79 Conn. App. 752, 767, 831 A.2d 824 (2003).
- **Property division vs. Alimony.** “The purpose of property assignment is equitably to divide the ownership of the parties’ property On the other hand, periodic and lump sum alimony is based primarily upon a continuing duty to support.” [Blake v. Blake](#), 211 Conn. 485, 498, 560 A.2d 396 (1989).

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](#). Joint duty of spouses to support family. Liability for purchases and certain expenses. Abandonment.
 - [§ 46b-82](#). Alimony
 - [§ 46b-85](#). Order for support of mentally ill spouse
 - [§ 53-304\(a\)](#). Nonsupport. Support orders and agreements. Administration of oaths by family relations counselors and support enforcement officers.

RECENT PUBLIC ACTS:

- [Public Act No. 13-213](#). An Act Concerning Revisions to Statutes Relating to the Award of Alimony and the Disposition of Property.

LEGISLATIVE:

[OLR](#) reports summarize and analyze the law in effect on the date of each report’s publication. The current law may be different.

- Michele Kirby, [Alimony Payments and Duration in Connecticut and Massachusetts](#), Connecticut General Assembly, Office of Legislative Research, OLR Research Report, 2014-R-0036 (February 3, 2014).

WEST KEY NUMBERS:

Husband and Wife
4. Support of family

- # 19. Necessities and family expenses
 - 19(3). Separation defense
 - 19(14). What constitutes necessities in general
 - 19(15). Medical services
 - 19(16). Last sickness and funeral expenses

DIGESTS:

- West Key Numbers: *Divorce*
 - V. Spousal support, allowances, and disposition of property.
 - (A) In General # 500-519
- **Dowling’s Digest: *Husband and Wife***
 - § 8. Liability of one spouse for contracts and purchases of other

ENCYCLOPEDIAS:

- 41 [Am. Jur. 2d *Husband & Wife*](#) (2015).
 - § 151. Spousal liability for necessities, generally
 - § 152. Purpose
 - § 153. Elements or requirements
 - § 154. Nature of liability imposed; primary and secondary liability
 - § 155. Effect of abandonment or misconduct by spouse incurring the debt
- 41 [C.J.S. *Husband and Wife*](#) (2014).
 - §§ 66-86. Support of spouse; Necessaries and family expenses
- *Abandonment Of Marriage Without Cause—Defense In Alimony, Spousal Support, Or Separate Maintenance Proceedings*, 27 POF2d 737 (1981).
 - §§ 5- 11. Proof that spouse wilfully abandoned marital domicile without good cause, thereby precluding award of alimony, spousal support, or separate maintenance [[Table 1](#)].
- *Defense against wife’s action for support*, 17 Am Jur Trials 721 (1970).

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.

- Arnold H. Rutkin et al., 8 [Connecticut Practice Series, Family Law and Practice with Forms](#) (3d ed. 2010).
 - Chapter 33. Alimony in General
 - § 33.1 Definition
 - § 33.36 Order for support of mentally ill spouse
 - § 33.37 Time for entry of order
 - § 33.38 Parties who may apply for order
 - § 33.39 Duration of obligation
 - Chapter 35. Modification of Alimony Provisions
 - § 35.12 Changes in health of the parties
- [Connecticut Lawyer’s Deskbook: A Reference Manual](#) (3d ed. 2008)
 - Chapter 19. Dissolution of Marriage, pp. 487-488
- Louise Truax, Editor, [LexisNexis Practice Guide: Connecticut Family Law](#) (2018 edition)
 - Chapter 5. Alimony

- Renee C. Bauer, [Divorce in Connecticut: The Legal Process, Your Rights, and What to Expect](#) (2014).
Chapter 10. Alimony
- Barry F. Armata et al., Editor, [A Practical Guide to Divorce in Connecticut](#) (2014).
Chapter 6. Alimony

Table 1: Proof of Abandonment of the Marriage Without Cause

<p>Proof that spouse wilfully abandoned marital domicile without good cause, thereby precluding award of alimony, spousal support, or separate maintenance.</p> <p>27 POF2d 737 (1981)</p>	
<p>A. Elements of Proof</p>	
§ 5	Guide and checklist
<p>B. Testimony of Complaining Spouse (Cross-Examination)</p>	
§ 6	Voluntary departure from marital domicile
§ 7	Absence of reasonable cause for separation
<p>C. Testimony of Defendant</p>	
§ 8	Absence of reasonable cause for separation
§ 9	Voluntary departure from marital domicile
§ 10	Intent not to resume cohabitation
§ 11	Absence of consent to separation

Section 2: Alimony Pendente Lite

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the grounds and procedures used for applying for and extending alimony pendente lite (temporary alimony while court proceeding is pending). Also includes the effect of prenuptial agreements on alimony.

DEFINITION:

- **Alimony Pendente Lite:** “means alimony or maintenance ‘pending litigation’ and is payable during the pendency of a divorce proceeding so as to enable a dependent spouse to proceed with or defend against the action.” [Jayne v. Jayne](#), 663 A.2d 169, 176 (Pa. Super. 1995).
- **Purpose:** “is to provide for wife . . . they are living apart from her husband pending a determination of the issues in the case.” [Fitzgerald v. Fitzgerald](#), 169 Conn. 147, 151, 362 A.2d 889 (1975).
- “The purpose of alimony pendente lite is to provide support to a spouse who the court determines requires financial assistance pending the dissolution litigation and the ultimate determination of whether that spouse is entitled to an award of permanent alimony.” [Weinstein v. Weinstein](#), 18 Conn. App. 622, 639-640, 561 A.2d 443 (1989).
- “There is no absolute right to alimony.” [Weinstein v. Weinstein](#), 18 Conn. App. 622, 637, 561 A.2d 443 (1989).

STATUTES:

- Conn. Gen. Stat. (2017)
[§ 46b-82](#). Factors used in determining an alimony award
[§ 46b-83\(a\)](#). Alimony pendente lite.

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

PUBLIC ACT HISTORY:

- [2005 Conn. Acts 258 § 5\(b\)](#). “In any proceeding brought under section 46b-45, 46b-56, as amended by this act, or 46b-61 involving a minor child, if one of the parents residing in the family home leaves such home voluntarily and not subject to court order, and if the court finds that the voluntary leaving of the family home by such parent served the best interests of the child, the court may consider such voluntary leaving as a factor when making or modifying any order pursuant to section 46b-56, as amended by this act.” Effective October 1, 2005.
- [2003 Conn. Acts 202 § 23](#) (Reg. Sess.). Amendment to § 46b-82.” The court may order that a party obtain life insurance as such security unless such party proves, by a preponderance of the evidence, that such insurance is not available to such party, such party is unable to pay the cost of such insurance or such party is uninsurable.”

COURT RULES:

- Connecticut Practice Book (2018)
[Chapter 25](#). Superior Court—Procedure in family matters

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

§ 25-24. Motions.

(a). Any appropriate party may move for alimony . . .

(b). Each such motion shall state clearly, in the caption of the motion, whether it is a pendente lite or a postjudgment motion.

§ 25-29. Notice of orders for support or alimony

§ 25-30. Statements to be filed

FORMS:

- Manamara, Welsh, and George, editors. [Library of Connecticut Family Law Forms](#) (2d ed. 2014)
 - 5-000 Commentary – Motions, pp. 260-262
 - 5-007 Motion for Alimony
 - 5-009 Motion for Alimony and Support
 - 5-011 Claims for Relief Re: Alimony and Child Support
- Arnold H. Rutkin et al., 8 [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
 - § 32.3 Motion for orders before judgment (pendente lite) in family cases—Form
 - § 32.4 Motion for alimony and counsel fees pendente lite—Form
 - § 32.5 Motion for determination of alimony and child support—Form
- Barry F. Armata et al., Editor, [A Practical Guide to Divorce in Connecticut](#) (2014).
 - Exhibit 2C – Sample Motion for Alimony, 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, 531, 136 A.3d 669, 678 (2016). “On the basis of our comparison of §§ 46b–81 and 46b–83, we conclude that distribution of property is not authorized by § 46b–83. See *Rubin v. Rubin*, supra, 204 Conn. at 229, 527 A.2d 1184 (‘the power of a court to transfer property from one spouse to the other must rest upon an enabling statute’). If a court orders the use of assets to pay pendente lite alimony, it decides the issue of property distribution before it is statutorily authorized to do so. We conclude that the trial court’s order in the present case, given its specific factual findings and the absence of a finding of imputed income or lack of credibility, amounts to an impermissible pendente lite property distribution.”
- [Clark v. Clark](#), 127 Conn. App. 148, 158, 13 A. 3d 682 (2011). “Here, as in *Evans*, ‘although the court did not expressly forgive the arrearage of pendente lite support, it failed to include the arrearage in its judgment dissolving the marriage. . . . [T]hat failure to include an arrearage in a final order of dissolution has the same effect on the party entitled to the pendente lite arrearage as it would have had if the court had expressly modified or forgiven the pendente lite order at the time of dissolution; it strips that party of a vested property right and constitutes an impermissible retroactive modification of the pendente lite orders in

violation of § 46b-86.”

- [Friezo v. Friezo](#), 84 Conn. App. 727, 733-734, 854 A.2d 1119 (2004). “The defendant also argued in his brief that because he was not permitted to cross-examine the plaintiff at length, he was unable to inquire into the facts underlying the court’s pendente lite order. The defendant’s claim is a generalization. He has not pointed to anything regarding the plaintiff’s financial affidavit for which he does not have sufficient information. He notes that the ‘fundamental purpose of alimony pendente lite is to provide the wife, during the pendency of the divorce action, with current support in accordance with her needs and the husband’s ability to meet them’Given this rule, the defendant has not demonstrated that he has been harmed by the court’s order because he is unable to meet the plaintiff’s needs.”
- [Wolf v. Wolf](#), 39 Conn. App. 162, 164-165, 664 A.2d 315 (1995). *Factors considered in awarding alimony.*
- [Siracusa v. Siracusa](#), 30 Conn. App. 560, 566, 621 A.2d 309 (1993). “The court looked specifically at the occupations, skills and employability of the parties. It found that the plaintiff, with three years of college education, had worked as a waitress, had obtained her real estate agent’s license, and had some experience in the moving business. The defendant, a college graduate, is the chief executive officer of a moving and storage company he established twelve years ago. The trial court found that “[f]rom the nature of the occupations and skills of the parties . . . [the] defendant has a far greater opportunity than does the plaintiff for the future acquisition of capital assets or income.”
- [Martone v. Martone](#), 28 Conn. App. 208, 611 A.2d 896, cert. granted in part 224 Conn. 909 (1992). *Duty to support - In general.*
- [Febbroriello v. Febbroriello](#), 21 Conn. App. 200, 572 A. 2d 1032 (1990). *Temporary orders terminate with the issue of a final judgment.*
- [Paddock v. Paddock](#), 22 Conn. App. 367, 577 A.2d 1087 (1990). *Inability to pay alimony.*

DIGESTS:

- West Key Numbers: *Divorce*
(B) Preliminary matters – Spousal support pending procedures #530-552
- Dowling’s Digest: *Dissolution of marriage* § 15
- Connecticut Family Law Citations (2017)
§ 8.02 Pendente Lite Alimony

ENCYCLOPEDIAS:

- 27B [C.J.S.](#) *Divorce* (2016).

§§ 500-591. Alimony, maintenance and support, and other allowances

§§ 511-541. Temporary alimony

- 24A [Am. Jur. 2d Divorce and Separation](#) (2008).
 - §§ 587-617. Temporary alimony

- Arnold H. Rutkin et al., 8 [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
 - Chapter 32. Temporary Alimony
 - § 32.2 Time and method for raising claim
 - § 32.6 Hearing
 - § 32.7 Amount of award; factors to be considered
 - § 32.8 Order, stipulation or voluntary compliance
 - § 32.11 Effect of prenuptial or other agreement relating to alimony
 - Chapter 33. Alimony in general
 - § 33.20 Security for award

- Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#) (Revised and updated 2003).
 - Putting your alimony plan together, pp. 292-296
 - Temporary Support Between Spouses: Alimony and Tax Considerations, p. 84-88

- Louise Truax, Editor, [LexisNexis Practice Guide: Connecticut Family Law](#) (2018 edition)
 - Chapter 5. Alimony
 - Part III: Preparing for the Temporary Alimony Determination
 - § 5.13 CHECKLIST: Preparing for Temporary Alimony Determinations
 - § 5.14 Timing of temporary alimony orders
 - § 5.15 Producing documents at hearing
 - § 5.16 Determining factors to considered in ordering temporary alimony
 - § 5.17 Requiring temporary alimony to be paid out of assets or borrowing
 - § 5.18 Considering premarital agreements when making temporary alimony orders
 - § 5.19 Merging of temporary alimony orders into the final decree
 - § 5.20 Modifying temporary alimony orders

- Barry F. Armata et al., Editor, [A Practical Guide to Divorce in Connecticut](#) (2014).
 - Chapter 6. Alimony
 - § 6.8 Temporary Alimony

TEXTS & TREATISES:

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Section 3: Factors Considered in Awarding

A Guide to Resources in the Law Library

SCOPE:

Factors used by the courts in making or modifying alimony in Connecticut including factors specified in the Conn. Gen. Stat.

