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**2020 Edition**

# Enforcement of Family and Foreign Matrimonial Judgments in Connecticut

A Guide to Resources in the Law Library

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# Introduction

## A Guide to Resources in the Law Library

- The violation of any court order qualifies for criminal contempt sanctions. Where, however, the dispute is between private litigants and the purpose for judicial intervention is remedial, then the contempt is civil, and any sanctions imposed by the judicial authority shall be coercive and nonpunitive, including fines, to ensure compliance and compensate the complainant for losses. Where the violation of a court order renders the order unenforceable, the judicial authority should consider referral for nonsummary criminal contempt proceedings. Conn. Practice Book [Sec. 1-21A](#) (2020).
- “. . . an order entered by a court with proper jurisdiction ‘must be obeyed by the parties until it is reversed by orderly and proper proceedings.’ (Internal quotation marks omitted.) [*Cologne v. Westfarms Associates*, 197 Conn. 141, 145, 496 A.2d 476 (1985)] Id. We noted that a party has a duty to obey a court order ‘however erroneous the action of the court may be...’ (Internal quotation marks omitted.) Id. **We registered our agreement with the ‘long-standing rule that a contempt proceeding does not open to reconsideration the legal or factual basis of the order alleged to have been disobeyed...’** (Internal quotation marks omitted.) Id., at 148. Finally, we emphasized that **‘court orders must be obeyed; there is no privilege to disobey a court’s order because the alleged contemnor believes that it is invalid.’**” [Mulholland v. Mulholland](#), 229 Conn. 643, 649, 643 A.2d 246 (1994).
- **“Although the court does not have the authority to modify a property assignment, a court, after distributing property, which includes assigning the debts and liabilities of the parties, does have the authority to issue postjudgment orders effectuating its judgment.”** (Internal quotation marks omitted.) [Richman v. Wallman](#), 172 Conn. App. 616, 620, 161 A.3d 666 (2017).
- **“To find a party in contempt, a trial court must conclude that a party has disobeyed an order of the court. Contempt is a disobedience to the rules and orders of a court which has power to punish for such an offense... A civil contempt is one in which the conduct constituting the contempt is directed against some civil right of an opposing party and the proceeding is initiated by him.’** (Citations omitted; internal quotation marks omitted.) [Fitzgerald v. Fitzgerald](#), 16 Conn. App. 548, 551, 547 A.2d 1387, cert. denied, 210 Conn. 802, 553 A.2d 615 (1988).” [Castro v. Castro](#), 31 Conn. App. 761, 764, 627 A.2d 452 (1993).
- Following a review of persuasive indirect civil contempt case law, we ultimately conclude that, under Connecticut law, such proceedings should be proven by clear and convincing evidence. This determination is aligned with the courts of our sister states . . . as well as federal courts. . . . This heightened standard of proof adequately characterizes the level of certainty appropriate to justify civil contempt sanctions, especially when those sanctions may include incarceration...” (Internal quotation marks omitted.) [Brody v Brody](#), 315 Conn. 300, 318–19, 105 A.3d 887 (2015).

# Section 1: Contempt

A Guide to Resources in the Law Library

## **SCOPE:**

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

## **SEE ALSO:**

- [Enforcing Money Judgments](#)
- [Enforcing Alimony](#)
- [Enforcement of Child Support](#)

## **DEFINITIONS:**

- "Contempt is a disobedience to the rules and orders of a court which has power to punish for such an offense . . . Contempt may be civil or criminal in character . . . A civil contempt is one in which the conduct constituting the contempt is directed against some civil right of an opposing party and the proceeding is initiated by him . . . Criminal contempt is conduct which is directed against the dignity and authority of the court. In such a case, the court may punish the offender on its own motion, without the presentation of any charge, formal or otherwise, and solely upon facts within its own knowledge. When the offense is committed in the presence of the court, **punishment may be imposed at once.**" [State v. Jackson](#), 147 Conn. 167, 168-169, 158 A.2d 166, 167 (1960).
- "Contempts of court may also be classified as either direct or indirect, 'the test being whether the contempt is offered within or outside the presence of the court.' 17 Am. Jur. 2d, Contempt § 6; see also Goldfarb, [The Contempt Power (1963)] 67-77. A refusal to comply with an injunctive decree is an indirect contempt of court because it occurs outside the presence of the trial court." [Cologne v. Westfarms Associates](#), 197 Conn. 141, 150, 496 A.2d 476, 482 (1985).
- Following a review of persuasive indirect civil contempt case law, we ultimately conclude that, under Connecticut law, such proceedings should be proven by clear and convincing evidence. [Brody v. Brody](#), 315 Conn. 300, 318-19, 105 A.3d 887 (2015).