SEE ALSO:

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

DEFINITION:

- "A fundamental principle in dissolution actions is that a trial court may exercise broad discretion in awarding alimony and dividing property as long as it considers all relevant statutory criteria." [Debowsky v. Debowsky](#), 12 Conn. App. 525, 526, 532 A.2d 591 (1987).
- "The court is to consider these factors in making an award of alimony, but it need not give each factor equal weight." [Kane v. Parry](#), 24 Conn. App. 307, 313, 588 A.2d 227 (1991).
- "The court is not obligated to make express findings on each of these statutory criteria." [Weiman v. Weiman](#), 188 Conn. 232, 234, 449 A.2d 151 (1982).
- "Where a statute provides that a court 'shall consider' certain enumerated factors in making a discretionary determination, such factors are generally not exhaustive." [Dunleavey v. Paris Ceramics USA, Inc.](#), 47 Conn. Sup. 565, 578, 819 A.2d 945 (2002).
- "Although the provisions for assignments of property and awards of alimony are contained in separate statutes, the standards by which the courts determine such awards are almost the same. *Pasquariello v. Pasquariello*, 168 Conn. 579, 583, 362 A.2d 835 (1975). The one characteristic which distinguishes a property assignment from an award of alimony is the court's duty, pursuant to subsection (c) of 46b-81, to in addition consider the 'contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates.' *Id.*"
- "Thus, the court *must* consider all income of the parties whatever its source may be." [Gay v. Gay](#), 70 Conn. App. 772, 778, 800 A.2d 1231 (2002).

STATUTES:

- Conn. Gen. Stat. (2017).
[§ 46b-82](#). Factors used in determining an alimony award

LEGISLATIVE:

- 2003 Conn. Acts 130 § 3. **Note:** "(b) Any postjudgment procedure afforded by chapter 906 [of the Conn. Gen. Stats.] 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 alimony."
- 2003 Conn. Acts 202 § 23. **Added:** "The court may order that a party obtain life insurance as such security unless such party proves, by a preponderance of the evidence, that such insurance is not available to such party, such party is unable to

pay the cost of such insurance or such party is uninsurable.”

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.

- [Toland v. Toland](#), 179 Conn. App. 800, 810–11 (2018). “The plaintiff claims that the arbitrator’s award should be vacated because it violates public policy. According to the plaintiff, the arbitrator ignored or misapplied statutes and well established **case law** ‘in rendering her utterly disproportionate award....’ More specifically, she argues that the arbitrator failed to properly apply and consider all of the statutory factors in §§ 46b–81 and 46b–82. Because the arbitrator allegedly failed to properly apply and consider the statutory factors regarding how alimony is awarded and property is divided, the plaintiff claims that the award violates public policy.

“In response, the defendant argues that the plaintiff has not identified a well-defined and dominant public policy that the arbitrator’s **decision violates. He argues that** ‘there is no public policy that any particular outcome is required in a case such as **this one,**’ where the governing statutes afford the arbitrator wide discretion in distributing marital property, awarding alimony, and awarding attorney’s fees. We agree with the defendant.”

- [Wood v. Wood](#), 170 Conn. App. 724, 729, 155 A.3d 816 (2017). “In the present case, the court did not abuse its discretion with respect to its alimony award to the plaintiff. As the plaintiff acknowledges, a court may consider unexercised stock options as either income for the purposes of an alimony award or marital property subject to distribution, but not both.”
- [Hornung v. Hornung](#), 323 Conn. 144, 167–68, 146 A.3d 912, 926 (2016). “In light of these principles, we disagree with the defendant’s contention that, because the combined alimony and child support payments exceed the plaintiff’s claimed expenses, the lump sum alimony award is functionally a property distribution. The agreement’s waiver of equitable distribution of property does not change this result. Although the agreement limited the court’s discretion to distribute property, it did not limit the trial court’s discretion to award alimony in any way. The agreement simply stated **that** ‘a court of competent jurisdiction shall address the issues of alimony and/or child support ... in **the event [of] ... divorce**’ Indeed, the Appellate Court recently rejected a nearly identical argument in *Brody v. Brody*, supra, 136 Conn. App. at 790, 51 A.3d 1121, in which the trial court properly awarded lump sum alimony despite the existence of a prenuptial agreement in which the parties waived equitable distribution. The husband **argued, as here, that** ‘the [trial] court improperly used the award of alimony to effectuate an improper distribution of property in violation of the **parties’ prenuptial agreement.**’ Id., at 788, 51 A.3d 1121. The Appellate Court disagreed, noting that the **trial court had ‘broad discretion’** to award alimony because the **prenuptial agreement** ‘by its clear terms, [was]

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.

concerned with equitable distributions of property ... not **alimony awards.**' *Id.*, at 791, 51 A.3d 1121. Accordingly, we conclude that the lump sum alimony award does not constitute a functional property distribution in contravention of the parties' agreement."

- [Mensah v. Mensah](#), 167 Conn. App. 219, 229–31, 143 A.3d 622, 628–29 (2016). "The court stated in its memorandum of decision that it had considered the criteria set forth in General Statutes § 46b-82 as to the assignment of alimony. The plaintiff argues, simply, that her twenty-one year marriage to the defendant warranted alimony and that the defendant had been dishonest regarding his income. The length of the parties' marriage, however, is but one factor that the court considered under § 46b-82 and is not in itself necessarily dispositive in determining whether alimony is appropriate. The court considered the range of factors in § 46b-82, and it was not an abuse of discretion to decline to award the plaintiff alimony solely on the basis of the **marriage's duration.**"
- [Zahringer v. Zahringer](#), 124 Conn. App. 672, 679, 6 A.3d 141 (2010). "The court concluded, on the basis of the demeanor, attitude and credibility of the plaintiff's father, that the funds provided to her were not gifts but were loans that must be paid **back.** 'It is the sole province of the trial court to weigh and interpret the evidence before it and to pass on the credibility of the witnesses.... It has the advantage of viewing and assessing the demeanor, attitude and credibility of the witnesses and is therefore better equipped than we to assess the circumstances surrounding the dissolution action.' (Citation omitted; emphasis in original; internal quotation marks omitted.) *Rubenstein v. Rubenstein*, 107 Conn. App. 488, 497, 945 A.2d 1043, cert. denied, 289 Conn. 948, 960 A.2d 1037 (2008)."
- [Isham v. Isham](#), 292 Conn. 170, 184, 972 A.2d 228 (2009). "When examining the agreement in the present case in its entirety, including the reference to income, it is not clear and unambiguous whether the term salary was intended to reference only the defendant's regular payments from his employment or whether it was intended to have a broader meaning that would encompass any income from his **employment....** We conclude, therefore, that the trial court improperly determined that the agreement clearly and unambiguously linked the defendant's alimony payments to salary increases and that the term salary had a specific, narrow meaning."
- [McMellon v. McMellon](#) 116 Conn. App. 393, 396, 976 A.2d 1 (2009). "As to the plaintiff's earnings, the court only needs to look at the income of the parties as one of the numerous statutory factors it must consider. The court, however, is not required to consider a party's current income in comparison to

the party's previous income; it is at the court's discretion.”

- [Guarascio v. Guarascio](#), 105 Conn. App. 418, 421-422, 937 A.2d 1267 (2008). “The defendant first claims that the court improperly included in its alimony order a percentage of future additional gross income. We disagree...In its order, the court stated that the defendant would have to pay to the plaintiff a sum equal to a percentage of his additional gross income, which would include but not be limited to cash payments, bonuses and vested stock options. The defendant argues that the court could not make this order because it was making a modification of alimony without a showing of a substantial change of circumstances. We are not persuaded by this argument.”
- [Casey v. Casey](#), 82 Conn. App. 378, 385, 844 A.2d 250 (2004). **“Applying those factual findings to the statutory considerations set forth in General Statutes §§ 46b-81 and 46b-82, we cannot reconcile the court's financial orders with its findings. We find no support in the statutory criteria for permitting the defendant to leave the marriage, no matter how brief in duration, saddled with a sizeable mortgage debt, when the proceeds of the increased debt inured almost exclusively to the plaintiff's benefit and when the plaintiff was awarded the property that enjoyed an appreciation in value and net equity as a result of the mortgage debt. That is particularly true when, as here, the evidence revealed that the defendant would be unable to make the monthly payments and, therefore, faced the daunting prospect of defaulting on the mortgage or selling the property in the near future. We conclude that the financial orders were logically inconsistent with the facts found and that the court could not reasonably have concluded as it did. A new hearing on the financial orders is necessary.”**
- [Robelle-Pyke v. Robelle-Pyke](#), 81 Conn. App. 817, 823, 841 A.2d 1213 (2004). **“A party's health is one of the statutory criteria that must be considered in the court's exercise of its broad discretion in awarding alimony; General Statutes § 46b-82; and distribution of assets; General Statutes § 46b-81. “Once the defendant put[s] her health in issue, it [is] incumbent on her to offer pertinent evidence to support her position.” *Tevolini v. Tevolini*, 66 Conn. App. 16, 27, 783 A.2d 1157 (2001).”**
- [Lowe v. Lowe](#), 58 Conn. App. 805, 814, 755 A.2d 338 (2000). **“In the present case, it was within the discretion of the court to determine that the parties enjoyed a station of life during their marriage that justified an award of alimony to the defendant Furthermore, the fact that the court reaffirmed the prior award of alimony and increased it due to the plaintiff's fraud implies that the court determined that there was a need for alimony, and that such an award was just and equitable.”**

- [Simmons v. Simmons](#), 244 Conn. 158, 179, 708 A.2d 949 (1998). “We continue mindful of the substantial deference that this court affords the decisions of the trial court in a dissolution action We consider this case, however, to present one of those rare situations in which we must conclude that there was an abuse of that discretion.”
- [Caffe v. Caffe](#), 240 Conn. 79, 82, 689 A.2d 468 (1997). “The court must consider *all* of these criteria.”
- [Durkin v. Durkin](#), 43 Conn. App. 659, 661, 685 A.2d 344 (1996). “Our review of the record, transcript and briefs reveals that the trial court properly considered the statutory criteria, the evidence and the financial affidavits of the parties. Accordingly, we conclude that the trial court did not abuse its discretion by finding the defendant at fault for the breakdown of the marriage and ordering him to pay periodic alimony.”
- [Thomas v. Thomas](#), 159 Conn. 477, 486, 271 A.2d 62 (1970). “Our alimony statutes does not recognize any absolute right to alimony.”

DIGESTS:

- West Key Numbers: : *Divorce*
V. Spousal support, allowances and distribution of property
C. Spousal support #558-638
#618-635 Modification of judgment or decree
#627 Grounds, factors, and defenses.
- Connecticut Family Law Citations (2017)
§ 8.03 Factors and Evidence Considered by Court

ENCYCLOPEDIAS:

- 24A [Am. Jur. 2d](#) *Divorce and Separation* (2008).
§§ 587-661. Temporary alimony
§§ 662-758. Permanent alimony
§§ 718-758. Modification of alimony awards
- 27B [C.J.S.](#) *Divorce* (2016).
§§ 511-541. Temporary alimony
§§ 592-695. Permanent alimony
§§ 840-853. Modification of Dissolution Order or Decree as to Future Payments
- *Spousal Support On Termination Of Marriage*, 32 POF2d 439 (1982).
§§ 10-24. Proof of right to spousal support and factors affecting amount of support
- *Wife’s Ability to Support Herself*, 2 POF2d 99 (1974).
§§ 5-14. Proof of former wife’s independent means of support [[Table 4](#)]
§§ 15-22. Proof of former wife’s ability to earn own support [[Table 5](#)]

TEXTS & TREATISES:

- 8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
Chapter 33. Alimony in General
§ 33.4 Factors for consideration

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.