## **STATUTES:**

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

- Conn. Gen. Stat. (2019).
  - [Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
    - [§ 46b-87](#). Contempt of orders
  - [Chapter 871](#). Courts
    - [§ 51-33](#). Punishment for contempt of court
  - [Chapter 901](#). Damages, Costs and Fees
    - [§ 52-256b](#). Award of attorney's and officer's fees in contempt action

## **COURT RULES:**

- Conn. Practice Book (2020).
  - [Chapter 1](#). Scope of Rules

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

- § 1-13A. Contempt
- § 1-14. —Criminal contempt
- § 1-16. —Summary criminal contempt
- § 1-17. —Deferral of proceedings
- § 1-18. —Nonsummary contempt proceedings
- § 1-19. —Judicial authority disqualification in nonsummary contempt proceedings
- § 1-20. —Where no right to jury trial in nonsummary proceeding
- § 1-21. —Nonsummary judgment
- § 1-21A. —Civil contempt

[Chapter 25](#). Superior Court—Procedure in Family Matters

- § 25-27. Motion for contempt
- § 25-63. Right to counsel in family civil contempt proceedings
- § 25-64. —Waiver

**COURT FORMS:**

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

- [Filing a Motion for Contempt](#)
- [JD-FM-173](#). Motion for Contempt/Contempt Citation
- [JD-FM-173H](#). Motion for Contempt/Contempt Citation Help File
- [JD-FM-124](#). Contempt Proceedings Upon Failure of Payer of Income to Comply with Withholding Order for Support
- 3 Connecticut Practice Series. *Civil Practice Forms*, 4th ed., by Joel M. Kaye and Wayne D. Effron, 2014, Thomson West, with 2020 supplement (also available on Westlaw).
  - Form 506.2. Motion for contempt pendente lite [post judgment]
  - Form 506.3. Motion for contempt—Failure to pay alimony and support
- Amy Calvo MacNamara, Aidan R. Welsh, and Cynthia Coulter George, Editors, *Library of Connecticut Family Law Forms*, 2<sup>nd</sup> ed., Connecticut Law Tribune, 2014.
  - Form 5-036. Motion for contempt re: automatic orders
  - Form 16-007. Motion for contempt re: alimony payments

**CASES:**

- [Hall v. Hall](#), 182 Conn. App. 736, 738 (2018). "On appeal, the plaintiff claims that the court (1) improperly held him in contempt although he allegedly relied on the advice of counsel when he withdrew the funds, and (2) improperly denied the parties' joint motion to open and vacate the judgment of contempt. We affirm the judgment of the trial court."
- [Parisi v. Parisi](#), 315 Conn. 370, 384-385, 107 A.3d 920, 929-930 (2015). "Applying the foregoing principles to the

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

present matter, we conclude that the alimony buyout provision of the parties' separation agreement is ambiguous, thereby precluding a finding of contempt. To begin, it is unclear whether the payment at issue was intended to be in the nature of a property distribution or lump sum alimony . . . . The nature of the payment, if it were clear, might have been instructive as to what the parties intended regarding the manner of payment because, as the defendant contends, alimony is intended to provide the payee spouse ongoing support and, as such, ought to be readily accessible. Additionally, it is unclear whether the parties, in specifying that the **payment be 'nontaxable and nondeductible,'** were contemplating, as the plaintiff claims, that only the initial transfer itself meet those qualifications, or rather, as the defendant suggests, the qualifications apply more broadly to include her subsequent liquidation of the funds for her use . . . . Finally, as to what forms of payment were acceptable for the satisfaction of the alimony buyout provision, the agreement is completely silent. Taken together, the **foregoing factors render the parties' agreement unclear as to the issue at hand."**

- [Brody v. Brody](#), 315 Conn. 300, 318–19, 105 A.3d 887 (2015). Following a review of persuasive indirect civil contempt case law, we ultimately conclude that, under Connecticut law, such proceedings should be proven by clear and convincing evidence. This determination is aligned with the courts of our sister states . . . . as well as federal courts. . . . This heightened standard of proof adequately characterizes the level of certainty appropriate to justify civil contempt sanctions, especially when those sanctions may include incarceration..." (**Internal quotation marks omitted.**)
- [Pace v. Pace](#), 134 Conn. App. 212, 222, 39 A.3d 756, 762-763 (2012). "Practice Book § 25–26 permits the court, when a party who is in arrears files a motion for modification, to consider whether the arrearage has accrued without sufficient excuse so as to constitute contempt and to determine whether any modification of alimony and child support shall be ordered prior to the payment of any arrearage found to exist. The court apparently did not find credible the plaintiff's claim that he was unable to pay alimony and child support, and found his claim in his motion for modification that he depleted his retirement accounts in order to pay his support obligations to be factually inaccurate. We cannot conclude that it was an abuse of discretion for the court to order the plaintiff to pay the arrearage not only in light of Practice Book § 25–26, but also because the defendant's motion for contempt was considered simultaneously with the plaintiff's motion for modification."