§ 33.5 Length of the marriage
§ 33.6 Causes for the dissolution
§ 33.7 Age of the parties
§ 33.8 Health of the parties
§ 33.9 Station of the parties
§ 33.10 Occupation
§ 33.11 Amount and sources of income
§ 33.12 Vocational skills and employability of the parties
§ 33.13 Estates of the parties
§ 33.14 Liabilities and needs of the parties
§ 33.15 Property division
§ 33.16 Desirability of custodial parent securing employment
§ 33.17 Other factors considered

- Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#) (Revised and updated 2003).
Chapter 11 Alimony
- Louise Truax, Editor, [LexisNexis Practice Guide: Connecticut Family Law](#) (2018 edition)
Chapter 5. Alimony
Part II: Evaluating the Alimony Statutory Factors
§ 5.03 CHECKLIST: Evaluation the Alimony Statutory Factors
§ 5.04 Understanding alimony – jurisdiction and overview
§ 5.05 Determining the length of the marriage
§ 5.06 Considering the causes for the dissolution of the marriage
§ 5.07 Determining health
§ 5.08 Establishing the age of the parties
§ 5.09 Determining the amount and sources of income
§ 5.10 Assessing the occupation, vocational skills, education, and employability of each party
§ 5.11 Establishing needs, station in life, and estate of each party
§ 5.12 Determining the need for caretaking of the minor child
- Barry F. Armata et al., Editor, [A Practical Guide to Divorce in Connecticut](#) (2014).
Chapter 6. Alimony
§ 6.2 C.G.S. § 46b-82: Determination of Alimony at Time of Divorce
§ 6.4 Lifestyle
§ 6.5 Earning Capacity

Table 2: Statutory Factors in Awarding Alimony

Statutory Factors in Awarding Alimony		
Factors	Rutkin*	Truax**
Length of the marriage	§ 33.5	§ 5.05
Causes for the dissolution	§ 33.6	§ 5.06
Age of the parties	§ 33.7	§ 5.08
Health of the parties	§ 33.8	§ 5.07
Station of the parties	§ 33.9	§ 5.11
Occupation	§ 33.10	§ 5.10
Amount and sources of income	§ 33.11	§ 5.09
Vocation skills and employability of the parties	§ 33.12	§ 5.10
Estates of the parties	§ 33.13	§ 5.11
Liabilities and needs of each of the parties	§ 33.14	§ 5.11
Desirability of custodial parent securing employment	§ 33.16	§ 5.12

*8 Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).

**Louise Truax, General Editor, [LexisNexis Practice Guide: Connecticut Family Law](#) (2018 edition).

Table 3: Wife's Ability to Support Herself

Proof Of Former Wife’s Independent Means Of Support 2 POF2d 99 (1974).	
A. Elements of Proof	
§ 5	Guide and checklist
B. Testimony Of Former Wife’s Independent Means Of Support	
§ 6	Earning of income from employment
§ 7	Increase in income from employment
§ 8	Possession of substantial bank accounts
§ 9	Interest in income-producing real property
§ 10	Ownership of valuable personal property
§ 11	Investment in securities
§ 12	Receipt of inheritance
§ 13	Status as beneficiary of trust
§ 14	Small number of debts

Table 4: Proof of Former Wife's Ability to Earn Own Support

Proof of Former Wife’s Ability to Earn Own Support 2 POF2d 127 (1974).	
A. Elements of Proof	
§ 15	Guide and checklist
B. Testimony of Former Wife	
§ 16	Lack of serious effort to find employment
§ 17	High level of education
§ 18	Vocational training
§ 19	Employment prior to marriage
§ 20	Age conducive to employment
§ 21	Good health
§ 22	Abundance of free time

Table 5: Proof of Right to Spousal Support and Factors Affecting Amount of Support

Proof of Right to Spousal Support and Factors Affecting Amount of Support 32 P.O.F. 2d 439 (1982).	
A. Elements of Proof	
§ 10	Guide and checklist
B. Testimony of Spouse Seeking Support	
§ 11	Marriages and children
§ 12	Age and health
§ 13	Education and employment history
§ 14	Employment history and salary of supporting spouse
§ 15	Ownership of realty
§ 16	Bank accounts and cash
§ 17	Personal property and debts of spouse seeking support
§ 18	Personal property of supporting spouse
§ 19	Intangible property
§ 20	Monthly income and regular expenses
§ 21	Medical expenses
§ 22	Misconduct of supporting spouse
§ 23	Misconduct of supporting spouse
C. Testimony of Corroborating Witness	
§ 24	Misconduct of supporting spouse

Table 6: Appeals of Alimony Awards

<p>O'Brien v. O'Brien, 326 Conn. 81, 120–21, 161 A.3d 1236 (2017)</p>	<p>"A trial court's alimony award constitutes impermissible double dipping only if the court considers, as a source of the alimony payments, assets distributed to the party receiving the alimony. See <i>Krafick v. Krafick</i>, supra, at 804–805 n.26, 663 A.2d 365; see also <i>Greco v. Greco</i>, 275 Conn. 348, 357 n.8, 880 A.2d 872 (2005) (double dipping occurs only when trial court considers, as source for alimony, asset not available to payor). That is, if a trial court assigns a certain asset—a bank account, for example—to the party receiving alimony, it cannot consider that same bank account as a source of future alimony payments because the account has not been distributed to the party paying the alimony. In the present case, even if the plaintiff must, as he claims, use his own share of the marital assets to pay the retroactive alimony award, the trial court's award did not constitute double dipping because the assets the plaintiff might use to pay the alimony award were all awarded to him, not the defendant."</p>
<p>O'Brien v. O'Brien, Superior Court, Judicial District of Fairfield at Bridgeport, No. FBT FA08-4023596-S, 63 Conn. L. Rptr. 739 (January 17, 2017).</p>	<p>[Page 739] "The plaintiff filed an appeal of that decision. The Appellate Court reversed this decision on December 1st, 2015 and remanded the case for a new trial on all financial issues. Defendant then filed a petition for certification to the Supreme Court. The Supreme Court granted that petition for certification...."</p> <p>[Page 740] "Defendant claims that pending a final decision by the Supreme Court, the plaintiffs' alimony obligation remains as ordered by Judge Pinkus in his March 11, 2004 orders. Defendant bases her argument on Practice Book Section 61-11(c), Stays in Family Matters, which states in relevant part, 'unless otherwise ordered, no automatic stay shall apply to orders of periodic alimony, support, custody or visitation in family matters brought pursuant to chapter 25 . . .'"</p> <p>[Page 740] "Based on the procedural and factual record in this case, Practice Book § 84-3 requires the plaintiff to comply with Judge Pinkus' March 11, 2014 order until the Supreme Court acts on the defendant's petition. The alimony orders of \$45,000 per month were not stayed pending the defendant's appeal. In the absence of a stay of proceedings, Practice Book § 84-3 precludes enforcement of the judgment of the Appellate Court if so doing would change the position of one of the parties from what it was pending the appeal."</p>
<p>Lynch v. Lynch, 153 Conn. App. 208, 225-226, 242, 100 A.3d 968 (2014)</p>	<p>[Pages 225-226]</p> <p>"II LEGAL STANDARDS A Standard of Review</p> <p>"In fashioning its financial orders [in a domestic relations matter], the court has broad discretion, and [j]udicial review of a trial court's exercise of [this] broad discretion ... is limited to the</p>

questions of whether the ... court correctly applied the law and could reasonably have concluded as it did.... In making those determinations, we allow every reasonable presumption... in favor of the correctness of [the trial court's] action.... That standard of review reflects the sound policy that the trial court has the unique opportunity to view the parties and their testimony, and is therefore in the best position to assess all of the circumstances surrounding a dissolution action, including such factors as the demeanor and the attitude of the parties.... We likewise note that [a]ppellate review of a trial court's findings of fact is governed by the clearly erroneous standard of review. The trial court's findings are binding on this court unless they are clearly erroneous in light of the evidence and the pleadings in the record as a whole.... A finding of fact is clearly erroneous when there is no evidence in the record to support it ... or when although there is evidence in the record to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." (Citation omitted; internal quotation marks omitted.) *Schoenborn v. Schoenborn*, 144 Conn. App. 846, 856-57, 74 A.3d 482 (2013).

B
Self-Represented Litigants

"Although the plaintiff was represented by an attorney during the remand hearings, he was self-represented during several of the other trial court proceedings at issue, including the motions discussed in part I B 2 of this opinion, and currently is self-represented in this appeal. '[I]t is the established policy of the Connecticut courts to be solicitous of [self-represented] litigants and when it does not interfere with the rights of other parties to construe the rules of practice liberally in favor of the [self-represented] party.... Nonetheless, [a]lthough we allow [self-represented] litigants some latitude, the right of self-representation provides no attendant license not to comply with relevant rules of **procedural and substantive law.**' (Citation omitted; internal quotation marks omitted.) *New Haven v. Bonner*, 272 Conn. 489, 497-98, 863 A.2d 680 (2005)."

[Page 242]

"The plaintiff largely bases his claim on what he perceives as the court's noncompliance with General Statutes § 46b-8, which provided that '[w]henever a motion for modification of an order for support and alimony is made to the superior court by a moving party against whom a motion for contempt for noncompliance with such order is pending, the court shall accept such motion and hear both **motions concurrently.**' The plaintiff argues that the court abused its discretion because it did not hear the defendant's May 1, 2013 motion for contempt and his May 20, 2013 motion for modification at the same time, even though § 46b-8 required it to do so. The plaintiff's statutory interpretation ignores our Supreme Court's determination in *Bryant v. Bryant*, 228 Conn. 630, 637 A.2d 1111 (1994), that **the statute** 'merely [sets] forth a procedure whereby the trial court [could] consider a motion for modification jointly with a motion for contempt when doing so would [have

	<p>been] in the interests of the orderly and efficient resolution of the two motions’; id., at 639, 637 A.2d 1111; and that it was ‘not persuaded that the legislature intended to require a joint hearing.’ Id., at 640, 637 A.2d 1111. We accordingly reject the plaintiff’s claim, which is governed and resolved by this statutory interpretation.”</p>
<p>Tanzman v. Meurer, 309 Conn. 105; 107-108, 70 A.3d 13 (2013)</p>	<p>“The question that we must resolve in this appeal is whether a trial court that bases a financial support order on a party’s earning capacity must determine the specific dollar amount of the party’s earning capacity. We conclude that it must. The plaintiff, Jonathan M. Tanzman, appealed to the Appellate Court from the judgment of the trial court denying his postjudgment motion to modify his unallocated alimony and child support obligations to the defendant, Margaret E. Meurer. <i>Tanzman v. Meurer</i>, 128 Conn. App. 405, 406, 16 A.3d 1265 (2011). The Appellate Court affirmed the judgment of the trial court. Id., 413. We then granted certification to appeal to this court, limited to the following issue: ‘Did the Appellate Court properly determine that, in a family case, the trial court is not required to specify the earning capacity amount it relied on in determining alimony and child support, after motions for articulation and/or clarification are filed requesting said information?’ <i>Tanzman v. Meurer</i>, 301 Conn. 930, 23 A.3d 724 (2011). We answer that question in the negative. Accordingly, we reverse the judgment of the Appellate Court.”</p>
<p>Guarascio v. Guarascio, 105 Conn. App. 418, 427-429, 937 A.2d 1267 (2008)</p>	<p>“First, the court is given wide discretion in fashioning financial awards in an action for a dissolution. Under § 46b-82, the amount and duration of an alimony payment are left entirely within the discretion of the court. In addition, our Supreme Court has noted that in actions for divorce or dissolution of marriage, the courts have equitable powers, which are not necessarily enumerated in the statutes governing such actions. <i>Pasquariello v. Pasquariello</i>, 168 Conn. 579, 585-86, 362 A.2d 835 (1975). The court has stated: ‘The power to act equitably has allowed the [trial] court on occasion to order a party to change his group life insurance policy to include his wife as an irrevocable beneficiary . . . pay to third parties accounting fees and investigatory fees [and] pay the expenses of an appeal. . . . These powers, although not expressly given to the court by statute, have been held to be inherent powers of the trial court in actions for divorce or dissolution of marriage.’ (Citations omitted.) Id. In the present case, the court acted equitably in ordering the defendant to pay the plaintiff’s COBRA premium for three years. In fact, it is not uncommon for a court to fashion this financial remedy. See <i>Tauck v. Tauck</i>, Superior court, judicial district of Middlesex, Docket No. FA-05-4004889-S (September 21, 2007) (‘husband shall maintain COBRA medical and dental insurance for the benefit of the wife at his expense for the maximum period allowed by law’); <i>Palczynski v. Palczynski</i>, Superior Court, judicial district of Middlesex, Docket No. FA-04-4000946-S (August 7, 2007) (‘husband shall maintain COBRA medical and dental insurance for the benefit of the wife at</p>