- [Giordano v. Giordano](#), 127 Conn. App. 498, 502, 14 A.3d 1058, 1061 (2011). “[O]ur analysis of a [civil] judgment of contempt consists of two levels of inquiry. First, we must resolve the threshold question of whether the underlying order constituted a court order that was sufficiently clear and unambiguous so as to support a judgment of contempt.... This is a legal inquiry subject to de novo review.... Second, if we conclude that the underlying court order was sufficiently clear and unambiguous, we must then determine whether the trial court abused its discretion in issuing, or refusing to issue, a judgment of contempt, which includes a review of the **trial court’s** determination of whether the violation was wilful or excused by a good faith dispute or **misunderstanding.**’ (Internal quotation marks omitted.) [In re Marcus S.](#), 120 Conn. App. 745, 749–50, 994 A.2d 253, cert. denied, 297 Conn. 914, 995 A.2d 955 (2010).”
- [Behrns v. Behrns](#), 124 Conn. App. 794, 809, 6 A.3d 184, 195-196 (2010). “In Connecticut, the general rule is that a court order must be followed until it has been modified or successfully challenged. [Eldridge v. Eldridge](#), [supra, 244 Conn. at 530, 710 A.2d 757]; [Behrns v. Behrns](#), [supra, 80 Conn.App. at 289, 835 A.2d 68]. Our Supreme Court repeatedly has advised parties against engaging in ‘self-help’ and has stressed that an ‘order of the court must be obeyed until it has been modified or successfully challenged.’... [Sablosky v. Sablosky](#), [258 Conn. 713, 719, 784 A.2d 890 (2001)].”
- [Rivnak v. Rivnak](#), 99 Conn. App. 326, 335, 913 A.2d 1096, 1103 (2007). “Contempt proceedings are a proper means of enforcing a court order of child support. A willful failure to pay court ordered child support as it becomes due constitutes indirect civil contempt.’ [Mulholland v. Mulholland](#), 31 Conn. App. 214, 220, 624 A.2d 379 (1993), aff’d, 229 Conn. 643, 643 A.2d 246 (1994); see also General Statutes § 46b-215.”

**WEST KEY NUMBERS:**

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

**DIGESTS:**

- Amy Calvo MacNamara and Cynthia C. George, *Connecticut Family Law Citations*, LexisNexis, 2020.  
Chapter 12: Enforcement of Orders

**ENCYCLOPEDIAS:**

- 24A *Am. Jur. 2d* Divorce and Separation (2018).  
III. Spousal Support; Alimony and Other Allowances  
Enforcement of Judgment, Decree, or Order;  
Provisional Remedies  
§§ 775-777. Contempt proceedings

IV. Child Custody and Support; Visitation Rights  
Child Support  
§§ 935-943. Contempt

**TEXTS &  
TREATISES:**

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

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

- Louise Truax, Editor, *LexisNexis Practice Guide: Connecticut Family Law*, LexisNexis, 2020.  
Chapter 17. Enforcement of Orders  
Part II. Filing Motions for Contempt  
§ 17.03. CHECKLIST: Filing motions for contempt  
§ 17.04. Assessing the statutory and practice book requirements for contempt motions
- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms* 3<sup>rd</sup> ed. 2010, with 2020 supplement (also available on Westlaw).  
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: 17. Contempt penalties and terms of payment  
§ 34: 18. Contempt penalties—Incarceration
- Connecticut Bar Association, *Connecticut Lawyers' Deskbook: A Reference Manual* (3<sup>rd</sup> ed. 2008).  
Chapter 19. Dissolution of Marriage, Barbara A. Stark and Sheri L. Berman  
Enforcement
- 3 Connecticut Practice Series. *Civil Practice Forms*, 4th ed., by Joel M. Kaye and Wayne D. Efron, 2014, Thomson West, with 2020 supplement (also available on Westlaw).  
**Authors' Commentary** for Form 506.2
- 4 Arnold H. Rutkin, *Family Law and Practice*, Matthew Bender, 2020 (also available on Lexis Advance).  
Chapter 47. Enforcement of Court Orders  
§ 47.06. Contempt, relief to litigant and incarceration  
[1] Introduction  
[2] Necessity to show intentional default  
[a] Constitutional considerations; Notice and hearing requirements  
[3] Necessity to show lack of effectiveness of other remedies  
[4] Extent of arrears  
[5] Hearing considerations; Proof requirements  
[a] Use of disclosure devices  
[b] Selection and orientation of witnesses and client  
[6] Right to purge



[8] Orders in aid of enforcement of litigant's rights  
[9] Commitment  
[10] Summary proceedings in courts of limited jurisdiction

**LAW REVIEWS:**

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

- Manuel D. Leal, *Why There Is Disobedience of Court Orders: Contempt of Court and Neuroeconomics*, 26 *QLR* 1015 (2008).

# Section 2: Defenses to Contempt

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to defenses of contempt in Connecticut.

## **SEE ALSO:**

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

## **DEFINITION:**

- “The inability of the defendant to obey an order of the court, without fault on his part, is a good defense to a charge of contempt.” [Tobey v. Tobey](#), 165 Conn. 742, 746, 345 A.2d 21, 24 (1974).
- “To constitute contempt, a party’s conduct must be willful.... Noncompliance alone will not support a judgment of contempt.” [Bowers v. Bowers](#), 61 Conn.App. 75, 81, 762 A.2d 515 (2000), cert. granted on other grounds, 255 Conn. 939, 767 A.2d 1211 (2001).” [Priol v. Priol](#), 67 Conn. App. 7, 14, 787 A.2d 50, 55 (2001).
- “It is also logically sound that a person must not be found in contempt of a court order when ambiguity either renders compliance with the order impossible, because it is not clear enough to put a reasonable person on notice of what is required for compliance, or makes the order susceptible to a court’s arbitrary interpretation of whether a party is in compliance with the order.” (Internal quotation marks omitted.) [Parisi v. Parisi](#), 315 Conn. 370, 382, 107 A.3d 920, 928 (2015).

## **COURT RULES:**

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

- Conn. Practice Book (2020).
  - [Chapter 23](#). Miscellaneous Remedies and Procedures § 23-20. Review of civil contempt
  - [Chapter 25](#). Superior Court—Procedure in Family Matters § 25-27. Motion for contempt

## **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.

- [Giordano v. Giordano](#), 200 Conn. App. 130, -- A.3d -- (2020). “In the absence of a clear and unambiguous order underpinning the court’s finding of contempt, and on the basis of the court’s own finding of ambiguity within the alimony order, we conclude that the record does not support the court’s conclusion that the defendant’s failure to pay the then existing alimony order was willful, and, therefore, that the standard for a finding of contempt was not satisfied.

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

- [Bolat v. Bolat](#), 182 Conn. App. 468, 480 (2018). “[A] court may not find a person in contempt without

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

- [Gabriel v. Gabriel](#), 324 Conn. 324, 152 A.3d 1230 (2016). **“In the present case, the two specified conditions were satisfied, namely, the trial court transferred primary physical custody to the plaintiff in May, 2012, and made no determination with respect to the preexisting unallocated alimony and child support order. Therefore, § 46b–224 was automatically invoked and the portion of the preexisting unallocated alimony and child support order that was attributable to child support was suspended. As a result, at the time that the plaintiff unilaterally reduced his payment to the defendant in October, 2012, there was no longer a clear and unambiguous order of the trial court requiring him to pay a specific amount of money to the defendant. To the contrary, because the original order of the court provided for unallocated alimony and support and an unspecified portion of that order was subsequently suspended, there was no longer a clear and unambiguous order of the trial court regarding the plaintiff’s support obligations.”** (p. 333)

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

- [Aliano v. Aliano](#), 148 Conn. App. 267, 277-278, 85 A.3d 33, 39-40 (2014). **“The court articulated that the defendant lacked the ability to pay \$100,000 to the plaintiff . . . . The court also stated in its articulation that it found that the defendant’s interpretation of the court order was reasonable and made in good faith, and thus did not amount to wilful disobedience. The contempt remedy is particularly harsh ... and may be founded solely upon some clear and express direction of the court.... A good faith dispute or legitimate misunderstanding of the terms of an alimony or support obligation may prevent a finding that the payor’s nonpayment was wilful. This does not mean, however, that such a dispute or misunderstanding will preclude a finding of wilfulness as a predicate to a judgment of contempt. Whether it will**

preclude such a finding is ultimately within the trial court's discretion.' (Internal quotation marks omitted.) *Behrns v. Behrns*, supra, 124 Conn.App. at 808, 6 A.3d 184; see also *Martocchio v. Savoie*, supra, 130 Conn.App. at 630, 23 A.3d 1282."

- [Carpender v. Sigel](#), 142 Conn. App. 379, 67 A.3d 1011, 1013-1015 (2013). "The defendant filed a post-judgment motion for contempt requesting that the plaintiff be held in contempt for her failure to comply with the payment of educational and other expenses...." (p. 382)

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

- [Miller v. Miller](#), 124 Conn. App. 36, 38, 3 A.3d 1018, 1019-1020 (2010). "The defendant also filed a 'motion for contempt, modification and termination,' alleging that the plaintiff had violated the separation agreement by failing to notify him that she had been cohabiting with another individual. In its ruling on the contempt motions, filed January 2, 2009, the court found that the defendant had failed to establish that the plaintiff had been cohabiting with another individual. The court did not find the defendant in contempt, however, because the court concluded that his actions did not constitute a willful violation of the court's order. In this regard, the court found that although he was mistaken in his belief that the plaintiff was cohabiting, the defendant, nonetheless, honestly believed that he was no longer required to make alimony payments."
- [Nunez v. Nunez](#), 85 Conn. App. 735, 739-740, 858 A.2d 873, 876 (2004). "In *Mallory v. Mallory*, 207 Conn. 48, 57, 539 A.2d 995 (1988), the defendant father claimed that he was too poor to meet his court-ordered financial obligations. Our Supreme Court, after stating that inability to obey an order qualifies as a proper defense to contempt, stated: 'The defendant in the case at bar, however, failed to seek a modification of his child support obligations until after the plaintiff had instituted contempt proceedings against him. In these circumstances, the trial court did not err in finding the defendant in contempt, at least in regard to the child support arrearage accumulated before he sought a modification of the child support

orders.’ *Id.* It concluded that under those circumstances, a finding of contempt was proper. Subsequently, in *Sablosky v. Sablosky*, *supra*, 258 Conn. 713, our Supreme Court stated that ‘[a]lthough one party may believe that his or her situation satisfies this standard [of changed circumstance], *until a motion is brought to and is granted by the court, that party may be held in contempt in the discretion of the trial court if, in the interim, the complaining party fails to abide by the support order.*’ (Emphasis added.) *Id.*, at 722, 784 A.2d 890; see also *Bunche v. Bunche*, 36 Conn.App. 322, 325, 650 A.2d 917 (1994) (order of court must be obeyed until modified or successfully challenged).”