	<p>his expense for the maximum period allowed by law’); <i>St. Jean v. St. Jean</i>, Superior Court, judicial district of Hartford, Docket No. FA-05-4017548-S (November 22, 2006) (‘[h]usband shall pay as additional alimony the cost of maintaining the [w]ife on his health insurance plan available to him through his employer, i.e., COBRA, for a period of three years or until such time as [w]ife obtains insurance through her work, whichever comes first’). Therefore, the court did have the authority to order the defendant to pay the plaintiffs COBRA premium for three years.”</p>
<p>Sabrowski v. Sabrowski, 105 Conn. App. 49, 58935 A.2d 1037, (2007)</p>	<p>“Because ‘the insurance obligations were considered alimony substitutes,’ we concluded that the court did not abuse its discretion in modifying that aspect of the defendant’s alimony. Id., [<i>Carasso v. Carasso</i>, 80 Conn. App. 299, 834 A.2d 793 (2003), cert. denied, 267 Conn. 913, 840 A.2d 1174 (2004).] 310-11; see also <i>Damon v. Damon</i>, 23 Conn. App. 111, 115, 579 A.2d 124 (1990) (‘[a]n order to provide medical coverage for the duration of the time that periodic alimony is due is no more a future order than the order of the periodic alimony itself . . . and is as modifiable as the award of the periodic alimony’” [citation omitted]).</p>
<p>Greco v. Greco, 70 Conn. App. 735, 740, 799 A.2d 331 (2002)</p>	<p>“The court did not abuse its discretion in awarding the plaintiff 67 percent of the assets. Despite the defendant’s contentions to the contrary and his own review of the criteria set forth in § 46b-81, we cannot construe the court’s award as an abuse of discretion in light of the court’s finding that the defendant’s infidelity was the cause of the breakdown of the marriage. That is a factor that the court was required to consider pursuant to § 46b-81.”</p>
<p>Wolf v. Wolf, 39 Conn. App. 162, 169, 664 A.2d 315 (1995)</p>	<p>“The trial court noted in its decision that it was basing the alimony award on the defendant’s earning capacity and not necessarily on her stated desires regarding employment.”</p>
<p>Siracusa v. Siracusa, 30 Conn. App. 560, 621 A.2d 309 (1993)</p>	<p>“While a trial court must consider a number of factors in awarding alimony and distributing the assets of the parties, and my exercise broad discretion in that consideration . . . it need not recite each factor in its decision, it is sufficient that the memorandum of decision ‘at least reflect a proper consideration and weighing of the factors set forth in the statute.’”</p>
<p>Graham v. Graham, 25 Conn. App. 41, 45, 592 A.2d 424 (1991)</p>	<p>“It is axomatic that trial court are vested with broad and liberal discretion in fashioning orders of custody and the type, duration, and amount of alimony and support that is proper apply to each are the standards and guidelines of the General Statutes.”</p>

Section 4: Enforcing Alimony

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to procedures for enforcing alimony in Connecticut including defenses.
- SEE ALSO:**
- [Enforcement of Family and Foreign Matrimonial Judgments in Connecticut](#)
 - [Modification of Judgments in Family Matters](#) (Section 1: Modification of Alimony)
 - [Motion for Clarification](#)
- DEFINITION:**
- **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).
 - **Court Order Must Be Obeyed:** ". . . an order entered by a court with proper jurisdiction 'must be obeyed by the parties until it is reversed by orderly and proper proceedings.' (Internal quotation marks omitted.) [*Cologne v. Westfarms Associates*, 197 Conn. 141, 145, 496 A.2d 476 (1985)] Id. We noted that a party has a duty to obey a court order 'however erroneous the action of the court may be. . . .' (Internal quotation marks omitted.) Id. We registered our agreement with the 'long-standing rule that a contempt proceeding does not open to reconsideration the legal or factual basis of the order alleged to have been disobeyed. . . .' (Internal quotation marks omitted.) Id., 148. Finally, we emphasized that 'court orders must be obeyed; there is no privilege to disobey a court's order because the alleged contemnor believes that it is invalid.'" [Mulholland v. Mulholland](#), 229 Conn. 643, 649, 643 A.2d 246 (1994).
 - **Motion For Clarification:** ". . . we conclude that where there is an ambiguous term in a judgment, a party must seek a clarification upon motion rather than resort to self-help." [Sablosky v. Sablosky](#), 258 Conn. 713, 720, 784 A.2d 890 (2001).
 - **Standard Of Appellate Review:** "A finding of contempt is a question of fact, and our standard of review is to determine whether the court abused its discretion in failing to find that the actions or inactions of the [party] were in contempt of a court order. . . . To constitute contempt, a party's conduct must be wilful. . . . Noncompliance alone will not support a judgment of contempt." (Citation omitted; internal quotation marks omitted.) [Prial v. Prial](#), 67 Conn. App. 7, 14, 787 A.2d 50 (2001).

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-8](#). Motion for modification combined with motion for contempt
 - [§ 46b-82](#) Alimony
 - [§ 46b-231\(m\)](#). **Family Support Magistrates' power and duties.** Spousal support in IV-D cases (Check the [2018 Supplement](#) and [Public Act 18-75](#) for changes.)

PUBLIC ACT HISTORY:

- [2003 Conn. Acts 89 § 5](#). (Reg. Sess.). Withholding order
- [2004 Conn. Acts 100 §§ 6, 7](#) (Reg. Sess.). **"If such child is unmarried, a full-time high school student and residing with the custodial parent, such support shall continue according to the parents' respective abilities, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever first occurs."**

COURT RULES:

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

- Connecticut Practice Book (2018)
 - [Chapter 25](#) Superior Court—Procedure in family matters
 - § 25-26. Modification of custody, alimony or support
 - § 25-27. Motion for contempt

FORMS:

[Filing a Motion for Contempt - Connecticut Judicial Branch](#)

- Manamara, Welsh, and George, editors. [Library of Connecticut Family Law Forms](#) (2d ed. 2014)
 - 5-035 Motion for Contempt Re: Unallocated Alimony and Support (Pendente Lite)
 - 16-000 Commentary – Post Judgment Pleadings, p. 542
 - 16-007 Motion for Contempt Re: Alimony Payments
- 2 [Connecticut Practice Book](#) (1997).
 - § 33.7 Application for contempt citation and order to show cause
 - § 33.9 Schedule for production at hearing

CASES:

- [Brochard v. Brochard](#), 165 Conn. App. 626, 637, 140 A.3d 254, 260 (2016). "Our Supreme Court recently clarified that we should utilize a two step inquiry when analyzing a judgment of contempt: 'First, we must resolve the threshold question of whether the underlying order constituted a court order that was sufficiently clear and unambiguous so as to support a judgment of contempt.... This is a legal inquiry subject to de novo review.... Second, if we conclude that the underlying court order was sufficiently clear and unambiguous, we must then determine whether the trial court abused its discretion in issuing, or refusing to issue, a

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.

judgment of contempt, which includes a review of the trial court's determination of whether the violation was wilful or excused by a good faith dispute or misunderstanding.”

- [Behrns v. Behrns](#), 124 Conn. App. 794, 809, 6 A.3d 184 (2010). **“In Connecticut, the general rule is that a court order must be followed until it has been modified or successfully challenged. *Eldridge v. Eldridge*, [supra, 244 Conn. 530]; *Behrns v. Behrns*, [supra, 80 Conn. App. 289]. Our Supreme Court repeatedly has advised parties against engaging in ‘self-help’ and has stressed that an ‘order of the court must be obeyed until it has been modified or successfully challenged.’. . . *Sablosky v. Sablosky*, [258 Conn. 713, 719, 784 A.2d 890 (2001)]; see also *Eldridge v. Eldridge*, supra, 528-32 (good faith belief that party was justified in suspending alimony payment did not preclude finding of contempt)”**.
- [Fromm v. Fromm](#), 108 Conn. App. 376, 378, 948 A.2d 328 (2008). **“Unlike *Bozzi*, [Bozzi v. Bozzi, supra, 177 Conn. 232] the claimed prejudice in the present case is the fact that the defendant deliberately made it impossible for the plaintiff to comply with his alimony and support obligations. She also made no ‘motion in the Superior Court alleging the plaintiff’s wilful failure to pay alimony and child support.’ The record supports the plaintiff’s contention that he changed his position regarding his obligations as a result of her conduct.”**
- [Nunez v. Nunez](#), 85 Conn. App. 735, 739-740, 858 A.2d 873 (2004). **“In *Mallory v. Mallory*, 207 Conn. 48, 57, 539 A.2d 995 (1988), the defendant father claimed that he was too poor to meet his court-ordered financial obligations. Our Supreme Court, after stating that inability to obey an order qualifies as a proper defense to contempt, stated: ‘The defendant in the case at bar, however, failed to seek a modification of his child support obligations until after the plaintiff had instituted contempt proceedings against him. In these circumstances, the trial court did not err in finding the defendant in contempt, at least in regard to the child support arrearage accumulated before he sought a modification of the child support orders.’ Id. It concluded that under those circumstances, a finding of contempt was proper. Subsequently, in *Sablosky v. Sablosky*, supra, 258 Conn. 713, our Supreme Court stated that ‘[a]lthough one party may believe that his or her situation satisfies this standard [of changed circumstance], until a motion is brought to and is granted by the court, that party may be held in contempt in the discretion of the trial court if, in the interim, the complaining party fails to abide by the support order.’ (Emphasis added.) Id., 722; see also *Bunche v. Bunche*, 36 Conn. App. 322, 325, 650 A.2d 917 (1994) (order of court must be obeyed until modified or successfully challenged).”**

- [Issler v. Issler](#), 50 Conn. App. 58, 65, 716 A.2d 938 (1998). “While an equivocal court order will not support a finding of contempt, this is not the case here.”
- [Eldridge v. Eldridge](#), 244 Conn. 523, 529, 710 A.2d 757 (1998). “In order to constitute contempt, a party’s conduct must be wilful A good faith dispute on legitimate misunderstanding of the terms of an alimony or support obligation may prevent a finding that the payor’s nonpayment was wilful.”
- [Perry v. Perry](#), 222 Conn. 799, 805, 611 A.2d 400 (1992). “inability to pay an order is a defense to a charge of contempt however, . . . the defendant has the burden of proof on this issue”
- [Farrell v. Farrell](#), 36 Conn. App. 305, 650 A.2d 608 (1994). *Equitable decree voiding certain fraudulent conveyances of property.*
- [Papcun v. Papcun](#), 181 Conn. 618, 620, 436 A.2d 608 (1980). “contention that the plaintiff is barred by laches from collecting the arrearage.”

DIGESTS:

- West Key Numbers *Divorce*
(F) Enforcement of judgment or decree in general #1000-1099
(G) Contempt #1100-1129
- Dowling’s Digest *Dissolution of marriage* § 18
- Connecticut Family Law Citations (2017)
§ 8.04[1] Arrearages Generally
§ 8.04[2] Contempt
§ 8.04[3] Defenses

ENCYCLOPEDIAS:

- 24A [Am. Jur. 2d](#) *Divorce and Separation* (2008)
§§ 774-846. Enforcement of judgment, decree, or order;
Provisional remedies
§ 831-846. Contempt proceedings
- 27B [C.J.S.](#) *Divorce* (2016).
§§ 743-839. Enforcement of order or decree
§ 759-763. Contempt proceedings

TEXTS & TREATISES:

- Arnold H. Rutkin et al., 8 [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
Chapter 34 Enforcement of alimony and child support provisions of judgment
§ 34.4 Contempt proceedings
§ 34.5 Contempt procedure
§ 34.8 Hearing
§ 34.10 Necessity of counsel in contempt proceedings
§ 34.11 Excuse or defense to contempt claim

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- § 34.12 Inability to comply
 - § 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
- Louise Truax, Editor, [LexisNexis Practice Guide: Connecticut Family Law](#) (2018 edition).
 - Chapter 17. Enforcement of Orders
 - Part IV: Determining General Relief that may be Sought in a Motion for Contempt
 - § 17.19 Determining general relief that may be sought in a Motion for Contempt
 - § 17.20 Seeking an award of counsel fees
 - § 17.21 Incarcerating the party held in contempt
 - § 17.22 Assessing interest
 - § 17.23 Enforcing a judgment through a separate civil action
 - Part V: Crafting Orders to Enforce Alimony and Child Support
 - § 17.24 CHECKLIST: Crafting Orders to Enforce Alimony and Child Support
- Joel M. Kaye et al., 3 [Connecticut Practice Book](#), *Authors' Comments* following Form 506.2 Motion for Contempt Pendente Lite [Post-Judgment] (2004).
 - Barry F. Armata et al., Editor, [A Practical Guide to Divorce in Connecticut](#) (2014).
 - Chapter 17. Contempt

LAW REVIEWS:

- Leal, Manuel D. *Why there is disobedience of court orders: Contempt of court and neuroeconomics*. 26 QLR 1015 (2008).
- C. Forzani and B.G. Jenkins, *Enforcement Of Alimony Orders*, 4 Connecticut Family Lawyer 25, 28-30 (Fall 1989).