- [Farrell v. Farrell](#), 36 Conn. App. 305, 309, 650 A.2d 608, 611 (1994). “The defendants also argue that the trial court incorrectly found by clear and convincing evidence that the three properties had been fraudulently conveyed. ‘A party who seeks to set aside a conveyance as fraudulent bears the burden of proving that the conveyance was made without substantial consideration and that, as a result, the transferor was unable to meet his obligations (constructive fraud) or that the conveyance was made with fraudulent intent in which the transferee participated (actual fraud).’ *Tessitore v. Tessitore*, 31 Conn. App. 40, 42, 623 A.2d 496 (1993). ‘A fraudulent conveyance must be proven by clear and convincing evidence.’ *Id.* at 43, 623 A.2d 496. Whether a conveyance is fraudulent is purely a question of fact. *Tyers v. Coma*, 214 Conn. 8, 11, 570 A.2d 186 (1990).”

**WEST KEY NUMBERS:**

- *Divorce*  
1100-1123. Contempt.  
1106. Defenses and excuses.

**DIGESTS:**

- Amy Calvo MacNamara and Cynthia C. George, *Connecticut Family Law Citations*, LexisNexis, 2020.  
Chapter 12: Enforcement of Orders  
§ 12.01[2] Defenses

**ENCYCLOPEDIAS:**

- 24A *Am. Jur. 2d* Divorce and Separation (2018).  
III. Spousal Support; Alimony and Other Allowances  
Enforcement of Judgment, Decree, or Order;  
Provisional Remedies  
§§ 926-931. Contempt proceedings—Defenses  
IV. Child Custody and Support; Visitation Rights  
Child Support  
§§ 941-943. Contempt—Defenses

**TEXTS & TREATISES:**

- Louise Truax, Editor, *LexisNexis Practice Guide: Connecticut Family Law*, LexisNexis, 2020.  
Chapter 17. Enforcement of Orders  
Part III. Asserting Defenses to a Motion for Contempt

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

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

§ 17.11. CHECKLIST: Asserting defenses to a motion for contempt

§ 17.12. Asserting defenses to a motion for contempt—In general

§ 17.13. Defending a contempt motion based on inability to pay

§ 17.15. Asserting waiver as a defense

- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms* 3<sup>rd</sup> ed., 2010, Thomson West, with 2020 supplement (also available on Westlaw).
  - Chapter 34. Enforcement of Alimony and Child Support Provisions of Judgment
    - § 34:11. Excuse or defense to contempt claim
    - § 34:12. Inability to comply
    - § 34:13. Irregularities or uncertainties as to terms of original order
- Connecticut Bar Association, *Connecticut Lawyers' Deskbook: A Reference Manual* (3<sup>rd</sup> ed. 2008).
  - Chapter 19. Dissolution of Marriage, Barbara A. Stark and Sheri L. Berman
    - Enforcement
- 3 Connecticut Practice Series. *Civil Practice Forms*, 4th ed., by Joel M. Kaye and Wayne D. Effron, 2014, Thomson West, with 2020 supplement (also available on Westlaw).
  - Authors' Commentary for Form 506.2**
- 4 Arnold H. Rutkin, *Family Law and Practice*, Matthew Bender, 2020 (also available on Lexis Advance).
  - Chapter 47. Enforcement of Court Orders
    - § 47.06. Contempt, relief to litigant and incarceration
      - [7] Contempt defenses
        - [a] Generally
        - [b] Inability to comply
        - [c] Substantial compliance
        - [d] Waiver and agreement
        - [e] Reconciliation
        - [f] Other defenses

## Section 2a: Laches and Estoppel

A Guide to Resources in the Law Library

### **SCOPE:**

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

### **DEFINITIONS:**

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

### **CASES:**

- [Kasowitz v. Kazowitz](#), 140 Conn. App. 507, 513-514, 59 A.3d 347, 350-351 (2013). "Laches is an equitable defense that consists of two elements. First, there must have been a delay that was inexcusable, and, second, that delay must have prejudiced the defendant.... The mere lapse of time does not constitute laches ... unless it results in prejudice to the defendant ... as where, for example, the defendant is led to change his position with respect to the matter in question.... Thus, prejudicial delay is the principal element in establishing the defense