Table 7: IV-D Spousal Support

Family Support Magistrate Division	
<p>§ 46b-231(b)</p>	<p>Definitions:</p> <p>(6) “Family Support Magistrate Division” means a division of the Superior Court created by this section for the purpose of establishing and enforcing child and spousal support in IV-D cases and in cases brought pursuant to sections 46b-212 to 46b-213v, inclusive, utilizing quasi-judicial proceedings;</p> <p>(7) “Family support magistrate” means a person, appointed as provided in subsection (f) of this section to establish and enforce child and spousal support orders;</p>
<p>§ 46b-215(a) (3)</p>	<p>[Procedures] “. . . . Proceedings to obtain orders of support under this section shall be commenced by the service on the liable person or persons of a verified petition, with summons and order. . . .”</p>
<p>§ 46b-231(m)</p> <p>To update entire statute, see the 2018 Supplement and Public Act 18-75.</p>	<p>Magistrates' powers and duties. Magistrates' powers and duties. The Chief Family Support Magistrate and the family support magistrates shall have the powers and duties enumerated in this subsection.</p> <p>(1) A family support magistrate in IV-D support cases may compel the attendance of witnesses or the obligor under a summons issued pursuant to sections 17b-745, 46b-172 and 46b-215, a subpoena issued pursuant to section 52-143, or a citation for failure to obey an order of a family support magistrate or a judge of the Superior Court. If a person is served with any such summons, subpoena or citation issued by a family support magistrate or the assistant clerk of the Family Support Magistrate Division and fails to appear, a family support magistrate may issue a capias mittimus directed to a proper officer to arrest the obligor or the witness and bring him before a family support magistrate. Whenever such a capias mittimus is ordered, the family support magistrate shall establish a recognizance to the state of Connecticut in the form of a bond of such character and amount as to assure the appearance of the obligor at the next regular session of the Family Support Magistrate Division in the judicial district in which the matter is pending. If the obligor posts such a bond, and thereafter fails to appear before the family support magistrate at the time and place he is ordered to appear, the family support magistrate may order the bond forfeited, and the proceeds thereof distributed as required by Title IV-D of the Social Security Act. [emphasis added]</p> <p>(2) Family support magistrates shall hear and determine matters involving child and spousal support in IV-D support</p> <p>(3) Family support magistrates shall review and approve or modify all agreements for support in IV-D support cases filed with the Family Support Magistrate Division in accordance with sections 17b-179, 17b-745, 46b-172, 46b-215 and subsection (c) of section 53-304.</p>

	<p>(4) Motions for modification of existing child and spousal support orders entered by the Superior Court in IV-D support cases, including motions to modify existing child and spousal support orders entered in actions brought pursuant to chapter 815j, shall be brought in the Family Support Magistrate Division and decided by a family support magistrate. Family support magistrates, in deciding if a spousal or child support order should be modified, shall make such determination based upon the criteria set forth in sections 46b-84 and 46b-215b. A person who is aggrieved by a decision of a family support magistrate modifying a Superior Court order is entitled to appeal such decision in accordance with the provisions of subsection (n) of this section.</p> <p>(7) Family support magistrates shall enforce orders for child and spousal support entered by such family support magistrate and by the Superior Court in IV-D support cases by citing an obligor for contempt. Family support magistrates, in IV-D support cases, may order any obligor who is subject to a plan for reimbursement of past-due support and is not incapacitated, to participate in work activities which may include, but shall not be limited to, job search, training, work experience and participation in the job training and retraining program established by the Labor Commissioner pursuant to section 31-3t. Family support magistrates shall also enforce income withholding orders entered pursuant to section 52-362, including any additional amounts to be applied toward liquidation of any arrearage, as required under subsection (e) of said section. Family support magistrates may require the obligor to furnish recognizance to the state of Connecticut in the form of a cash deposit or bond of such character and in such amount as the Family Support Magistrate Division deems proper to assure appearance at the next regular session of the Family Support Magistrate Division in the judicial district in which the matter is pending. Upon failure of the obligor to post such bond, the family support magistrate may refer the obligor to a community correctional center until he has complied with such order, provided the obligor shall be heard at the next regular session of the Family Support Magistrate Division in the court to which he was summoned. If no regular session is held within seven days of such referral, the family support magistrate shall either cause a special session of the Family Support Magistrate Division to be convened, or the obligor shall be heard by a Superior Court judge in the judicial district in which the matter is pending. If the obligor fails to appear before the family support magistrate at the time and place he is ordered to appear, the family support magistrate may order the bond, if any, forfeited, and the proceeds thereof distributed as required by Title IV-D of the Social Security Act, and the family support magistrate may issue a <i>capias mittimus</i> for the arrest of the obligor, ordering him to appear before the family support magistrate. A family support magistrate may</p>
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Attorney General

§ [46b-231](#)(t)

(1) Represent the interest of the state in all actions for child or spousal support in all cases in which the state is furnishing or has furnished aid or care to one of the parties to the action or a child of one of the parties;

(2) In interstate support enforcement under sections 46b-301 to 46b-425, inclusive, provide necessary legal services on behalf of the support enforcement agency in providing services to a petitioner; and

(3) Represent the IV-D agency in providing support enforcement services in non-TFA IV-D support cases pursuant to sections 17b-179, 17b-745 and 46b-215.

Website: <http://portal.ct.gov/AG/Childrens-Issues/Child-Support>

Department of Social Services

§ [46b-231](#)(u)

Powers of Department of Social Services

(1) The Department of Social Services may in IV-D cases

(A) bring petitions for support orders pursuant to section 46b-215,

(B) obtain acknowledgments of paternity,

(C) bring applications for show cause orders pursuant to section 46b-172,

(D) file agreements for support with the assistant clerk of the Family Support Magistrate Division

(E) issue withholding orders entered by the Superior Court or a family support magistrate in accordance with subsection (b) of section 52-362, and

(F) upon notice to the obligor and obligee, redirect payments for the support of any child receiving child support enforcement services either to the state of Connecticut or to the present custodial party, as their interests may appear, for distribution in accordance with Title IV-D of the Social Security Act, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date of such notice, and provided further that any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice.

Website: <http://portal.ct.gov/DSS/Child-Support/Child-Support>

Section 5: Alimony and a Nonresident Party

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to alimony and a nonresident party including enforcement of alimony decree from another state in Connecticut

DEFINITIONS:

- **Spousal-support order:** "means a support order for a spouse or former spouse of the obligor." [Conn. Gen. Stat. § 46b-302](#) (2017).
- **Long Arm Statute:** "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." [Conn. Gen. Stat. § 46b-46](#)(b) (2017).
- **The determination of personal jurisdiction** requires a two-fold approach. First, the court must determine whether the statutory requirements for service of process on a nonresident defendant, pursuant to § 46b-46, were satisfied. Second, whether the exercise of personal jurisdiction complies with the due process clause of the fourteenth **amendment.**" [Reza v. Leyasi](#), Superior Court, judicial district of New Haven, Docket No. FA-02-0463536-S (May 24, 2004, Kenefick, J.),

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-44. Residency requirement
 - § 46b-46. Notice to nonresident party. Jurisdiction **over nonresident for alimony.** "Long arm" statute
 - § 46b-82. Alimony
 - [Chapter 817](#). Uniform Interstate Family Support Act
 - § [46b-311](#). Bases for jurisdiction over nonresident

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.

- [Cizek v. Cizek](#), Superior Court, Judicial District of Hartford, No. FA-15-6061349-S (Feb. 22, 2016) (2016 WL 1099160). **"Here, the plaintiff has maintained his residency in the State of Connecticut since his enlistment in the Army. The parties married in St. Lucia, U.S. Virgin Islands. Immediately upon their marriage, they moved to Germany with the Army. They own a home in Germany, but they are not German citizens and may not lawfully stay in Germany after the plaintiff leaves the Army. The Army has discharged the plaintiff and will return the plaintiff to Connecticut, his home state of record. The parties have never lived in any other state of the United States of America as a married couple and they have filed joint taxes in the State of Connecticut. Therefore, since the plaintiff meets the residency requirement under C.G.S. §**

46b-44, and since the parties have jointly filed taxes in the State of Connecticut, and no other state has jurisdiction over the parties, the court finds that it has personal jurisdiction of the defendant.”

- [Cashman v. Cashman](#), 41 Conn. App. 382, 387, 676 A.2d 427 (1996). “Section 46b-46 (b) is a long arm statute applicable to all matters concerning alimony and support, and is not limited to complaints for dissolution, annulment, legal separation and custody. Subsection (b) allows a court to assert personal jurisdiction over a nonresident defendant for judgments that operate in personam and bind the obligor personally; *Beardsley v. Beardsley*, 144 Conn. 725, 726-27, 137 A.2d 752 (1957); and imposes greater requirements than does subsection (a). In addition to the notice requirements identified in subsection (a), the party requesting alimony must meet the residency requirement of General Statutes § 46b-44 and show that Connecticut was the domicile of both parties immediately prior to or at the **time of their separation.**”
- [Cato v. Cato](#), 226 Conn. 1, 4, 626 A.2d 734 (1993). “We conclude that in a case such as this, where service of process can be accomplished by the most reliable means—that is, in-hand service of process by a process server in accordance with § 52-57a—an order of notice is not required pursuant to § 46b-46. Accordingly, the service of process issued to the defendant in this case was sufficient to provide the court with jurisdiction over the complaint and the defendant.”
- [Gaudio v. Gaudio](#), 23 Conn. App. 287, 298, 580 A.2d 1212 (1990). *Personal jurisdiction over non-resident*
- [Krueger v. Krueger](#), 179 Conn. 488, 427 A.2d 400 (1980). “Whether a California decree purporting to terminate a modifiable Connecticut alimony decree must be enforced in Connecticut.”
- [Rose v. Rose](#), 34 Conn. Supp. 221, 385 A.2d 1 (1977). “It is undisputed that no alimony or counsel fees can be awarded in this state unless in personam jurisdiction has been acquired.”

DIGESTS:

- West Key Numbers: *Divorce*
VII. Foreign Divorces
#1444-1455 Support, maintenance, or alimony
- Dowling’s Digest: *Divorce and Separation* §§ 540-557

ENCYCLOPEDIAS:

- 24A [Am. Jur. 2d](#) *Divorce and Separation* (2008).
§§ 578-586 Court’s power to grant award; Jurisdiction
- 27B [C.J.S.](#) *Divorce* (2016).
§ 508-510. Jurisdiction and power of courts
- Annotation, *Decree For Alimony Rendered In Another State or country (or domestic decree based thereon) as subject to*

enforcement by equitable remedies or by contempt proceedings, 18 ALR2d 862 (1951).

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 ed. 2010).
Chapter 31. Jurisdiction to award alimony
 - § 31.2 Personal jurisdiction over the payor
 - § 31.5 Jurisdiction based on property in the state
 - § 31.6 Effect of lack of jurisdiction

Section 6: Duration of Alimony in Connecticut

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to duration of alimony including time-limited and rehabilitative alimony. Also, termination of alimony, effect of remarriage and cohabitation.

SEE ALSO:

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

DEFINITION:

- **Rehabilitative Alimony** may be defined as alimony payable for a short, but specific and terminable period of time, which will cease when recipient is, in the exercise of reasonable efforts, in a position of self-support.” (emphasis added). [Turner v. Turner](#), 97 ALR3d 730, 731 (1978).
- **Connecticut’s “Cohabitation Statute”** see [Table 9](#)

STATUTES:

- Conn. Gen. Stat. (2017)
[§ 46b-86](#). Modification of alimony or support orders and judgments

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

FORMS:

- Arnold H. Rutkin et al., 8 [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
§ 35.32. Motion for modification of alimony based on cohabitation—Form
- Manamara, Welsh, and George, editors. [Library of Connecticut Family Law Forms](#) (2d ed. 2014)
16-000 Commentary – Post Judgment Pleadings, p. 542
16-005 Motion for Modification of Unallocated Alimony and Support (with OTSC papers)

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.