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of laches.... The standard of review that governs appellate claims with respect to the law of laches is well established. A conclusion that a plaintiff has been guilty of laches is one of fact.... **We must defer to the court's findings of fact unless they are clearly erroneous.**' (Citations omitted; internal quotation marks omitted.) *Cifaldi v. Cifaldi*, 118 Conn. App. 325, 334–35, 983 A.2d 293 (2009); see also *Jarvis v. Lieder*, 117 Conn. App. 129, 149, 978 A.2d 106 (2009); *Sablosky v. Sablosky*, 72 Conn. App. 408, 413, 805 A.2d 745 (2002) . . . On the basis of this record, the **court's finding that the plaintiff's delay was excusable was not clearly erroneous. Therefore, the court properly rejected the defendant's claim of laches."**

- [Culver v. Culver](#), 127 Conn. App. 236, 247-248, 17 A.3d 1048, **1056 (2011)**. ". . . the facts of this case do not demonstrate that the defendant exercised due diligence in ascertaining **the legal effect of the parties' oral agreement.** 'It is fundamental that a person who claims an estoppel must show that he has exercised due diligence to know the truth, and that he not only did not know the true state of things but also lacked any reasonably available **means of acquiring knowledge.**' (Internal quotation marks omitted.) *Riscica v. Riscica*, supra, 101 Conn.App. at 205, 921 A.2d 633; see also *Boyce v. Allstate Ins. Co.*, 236 Conn. 375, 385–86, 673 A.2d 77 (1996) . . . The defendant cannot seek equitable relief premised on a theory of estoppel due to his own failure to cause the **parties' oral agreement to become a court order."**
- [Fromm v. Fromm](#), 108 Conn. App. 376, 387-388, 948 A.2d 328, **335 (2008)**. "Unlike *Bozzi*, [Bozzi v. Bozzi, 177 Conn. 232] the claimed prejudice in the present case is the fact that the defendant deliberately made it impossible for the plaintiff to comply with his alimony and support **obligations. She also made no 'motion in the Superior Court alleging the plaintiff's wilful failure to pay alimony and child support.'** The record supports the plaintiff's contention that he changed his position regarding his obligations as a result of her conduct . . . In light of the foregoing, we conclude as a matter of law that the defendant is guilty of laches in the present case. Her delay of more than one decade in filing her claim for arrearages, during which the plaintiff had no means of contacting her, **was inexcusable and prejudiced the plaintiff."**
- [Piacquadio v. Piacquadio](#), 22 Conn. Supp. 47, 50, 159 A.2d **628, 630 (1960)**. "while a wife's long delay in attempting to enforce alimony payments does not destroy or affect the obligation of the husband to obey the order of the court, such delay is properly to be considered in determining whether a husband should be held in contempt for failure to pay. Not only may a wife's right to alimony be abandoned . . . but by her laches a divorced



wife may be barred from the equitable aid of the court to secure payment of alimony arrears through use of the power of the court to punish for contempt.”

**WEST KEY NUMBERS:**

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

**DIGESTS:**

- Amy Calvo MacNamara and Cynthia C. George, *Connecticut Family Law Citations*, LexisNexis, 2020.
  - Chapter 12: Enforcement of Orders
  - Chapter 18: Miscellaneous
    - § 18.04[1] Equitable Estoppel
    - § 18.04[2] Laches

**ENCYCLOPEDIAS:**

- George L. Blum, Annotation, Laches or acquiescence as defense, so as to bar recovery of arrearages of permanent alimony or child support, 22 *ALR 7th* 1 (2017).
- 24A *Am. Jur. 2d* Divorce and Separation (2018).
  - III. Spousal Support; Alimony and Other Allowances
  - Enforcement of Judgment, Decree, or Order;
  - Provisional Remedies
    - § 784. Contempt proceedings—Defenses—Generally

**TEXTS & TREATISES:**

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

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

- Louise Truax, Editor, *LexisNexis Practice Guide: Connecticut Family Law*, LexisNexis, 2020.
  - Chapter 17. Enforcement of Orders
    - Part III. Asserting Defenses to a Motion for Contempt
      - § 17.14. Defending a motion for contempt based upon laches and equitable estoppel
- 3 Connecticut Practice Series. *Civil Practice Forms*, 4th ed., by Joel M. Kaye and Wayne D. Efron, 2014, Thomson West, with 2020 supplement (also available on Westlaw).  
**Authors’ Commentary for Form 506.2**
- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms* 3<sup>rd</sup> ed., 2010, Thomson West, with 2020 supplement (also available on Westlaw).
  - Chapter 34. Enforcement of Alimony and Child Support Provisions of Judgment
    - § 34: 14. Laches and/or estoppel as a defense to contempt
    - § 34: 15. Estoppel—In kind payments or other modifications

# Section 3: Foreign Matrimonial Judgments in Connecticut under UIFSA

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the filing and enforcement in Connecticut of matrimonial judgments from other jurisdictions under the Uniform Interstate Family Support Act (UIFSA), effective July 1, 2015. The case law cited discusses previous versions of UIFSA.

## **SEE ALSO:**

- Foreign Matrimonial Judgments in Connecticut under RURESA ([Section 4](#))

## **DEFINITIONS:**

- **UIFSA Definitions:** Conn. Gen. Stat. § [46b-302](#) (2019)
- **Registration of Support Orders:** "A support order or income-withholding order issued in another state or a foreign support order may be registered in this state for enforcement." Conn. Gen. Stat. § [46b-370](#) (2019)

## **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. (2019).
  - [Chapter 815y\\*](#). Paternity matters
    - § 46b-179. Foreign paternity judgments
    - § 46b-179a. Registry of foreign paternity judgments. Filing of certified copy and certification of final judgment.
    - § 46b-179b. Enforcement of foreign paternity judgment.
    - § 46b-179c. Notification of filing judgment. Proof of service to be filed with court.
    - § 46b-179d. Enforcement of foreign paternity judgment stayed by other pending actions.
  - [Chapter 817](#). Uniform Interstate Family Support Act (§§ 46b-301-46b-425)
    - § 46b-302. Definitions
    - § 46b-303. State tribunal and support enforcement agency
    - § 46b-311. Bases for jurisdiction over nonresident
    - § 46b-312. Duration of personal jurisdiction
    - § 46b-314. Simultaneous proceedings
    - § 46b-315. Continuing, exclusive jurisdiction to modify child support order
    - § 46b-316. Continuing jurisdiction to enforce child support order
    - § 46b-317. Determination of controlling child support order
    - § 46b-329. Application of law of State of CT Judicial Branch
    - § 46b-370. Registration of order for enforcement

- § 46b-371. Procedure to register order for enforcement
- § 46b-377. Notice of registration of order
- § 46b-378. Procedure to contest validity or enforcement of registered support order
- § 46b-384. Procedure to register child support order of another state for modification
- § 46b-388. Jurisdiction to modify child support order of another state when individual parties reside in this state.
- § 46b-393. Jurisdiction to modify child support order of foreign country
- § 46b-394. Procedure to register child support order of foreign country for modification

**United States Code**

- 28 U.S.C. (2020)  
  - [§ 1738B](#) Full faith and credit for child support orders

**PUBLIC ACTS:**

- [Public Act 16-13](#) *An Act Renaming The Bureau Of Child Support Enforcement To The Office Of Child Support Services.* (effective from passage).
- [Public Act 15-71](#) *An Act Adopting the Uniform Interstate Family Support Act Of 2008* (effective 7/1/2015).

**REGULATIONS:**

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

- Conn. Agencies Regs.  
 Title IV-D Child Support Enforcement Program  
  - [§ 17b-179\(m\)-5](#). Establishment of support orders
  - [§ 17b-179\(m\)-10](#). Provision of services in interstate IV-D cases
    - (a) Central registry
    - (b) Responding state functions
    - (c) Initiating state functions

**CASES:**

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

- [Studer v. Studer](#), 320 Conn. 483, 484, 131 A.3d 240 (2016). **"The sole issue in this appeal is whether the trial court properly concluded that the duration of a child support order was governed by the law of the state in which it was originally issued.... We disagree with the defendant's claim and, accordingly, affirm the judgment of the trial court."**
- [Testa v. Geressy](#), 286 Conn. 291, 310-311, 943 A.2d 1075, 1086-1087 (2008). **"We conclude that the unambiguous text of both §§ 46b-212t (a) and 46b-231 (t) (2) gives the state express statutory authority to provide legal services on behalf of support enforcement services in assisting the defendant in this action. Indeed, our conclusion is buttressed by the relevant state**

regulations, as § 17b-179(m)-10 (b) of the Regulations of Connecticut State Agencies provides in relevant part: “When Connecticut is the responding state, [support enforcement division, now known as support enforcement services] shall: (1) serve as the **support enforcement agency** under [the Uniform Interstate Family Support Act] and provide **any necessary services** within the applicable timeframes for the given services which shall include paternity and support obligation establishment, **in conjunction with the [attorney general’s office], enforcement of court orders**, and collection and monitoring of support payments . . . .” (Emphasis added).”

- [Fish v. Igoe](#), 83 Conn. App. 398, 402-403, 849 A.2d 910, 913 (2004). “In this case, the child support order, originally rendered in Massachusetts, was registered in Connecticut under UIFSA. As a consequence, we look to General Statutes § 46b-213q (a), which governs the modification of a child support order from another state. Section 46b-213q (a)(1) and (2) set forth alternate ways to confer jurisdiction on a Connecticut family support magistrate to modify a child support order issued in another state. In this case, the three requirements of § 46b-213q (a)(1) were satisfied with respect to the January 30, 2001 modification. Pursuant to subdivision (2) of the statute, a dual filing of written consent is merely an alternate way to modify an out-of-state child support order. Consequently, we conclude that the family support magistrate had jurisdiction to modify the child support order on January 30, 2001.

General Statutes § 46b-213q (d) settles the plaintiff’s other jurisdictional argument. Once the original order was modified in Connecticut on January 30, 2001, the family support magistrate had continuing, exclusive jurisdiction **to decide the plaintiff’s** subsequent motion to modify the child support order on December 16, 2002. Accordingly, the plaintiff’s **subject matter jurisdiction claim fails.**”

**WEST KEY NUMBERS:**

- *Divorce*  
1400-1476. Foreign divorces.