- [Horey v. Horey](#), 172 Conn. App. 735, 741–42, 161 A.3d 579 (2017). “In the present appeal, the trial court did not abuse its discretion by limiting the duration of the defendant’s alimony award to the duration of the plaintiff’s ownership of the LLC. It is well established that the trial court in a dissolution action has discretion to order a time limited alimony award. See, e.g., *Finan v. Finan*, supra, 100 Conn. App. at 310–11, 918 A.2d 910 (time limited alimony is often awarded). Although such time limited awards are often awarded to provide interim support while one party acquires new skills and education to facilitate financial self-sufficiency, such awards are not **limited to that purpose and are ‘also appropriately** awarded to provide interim support until a future event

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occurs that makes such support [more or] less necessary **or unnecessary.**' (Internal quotation marks omitted.) *Id.*, at 310, 918 A.2d 910; see also *Mongillo v. Mongillo*, 69 Conn. App. 472, 478, 794 A.2d 1054, cert. denied, 261 Conn. 928, 806 A.2d 1065 (2002). Additionally, where an alimony award is modifiable as to amount or duration, any prejudice caused by the time limitation of the alimony award can be mitigated by timely filing a motion for modification of the alimony award. See *Mongillo v. Mongillo*, *supra*, at 479, 794 A.2d 1054."

- [Nation-Bailey v. Bailey](#), 316 Conn. 182, 193–94, 112 A.3d 144, 151–52 (2015). "We conclude that § 3(B) of the agreement plainly and unambiguously provides that permanent termination of the unallocated support obligation is the sole remedy upon cohabitation by the plaintiff, particularly given the provision's use of the word 'until' without further qualification. As noted previously, § 3(B) of the agreement requires the payment of unallocated support 'until the death of either party, the [plaintiff's] remarriage or cohabitation as defined by ... § 46b–86 (b), or until August 1, 2011.' (Emphasis added.) We often consult dictionaries in interpreting contracts, including separation agreements, to determine whether the ordinary meanings of the words used therein are plain and unambiguous, or conversely, have 'varying definitions in common parlance.' *Remillard v. Remillard*, 297 Conn. 345, 355, 999 A.2d 713 (2010); see also *id.*, at 355–56, 999 A.2d 713 (comparing conflicting dictionary definitions of term "cohabitation" in determining that it was ambiguous for purpose of contract interpretation). Thus, we observe that the word 'until' is a 'function word to indicate continuance (as of an action or condition) to a specified time.' Merriam–Webster's Collegiate Dictionary (11th Ed.2003); see also *id.* (defining 'until' as conjunction for 'up to the time that')."
- [Kovalsick v. Kovalsick](#), 125 Conn. App. 265, 272, 7 A.3d 924 (2010). "In the present case, we are presented with the situation in which a party appeals because the court failed to award the time limited alimony sought. See *Deteves v. Deteves*, 2 Conn.App. 590, 592, 481 A.2d 92 (1984) (award of only lump sum alimony and no periodic or rehabilitative alimony was abuse of discretion when court concluded plaintiff could "get some employment using her skills in embroidery and sewing" despite finding she had never worked outside home in this country) cf. *Bornemann v. Bornemann*, 245 Conn. 508, 511, 539, 752 A.2d 978 (1998) (award of rehabilitative alimony to wife for eighteen months not abuse of discretion; marriage of less than four years duration and wife college educated although with limited work

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history).”

- [de Repentigny v. de Repentigny](#), 121 Conn. App. 451, 460, 995 A.2d 117, (2010). “Time limited alimony is often awarded. [Our Supreme Court] has dealt with challenges to an award of time limited alimony on numerous occasions.... The trial court does not have to make a detailed finding justifying its award of time limited alimony.... Although a specific finding for an award of time limited alimony is not required, the record must indicate the basis for the trial court's award.... There must be sufficient evidence to support the trial court's finding that the spouse should receive time limited alimony for the particular duration established. If the time period for the periodic alimony is logically inconsistent with the facts found or the evidence, it cannot stand.... In addition to being awarded to provide an incentive for the spouse receiving support to use diligence in procuring training or skills necessary to attain self-sufficiency, time limited alimony is also appropriately awarded to provide interim support until a future event occurs that makes such support less necessary or unnecessary.’ (Internal quotation marks omitted.) *Radcliffe v. Radcliffe*, 109 Conn.App. 21, 29, 951 A.2d 575 (2008).”
- [Gamble-Perugini v. Perugini](#), 112 Conn. App. 231, 237, 962 A.2d 192, (2009). “In dissolution proceedings, the court must fashion its financial orders in accordance with the criteria set forth in General Statutes § 46b-82, which governs awards of alimony. See *Bartel v. Bartel*, 98 Conn. App. 706, 711, 911 A.2d 1134 (2006). ‘In particular, rehabilitative alimony, or time limited alimony, is alimony that is awarded primarily for the purpose of allowing the spouse who receives it to obtain further education, training, or other skills necessary to attain self-sufficiency. . . . Rehabilitative alimony is not limited to that purpose, however, and there may be other valid reasons for awarding it.’ (Internal quotation marks omitted.) *Dees v. Dees*, 92 Conn. App. 812, 820, 887 A.2d 429 (2005).”
- [Mongillo v. Mongillo](#), 69 Conn. App. 472, 479, 794 A.2d 1054 (2002). “In the present case, the court awarded one year of alimony to the plaintiff on the basis of its finding that she was underemployed and would need only a short period of time to procure full-time employment. The court made those findings after hearing evidence concerning the plaintiff's education, prior employment and earnings history. We conclude that sufficient evidence was presented to support the court's durational alimony order.”

- [Distefano v. Distefano](#), 67 Conn. App. 628, 633, 787 A.2d 675 (2002). “In accordance with General Statutes § 46b-86 (b) and the holding in *DeMaria*, [247 Conn. 715, 724 A.2d 1088 (1999)] before the payment of alimony can be modified or terminated, two requirements must be established. First, it must be shown that the party receiving the alimony is cohabitating with another individual. If it is proven that there is cohabitation, the party seeking to alter the terms of the alimony payments must then establish that the recipient's financial needs have been altered as a result of the cohabitation.”
- [Way v. Way](#), 60 Conn. App. 189, 199, 758 A.2d 884 (2000). “[L]ump sum alimony is a final judgment not modifiable by the court even if there is a change in circumstances”

DIGESTS:

- Dowling’s Digest *Dissolution of marriage* § 18
- Connecticut Family Law Citations (2017)
 - § 8.05 Lump Sum Alimony
 - § 8.06 Time Limited Alimony
 - § 8.07[11] Remarriage or Cohabitation
 - § 8.07[13] Termination

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.

- Arnold H. Rutkin et al., 8 [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
 - Chapter 33. Alimony in general
 - § 33.22. Periodic payment
 - § 33.25. Award of lump sum or property—Generally
 - § 33.26. _____ Property awarded as alimony
 - § 33.27. _____ Lump sum payments
 - § 33.28. Term of alimony
 - § 33.29. Fixed term
 - § 33.30. Indefinite duration
 - § 33.35. Effect of remarriage
 - § 33.36. Order for support of mentally ill spouse
 - § 33.37. —Time for entry of order
 - § 33.38. —Parties who may apply for order
 - § 33.39. Order for support of mentally ill spouse—Duration of obligation
 - Chapter 35. Modification of alimony provisions
 - § 35.21. Remarriage of payor
 - § 35.22. Remarriage of payee
 - § 35.23. Misconduct of the party receiving alimony
 - § 35.25. Modification of alimony based upon cohabitation
 - § 35.26. Proof of cohabitation
- 2 [Family Law Practice In Connecticut](#) (1996).
 - Chapter 9. Alimony in Divorce—Spousal Support

- § 9.9. Periodic alimony
- § 9.11. Duration of alimony
- § 9.13. Permanent versus time limited
- § 9.15. Lump sum alimony
- § 9.18. Other forms of alimony

- Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#) (Revised and updated 2003).
Chapter 11. Alimony.
Duration, p. 292
Fixed-term alimony, pp. 288-290
Open-ended alimony, p. 284-288
Termination, p. 294
- Louise Truax, Editor, [LexisNexis Practice Guide: Connecticut Family Law](#) (2018 edition).
Chapter 5. Alimony
Part IV: Establishing Permanent Alimony Orders
§ 5.21 CHECKLIST: Establishing Permanent Alimony Orders
§ 5.22 Distinguishing Between Permanent and Temporary Alimony Orders
§ 5.23 Distinguishing Lump Sum Alimony from Periodic Alimony
§ 5.24 Determining the Amount of Periodic Alimony
§ 5.25 Setting the Duration of Alimony
§ 5.26 Making Unallocated Alimony and Support Orders – Tax Considerations
§ 5.27 Using Safe Harbor Provisions
§ 5.28 Providing Security for Alimony
- Barry F. Armata et al., Editor, [A Practical Guide to Divorce in Connecticut](#) (2014).
Chapter 6. Alimony
§ 6.7 Lump-Sum Alimony
§ 6.15 Remarriage and Cohabitation

ENCYCLOPEDIAS:

- 27B [C.J.S. Divorce](#) (2016).
Temporary alimony
§§ 530-541. Temporary alimony allowance
Permanent alimony
§§ 600-609. Commencement and termination of allowance
- 24A [Am. Jur. 2d Divorce and Separation](#) (2008).
§§ 696-705. Duration of allowance
§§ 759-773. Rehabilitative alimony

LAW REVIEWS:

- Cynthia George, *Rehabilitative Alimony: Do We Have It In Connecticut*, 3 Connecticut Family Lawyer (Spring 1988)

Table 8: Connecticut's "Cohabitation Statute"

Connecticut's "Cohabitation Statute"	
<p>Conn. Gen. Stats. § 46b-86(b) (2017)</p>	<p>"(b) In an action for divorce, dissolution of marriage, legal separation or annulment brought by a spouse, in which a final judgment has been entered providing for the payment of periodic alimony by one party to the other spouse, the Superior Court may, in its discretion and upon notice and hearing, modify such judgment and suspend, reduce or terminate the payment of periodic alimony upon a showing that the party receiving the periodic alimony is living with another person under circumstances which the court finds should result in the modification, suspension, reduction or termination of alimony because the living arrangements cause such a change of circumstances as to alter the financial needs of that party. In the event that a final judgment incorporates a provision of an agreement in which the parties agree to circumstances, other than as provided in this subsection, under which alimony will be modified, including suspension, reduction, or termination of alimony, the court shall enforce the provision of such agreement and enter orders in accordance therewith."</p> <p>(P.A. 73-373, S. 23; P.A. 78-230, S. 39, 54; P.A. 86-359, S. 2, 44; P.A. 87-104; P.A. 89-360, S. 12, 45; P.A. 90-188, S. 1; 90-213, S. 46, 56; P.A. 91-76, S. 1, 7; June 18 Sp. Sess. P.A. 97-2, S. 105, 165; P.A. 01-135, S. 2, 3; P.A. 10-36, S. 6; P.A. 11-214, S. 8; P.A. 13-213, S. 4.)</p>

Section 7: Attorney's Fees and Expenses

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the awarding of attorneys' fees and expenses in action for alimony awards

STATUTES:

- Conn. Gen. Stat. (2017)
 - [§ 46b-62](#). Orders of payment of attorney's fees in certain actions
 - [§ 46b-87](#). Contempt of orders

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

FORMS:

- Arnold H. Rutkin et al., 8 [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
 - Chapter 32. Temporary alimony
 - § 32.4. Motion for alimony (Pendente Lite)—Form
- Arnold H. Rutkin et al., 8A [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
 - Chapter 45. Attorney fees and expenses
 - § 45.10. Motion for attorney and expert fees pendente lite—Form
 - § 45.13. Motion for counsel fees and expenses pending appeal—Form
 - § 45.20. Affidavit of services—Form
- Macnamara, Welsh, and George, editors. [Library of Connecticut Family Law Forms](#) (2d ed. 2014)
 - 5-040 Motion for Counsel Fees
 - 5-041 Affidavit of Services
 - 5-042 Motion for Expert Fees
- Barry F. Armata et al., Editor, [A Practical Guide to Divorce in Connecticut](#) (2014).
 - Exhibit 21 – Sample Motion for Attorney Fees, 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.

- [Hornung v. Hornung](#), 323 Conn. 144, 175-176 (2016).

"Viewed another way, the trial attorney's fees award in the present case represents less than 2 percent of the lump sum alimony award alone, not including the \$2,082,000 payment under the agreement or the \$40,000 per month periodic alimony and child support payments. Similar to the comparison with the payee's liquid assets, attorney's fees awards that represent a small portion of the payee's lump sum alimony award have been held improper, because the payee could easily pay his or her own attorney's fees out of that award, even in the wake of strong equitable factors."

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.

- [Labossiere v. Jones](#), 117 Conn. App. 211, 231, 979 A.2d 522 (2009). "A decision to award counsel fees in a marital dissolution dispute ordinarily is based on an appraisal of the respective financial ability of each party to pay his or her own fees. See General Statutes § 46b-62; *Koizim v. Koizim*, 181 Conn. 492, 500-501, 435 A.2d 1030 (1980). Where, however, 'a party has engaged in egregious litigation misconduct that has required the other party to expend significant amounts of money for attorney's fees, and where the court determines, in its discretion, that the misconduct has not been addressed adequately by other orders of the court, the court has discretion to award attorney's fees to compensate for the harm caused by that misconduct, irrespective of whether the other party has ample liquid assets and of whether the lack of such an award would undermine the court's other financial orders.' *Ramin v. Ramin*, 281 Conn. 324, 357, 915 A.2d 790 (2007); see also General Statutes § 46b-87."
- [Medvey v. Medvey](#), 83 Conn. App. 567, 575, 850 A.2d 1092 (2004). "The defendant first posits that because his financial affidavit did not reflect an ability to pay the attorney's fees sought by the plaintiff, the court abused its discretion in awarding such fees. It is, however, well settled that pursuant to § 46b-87, the court has the authority to impose attorney's fees as a sanction for noncompliance with a court's dissolution judgment and that **'that sanction may be imposed without balancing the parties' respective financial abilities.'** (Emphasis added.) *Dobozy v. Dobozy*, 241 Conn. 490, 499, 697 A.2d 1117 (1997). As such, the defendant's contention is without merit."
- [Jewett v. Jewett](#), 265 Conn. 669, 694, 830 A.2d 193 (2003). "In the present case, the trial court ordered the defendant to pay \$7500 toward the plaintiff's attorney's fees. The trial court awarded attorney's fees because it concluded that **'much of the plaintiff's accrued or already paid legal fees have been caused by the defendant's failure . . . promptly and candidly [to] comply with numerous motions and discovery.'** Moreover, the trial court awarded the plaintiff mostly nonliquid assets, such as the marital home and an interest in the defendant's pension that was not yet exercisable as of the date of dissolution. Conversely, the trial court noted that the defendant had converted most of his assets to cash. Accordingly, we find nothing in this record that persuades us that the trial court abused its discretion in ordering the defendant to pay a portion of the plaintiff's attorney's fees."
- [Koizim v. Koizim](#), 181 Conn. 492, 501, 435 A.2d 1030 (1980). "Counsel fees are not to be awarded merely because the obligor has demonstrated an ability to pay. 'Courts ordinarily award counsel fees in divorce cases so that a party

(usually the wife) may not be deprived of her rights because of lack of funds. *Krasnow v. Krasnow*, 140 Conn. 254, 265, 99 A.2d 104 (1953); *Steinmann v. Steinmann*, 121 Conn. 498, 504, 186 A. 501 (1936).’ *Ridolfi v. Ridolfi*, 178 Conn. 377, 380, 423 A.2d 85 (1979). In making its determination regarding attorney’s fees the court is directed by General Statutes 46b-62 to consider the respective financial abilities of the parties. *Murphy v. Murphy*, 180 Conn. 376, 380, 429 A.2d 897 (1980). Where, because of other orders, both parties are financially able to pay their own counsel fees they should be permitted to do so. Because the defendant had ample liquid funds as a result of the other orders in this case, there was no justification for an allowance of counsel fees.”

- [Lev v. Lev](#), 10 Conn. App. 570, 524 A.2d 674 (1987).
Propriety of an award of counsel fees to a pro se litigant

DIGESTS:

- West Key Numbers: *Divorce*
(H) Counsel fees, costs, and expenses ##1130-1181
- Dowling’s Digest *Dissolution of marriage* § 16

ENCYCLOPEDIAS:

- 24A [Am. Jur. 2d](#) *Divorce and Separation* (2008).
§§ 618-661. Suit money, counsel fees, and costs
- 27B [C.J.S.](#) *Divorce* (2016).
§§ 542-591. Attorney fees and expenses
- *Amount Of Allowance For Attorney Fees In Domestic Relations Action*, 45 POF2d 699 (1986).

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.

- Arnold H. Rutkin et al., 8A [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
Chapter 45. Fees and Costs
§ 45.2. Factors to be considered—Generally
§ 45.3. _____ Parties' financial abilities
§ 45.4. Effect of fault on claims for attorney’s fees
§ 45.5. Parties subject to attorney’s fee awards
§ 45.6. Amount of allowance
§ 45.7. Expert fees and allowances for other expenses
§ 45.8. Agreements or property settlement provisions relating to attorney fees
§ 45.9. Pendente lite award
§ 45.11. Award in final judgment
§ 45.12. Award on appeal
§ 45.14 Attorney’s fees for modification and enforcement proceedings
§ 45.15. **Attorney’s fee award as sanction**
§ 45.16. Fees for counsel for minor child or Guardian ad Litem
§ 45.17. Hearing requirements
§ 45.18. Enforcement of fee and expense awards
§ 45.19. Proof of attorney’s fee claims

Section 8: Tax Consequences of Alimony

A Guide to Resources in the Law Library

SCOPE: Taxable and deductible alimony payments, including Public Law 115-97. Public Law 115-97 made changes to the deductibility and taxability of alimony payments under federal tax law.

DEFINITION: P.L. 115-97, Sec. 11051 "This section repeals the deduction for alimony or separate maintenance payments from the payor spouse and the corresponding inclusion of the payments in the gross income of the recipient spouse." [Summary for H.R. 1—115th Congress \(2017-2018\)](#).

"Applicable to divorce or separation agreements entered into after 12/31/2018 or divorce or separation agreements modified after 12/31/2018 if they specifically mention this provision." Congressional Research Service Report, [The 2017 Tax Revision \(P.L. 115-97\): Comparison to 2017 Tax Law](#) (Feb. 6, 2018).

STATUTES: **Repeal applicable to any divorce or separation instrument executed after Dec. 31, 2018.**

You can visit your local law library or [search the most recent U.S. Code](#) on the U.S. Code website to confirm that you are accessing the most up-to-date laws.

- **[Repealed]** Internal Revenue Code § 71 [[26 USC § 71](#)] (2017). Alimony and Separate Maintenance Payments.
- **[Repealed]** Internal Revenue Code § 215 [[26 USC § 215](#)] (2017). Alimony, etc., payments.
- **[Repealed]** Internal Revenue Code § 682 [[26 USC § 682](#)] (2017). Income of an estate or trust in case of a divorce, etc.

PUBLIC LAW: • [P.L. 115-97, Section 11051](#) (Bill Text, H.R 1), 2017 Tax Reform.

REGULATIONS: • [26 CFR Part 1](#) (April 1, 2017)
Applicable Prior to Dec. 31, 2018
§ 1.71. Items specifically included in gross income
—1 Alimony and separate maintenance payments; income to wife or former wife
—1T Alimony and separate maintenance payments (temporary)
See [Table 9: Questions and Answers](#) § 1.215
—1 Periodic alimony, etc. payments
—1T Alimony, etc., payments (temporary)

FORMS: • 1B [American Jurisprudence Legal Forms](#) (2008).
§ 17: 84. Alimony and Separation—tax consequences of alimony and child support payments

• Barbara Kahn Stark, [Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce](#) (1998).
Chapter 11. Taxes.

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.

- [O'Brien v. O'Brien](#), 138 Conn. App. 544, 566, 53 A.3d 1039 (2012). “[F]or income tax purposes an unallocated award of alimony and support is deductible by the [payor] and taxable to the [payee].” *Powers v. Powers*, 186 Conn. 8, 11, 438 A.2d 846 (1982). A trial court properly may consider the tax consequences of its award. *Id.*, at 10, 438 A.2d 846.

“In this case, if the court had articulated findings pursuant to the guidelines, it may well have undercut the tax benefits afforded the parties by an award of unallocated support. Given the argument of the plaintiff’s counsel at the conclusion of trial, he and the plaintiff were well aware of the tax benefits and implications of unallocated support. Pursuant to his final argument, the plaintiff was willing to forego the tax benefits to him and pay child support beyond the limits and percentages established by the child support regulations, if the court did not award the defendant alimony.”

- [Dombrowski v. Noyes-Dombrowski](#), 273 Conn. 127, 131, 869 A.2d 164 (2005). “On appeal, the defendant claims that the trial court improperly characterized the lottery winnings as alimony as opposed to marital property because: (1) the trial court treated the lottery payments as marital property in its division of assets notwithstanding the label of alimony; and (2) the trial court’s order is inconsistent with the definition of alimony set forth in the Internal Revenue Code.”
- [Wright v. Wright](#), 284 NW2d 894, 903 (1979). “It is not the labels placed by the payment which are determinative under the federal tax law. It is the structure and effect of the payments which control the characterization.”
- [Emmons v. Commissioner](#), 36 TC 728, 738 (1961). “For purpose of section . . . 71(a), the fact that a payment is labeled ‘alimony’ is not controlling. The reports are replete with unsuccessful attempts to achieve a desired descriptive terms for the transaction involved.”

ENCYCLOPEDIAS:

- 24A [Am. Jur. 2d](#) *Divorce and Separation* (2008).
 - Temporary alimony
 - Amount of allowance
 - § 610. Spouses’ entire financial consideration
 - Permanent alimony
 - Factors or circumstances affecting amount of allowance
 - § 689. Tax consequences of alimony award
 - Modification of alimony awards
 - Circumstances affecting right to modification
 - § 746. Consideration of tax consequences
- 27B [C.J.S.](#) *Divorce* (2016).

Permanent alimony
Circumstances affecting allowance; mode and amount
of allowance
§ 617. Tax consequences

PAMPHLETS:

- [Divorced Or Separated Individuals](#) (Internal Revenue Service Publication 504 for use in preparing return – see Alimony)

**TEXTS &
TREATISES:**

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- Arnold H. Rutkin et al., 8A [Connecticut Practice Series, Family Law And Practice with Forms](#) (3d ed. 2010).
Chapter 56. Federal law affecting Connecticut domestic relations practice
§ 56.7. The impact of federal alimony rules
- Louise Truax, Editor, [LexisNexis Practice Guide: Connecticut Family Law](#) (2018 edition).
Chapter 5. Alimony
§ 5.26 Making Unallocated Alimony and Support Orders – Tax Considerations
Chapter 18. Divorce Taxation
§ 18.07 Assessing the Tax Implications of Alimony and Child Support
- Barry F. Armata et al., Editor, [A Practical Guide to Divorce in Connecticut](#) (2014).
Chapter 6. Alimony
§ 6.17 Tax Issues
- Arnold H. Rutkin, gen ed., [Family Law and Practice](#) (2017).
Chapter 40. Tax Considerations: Spousal and Child Support (by Michael Asimow)
§ 40.01[1]. General Rule.
§ 40.02. Definition of Alimony or Separate Maintenance Payments
§ 40.03. Recapture of Excess Front-Loaded Alimony Payments
§ 40.06. Federal Tax Reporting Compliance Requirements
§ 40.10. Payments Relating to Family Residence

Table 9: Questions & Answers on Alimony and Taxes

<u>26 CFR § 1.71-1T (April 1, 2017)</u> Applicable to divorce or separation instruments executed before Jan. 1, 2019.		
Q-1	What is the income tax treatment of alimony or separate maintenance payments?	A-1
Q-2	What is alimony or separate maintenance payment?	A-2
Q-5	May alimony or separate maintenance payments be made in a form other than cash?	A-5
Q-9	What are the consequences if, at the time a payment is made, the payor and payee spouses are members of the same household?	A-9
Q-12	Will a divorce or separation instrument be treated as stating that there is no liability to make payments after the death of the payee spouse if the liability to make such payments terminates pursuant to applicable local law or oral agreement?	A-12
Q-13	What are the consequences if the payor spouse is required to make one or more payments (in cash or property) after the death of the payee spouse as a substitute for the continuation of pre-death payments which would otherwise qualify as alimony or separate maintenance payments?	A-13
Q-15	What are the consequences of a payment which the terms of the divorce or separation instrument fix as payable for the support of a child of the payor spouse?	A-15

Section 9: Words & Phrases: Alimony

ALIMONY: "The term alimony usually and technically means an allowance for spousal support and is distinguishable from property division and child support." [In Re Marriage of Sjulín](#), 431 NW2d 773 (Iowa 1988).

COBRA: "Finally, the defendant claims that the court improperly ordered the defendant to pay the plaintiff's COBRA premium for three years. We disagree." [Guarascio v. Guarascio](#), 105 Conn. App. 418, 427 (2008).

CONSTRUCTIVE TRUST: "A constructive trust is an equitable remedy imposed to prevent unjust enrichment." *Gulack v. Gulack*, 30 Conn. App. 305, 311, 620 A.2d 181 (1993). [See:] "The trial court also was in error in imposing a constructive trust in favor of the defendant on the jointly owned home." [Brown v. Brown](#), 190 Conn. 345, 349, 460 A.2d 1287 (1983).

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).

COURT ORDER MUST BE OBEYED: ". . . an order entered by a court with proper jurisdiction 'must be obeyed by the parties until it is reversed by orderly and proper proceedings.' (Internal quotation marks omitted.) [*Cologne v. Westfarms Associates*, 197 Conn. 141, 145, 496 A.2d 476 (1985)] Id. We noted that a party has a duty to obey a court order 'however erroneous the action of the court may be. . . .' (Internal quotation marks omitted.) Id. We registered our agreement with the 'long-standing rule that a contempt proceeding does not open to reconsideration the legal or factual basis of the order alleged to have been disobeyed. . . .' (Internal quotation marks omitted.) Id., 148. Finally, we emphasized that 'court orders must be obeyed; there is no privilege to disobey a court's order because the alleged contemnor believes that it is invalid.'" [Mulholland v. Mulholland](#), 229 Conn. 643 649, 643 A.2d 246 (1994).

DISCRETION, ABUSE OF: "Trial courts are vested with broad and liberal discretion in fashioning orders concerning the type, duration and amount of alimony and support, applying in each case the guidelines of the General Statutes. If the court considers the relevant statutory criteria when making its alimony and support award, the award may not be disturbed unless the court has abused its discretion." [Hartney v. Hartney](#), 83 Conn. App. 553, 559, 850 A.2d 1098, cert. den. 271 Conn. 960 (2004).

EARNING CAPACITY: "While there is 'no fixed standard' for the determination of an individual's earning capacity; *Yates v. Yates*, 155 Conn. 544, 548, 235 A.2d 656 (1967); it is well settled that earning capacity 'is not an amount which a person can theoretically earn, nor is it confined to actual income, but rather it is an amount which a person can realistically be expected to earn considering such things as his vocational skills, employability, age and health.' *Lucy v.*

Lucy, 183 Conn. 230, 234, 439 A.2d 302 (1981).” [Bleuer v. Bleuer](#), 59 Conn. App. 167, 170, 755 A.2d 946 (2000).

EMPLOYMENT, CHOICE OF: “. . . as the trial court noted, the parties are entitled to pursue any employment they choose so long as they do not fraudulently restrict their earning capacity for the purpose of avoiding support obligations.” [Jewett v. Jewett](#), 265 Conn. 669, 687, 830 A.2d 193 (2003).

EQUITABLE: “The trial court may award alimony to a party even if that party does not seek it and has waived all claims for alimony. *Id.*, [102-105] (court free to reject stipulation of parties for no alimony as unfair and inequitable and to award \$1 per year alimony). A trial court may award alimony as part of the court's general equitable power.” [Porter v. Porter](#), 61 Conn. App. 791, 797-798, 769 A.2d 725 (2001).

GROSS INCOME (Additional): “The defendant first claims that the court improperly included in its alimony order a percentage of future additional gross income. We disagree In its order, the court stated that the defendant would have to pay to the plaintiff a sum equal to a percentage of his additional gross income, which would include but not be limited to cash payments, bonuses and vested stock options. The defendant argues that the court could not make this order because it was making a modification of alimony without a showing of a substantial change of circumstances. We are not persuaded by this argument.” [Guarascio v. Guarascio](#), 105 Conn. App. 418, 421-422 (2008).

LIFE INSURANCE AS SECURITY FOR ALIMONY: “The ordering of security for alimony by a trial court is discretionary under [General Statutes § 46b-82].” *Cordone v. Cordone*, supra, 51 Conn. App. [530,]534; General Statutes § 46b-82. The court's discretion, however, is not without limits. This court has held that the trial court must delve into certain matters before ordering a party to obtain life insurance to secure the payment of alimony. See *Michel v. Michel*, 31 Conn. App. 338, 341, 624 A.2d 914 (1993). Specifically, the court must engage in a search and inquiry into the cost and availability of such insurance. *Id.*; see also *Lake v. Lake*, 49 Conn. App. 89, 92, 712 A.2d 989, cert. denied, 246 Conn. 902, 719 A.2d 1166 (1998).” [Parley v. Parley](#), 72 Conn. App. 742, 746, 807 A.2d 982 (2002).

LONG ARM STATUTE: “(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.” Conn. Gen. Stats. [§ 46b-46\(b\)](#) (2017).

LUMP SUM ALIMONY: “Lump sum alimony, even where divided into instalments, is payable in full regardless of future events such as the death of the husband or the remarriage of the wife.” [Pulvermacher v. Pulvermacher](#), 166 Conn. 380, 385, 349 A.2d 836 (1974).

MOTION FOR CLARIFICATION: “. . . we conclude that where there is an ambiguous term in a judgment, a party must seek a clarification upon motion

rather than resort to self-help." [Sablosky v. Sablosky](#), 258 Conn. 713, 720, 784 A.2d 890 (2001).

NET vs. GROSS INCOME: "The court relied solely on the parties' gross incomes in fashioning the financial orders. We conclude, therefore, that the court improperly designed its financial orders by relying on the parties' gross incomes rather than on their net incomes." [Ludgin v. McGowan](#), 64 Conn. App. 355, 359, 780 A.2d 198 (2001).

NOMINAL ALIMONY: "Finally, we recognize that a **nominal alimony** award may often be appropriate when the present circumstances will not support a substantial award. Nominal awards, however, are all that are necessary to afford the court continuing jurisdiction to make appropriate modifications. We have stated that 'because some alimony was awarded, [one dollar per year] with no preclusion of modification, if the circumstances warrant, a change in the award can be obtained at some future date.' *Ridgeway v. Ridgeway*, 180 Conn. 533, 543, 429 A.2d 801 (1980); see also General Statutes § 46b-86; *Ridolfi v. Ridolfi*, 178 Conn. 377, 379-80, 423 A.2d 85 (1979). Concededly, in this case, no significant alimony appears to have been warranted at the time of trial. This was particularly true because, at the time of dissolution, the defendant's salary was roughly equal to that of the plaintiff and, with further effort, could have been increased significantly. The failure to award any alimony at the time of trial, however, permanently precluded the defendant from seeking alimony **at a future date should those circumstances change.**" [Simmons v. Simmons](#), 244 Conn. 158, 185-186, 708 A.2d 949 (1998). [Emphasis added].

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

PERMANENT ALIMONY: "Unless and to the extent that the decree precludes modification, any final order for the periodic payment of permanent alimony or support, an order for alimony or support pendente lite or an order requiring either party to maintain life insurance for the other party or a minor child of the parties may, at any time thereafter, be continued, set aside, altered or modified by the court upon a showing of a substantial change in the circumstances of either party or upon a showing that the final order for child support substantially deviates from the child support guidelines established pursuant to section 46b-215a, unless there was a specific finding on the record that the application of the guidelines would be inequitable or inappropriate. . . . Conn. Gen. Stats. [§ 46b-86\(a\)](#) (2017).

"(b) In an action for divorce, dissolution of marriage, legal separation or annulment brought by a spouse, in which a final judgment has been entered providing for the payment of periodic alimony by one party to the other spouse, the Superior Court may, in its discretion and upon notice and hearing, modify such judgment and suspend, reduce or terminate the payment of periodic alimony upon a showing that the party receiving the periodic alimony is living with another person under circumstances which the court finds should result in the modification, suspension, reduction or termination of alimony because the living arrangements cause such a change

of circumstances as to alter the financial needs of that party. In the event that a final judgment incorporates a provision of an agreement in which the parties agree to circumstances, other than as provided in this subsection, under which alimony will be modified, including suspension, reduction, or termination of alimony, the court shall enforce the provision of such agreement and enter orders in accordance therewith." [Conn. Gen. Stats. § 46b-86\(b\)](#) (2017).

REHABILITATIVE ALIMONY "In particular, rehabilitative alimony, or time limited alimony, is alimony that is awarded primarily for the purpose of allowing the spouse who receives it to obtain further education, training, or other skills necessary to attain self-sufficiency.... Rehabilitative alimony is not limited to that purpose, however, and there may be other **valid reasons for awarding it.**' (Internal quotation marks omitted.) *Dees v. Dees*, 92 Conn.App. 812, 820, 887 A.2d 429 (2006)." [Gamble-Perugini v. Perugini](#), 112 Conn. App. 231, 237, 962 A.2d 192 (2009).

REMARRIAGE: "It is true that the subsequent remarriage of a divorced woman gives rise to an inference of abandonment of her right to alimony." [Piacquadio v. Piacquadio](#), 22 Conn. Sup. 47, 49, 159 A.2d 628 (1960).

REQUEST FOR LEAVE: Official Judicial form (JD-FM-202) to be filed with Motion to Modify (JD-FM-174), if required. See Conn. Practice Book [§ 25-26](#) (2018).

STANDARD OF APPELLATE REVIEW: "A finding of contempt is a question of fact, and our standard of review is to determine whether the court abused its discretion in failing to find that the actions or inactions of the [party] were in contempt of a court order. . . . To constitute contempt, a party's conduct must be wilful. . . . Noncompliance alone will not support a judgment of contempt." (Citation omitted; internal quotation marks omitted.) [Prial v. Prial](#), 67 Conn. App. 7, 14, 787 A.2d 50 (2001).

SUBSTANTIAL CHANGE OF CIRCUMSTANCES: "(a) Unless and to the extent that the decree precludes modification, any final order for the periodic payment of permanent alimony or support, an order for alimony or support pendente lite or an order requiring either party to maintain life insurance for the other party or a minor child of the parties may, at any time thereafter, be continued, set aside, altered or modified by the court upon a showing of a substantial change in the circumstances of either party or upon a showing that the final order for child support substantially deviates from the child support guidelines established pursuant to section 46b-215a, unless there was a specific finding on the record that the application of the guidelines would be inequitable or inappropriate. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after May 9, 1991. In determining whether to modify a child support order based on a substantial deviation from such child support guidelines the court shall consider the division of real and personal property between the parties set forth in the final decree and the benefits accruing to the child as the result of such division. After the date of judgment, modification of any child support order issued before, on or after July 1, 1990, may be made upon a showing of such

substantial change of circumstances, whether or not such change of circumstances was contemplated at the time of dissolution. By written agreement, stipulation or decision of the court, those items or circumstances that were contemplated and are not to be changed may be specified in the written agreement, stipulation or decision of the court. This section shall not apply to assignments under section 46b-81 or to any assignment of the estate or a portion thereof of one party to the other party under prior law. No order for periodic payment of permanent alimony or support may be subject to retroactive modification, except that the court may order modification with respect to any period during which there is a pending motion for modification of an alimony or support order from the date of service of notice of such pending motion upon the opposing party pursuant to section 52-50. If a court, after hearing, finds that a substantial change in circumstances of either party has occurred, the court shall determine what modification of alimony, if any, is appropriate, considering the criteria set forth in section 46b-82. Conn. Gen. Stats. [§ 46b-86\(a\)](#) (2017).

TIME LIMITED ALIMONY: "There are several valid reasons for the awarding of time limited alimony. One is the 'sound policy that such awards may provide an incentive for the spouse receiving support to use diligence in procuring training or skills necessary to attain self sufficiency.' (Internal quotation marks omitted.) Id. *Roach v. Roach*, [20 Conn. App. 500, 568 A.2d 1037 (1990)] supra, 506. A time limited alimony award generally is for rehabilitative purposes, but other reasons may also support this type of alimony award. Another reason is to provide support for a spouse until some future event occurs that renders such support less necessary or unnecessary. *Ippolito v. Ippolito*, [28 Conn. App. 745, 612 A.2d 131, cert. den. 224 Conn. 905 (1992)] supra, 752; *Wolfburg v. Wolfburg*, [27 Conn. App. 396, 606 A.2d 48 (1992)] supra, 400." [Mathis v. Mathis](#), 30 Conn. App. 292, 294, 620 A.2d 174 (1993).