**ENCYCLOPEDIAS:**

- Kurtis A. Kemper, Annotation, *Construction and application of Uniform Interstate Family Support Act*, 90 *ALR5th* 1 (2001).
- 23 *Am. Jur. 2d Desertion and Nonsupport* (2013).  
II. Uniform Acts  
§ 74. Uniform Interstate Family Support Act  
§§ 75-84. Interstate enforcement of support orders under uniform acts
- 24A *Am. Jur. 2d Divorce and Separation* (2018).

- VI. Foreign Divorces
  - Decrees Concerning Alimony, Child Support, Child Custody, and Visitation
    - §§ 1046-1056. Alimony—Under the Uniform Interstate Family Support Act
    - § 1061. Child Support—Uniform Interstate Family Support Act

**TEXTS & TREATISES:**

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

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

- Louise Truax, Editor, *LexisNexis Practice Guide: Connecticut Family Law*, LexisNexis, 2020.
  - Chapter 2. Jurisdiction
    - Part X: Applying the Uniform Interstate Family Support Act
      - § 2.51. CHECKLIST: Applying the Uniform Interstate Family Support Act
      - § 2.52. Asserting jurisdiction over nonresidents
      - § 2.53. Establishing support orders when there are simultaneous proceedings in another state
      - § 2.54. Continuing exclusive jurisdiction
  - Chapter 7. Child Support.
    - Part II: Asserting Jurisdiction for Child Support and UIFSA.
- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms* 3<sup>rd</sup> ed., 2010, Thomson West, with 2020 supplement (also available on Westlaw).
  - Chapter 31. Jurisdiction to Award Alimony
    - § 31:7. Continuing jurisdiction
  - Chapter 34. Enforcement of Alimony and Child Support Provisions of Judgment
    - § 34:3. Jurisdiction for enforcement
  - Chapter 36. Jurisdiction to Award Child Support
    - § 36:7. Continuing jurisdiction
- 5 Arnold H. Rutkin, *Family Law and Practice*, Matthew Bender, 2020 (also available on Lexis Advance).
  - Chapter 48. Interstate Support Proceedings
    - § 48.03. Uniform Interstate Family Support Act [8] Enforcement and modification of child support orders after registration

# Section 4: Foreign Matrimonial Judgments in Connecticut Under RURESA

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the filing and enforcement in Connecticut of matrimonial judgments from other jurisdictions under the Revised Uniform Reciprocal Enforcement of Support Act (RURESA).

## **SEE ALSO:**

- Foreign Matrimonial Judgments in Connecticut under UIFSA ([Section 3](#))

## **DEFINITIONS:**

- “. . . ‘foreign matrimonial judgment’ means any judgment, decree or order of a court of any state in the United States in an action for divorce, legal separation, annulment or dissolution of marriage, for the custody, care, education, visitation, maintenance or support of children or for alimony, support or the disposition of property of the parties to an existing or terminated marriage, in which both parties **have entered an appearance.**” Conn. Gen. Stat. § [46b-70](#) (2019).
- “. . . in modifying, altering, amending, setting aside, vacating, staying or suspending any such foreign matrimonial judgment in this state the substantive law of the foreign jurisdiction shall be controlling.” Conn. Gen. Stat. § [46b-71](#) (2019).
- “The purpose of General Statutes 46b-70 et seq. is to enforce matrimonial judgments in order to achieve a uniformity of law, without having that purpose frustrated by the courts. See *Walzer v. Walzer*, 173 Conn. 62, 376 A.2d 414 (1977). A mobile interstate populace is a societal fact of life in every state. Stability in the status of children as beneficiaries of support agreements should be preserved when consistent with the varying laws of our states.” [Van Wagner v. Van Wagner](#), 1 Conn. App. 578, 582-583, 474 A.2d 110, 112 (1984).
- “In addressing the purposes of this statute the court in *Rule v. Rule*, 6 Conn. App. 541, 545, 506 A.2d 1061, cert. denied, 201 Conn. 801, 513 A.2d 697 (1986), held that ‘[the purpose of General Statutes § 46b-70 and [§ 46b-71] is to prevent a defendant from avoiding the execution of a valid and enforceable judgment by fleeing the jurisdiction. See 20 S. Proc., Pt. 7, 1977 Sess., pp. 2907-2911; 20 H.R. Proc., Pt. 7, 1977 Sess., pp. 2942-44.’ Section 46b-71 allows a party to follow a person who has **fled the original decree rendering forum.**” [St. Hilaire v. St. Hilaire](#), 41 Conn. Supp. 429, 434-435, 581 A.2d 752, 755 (1990).

## **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.

## **FORMS:**

## **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.

- Conn. Gen. Stat. (2019).  
[Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment  
§ [46b-70](#). Foreign matrimonial judgment defined  
§ [46b-71](#). Filing of foreign matrimonial judgment; enforcement in this state  
§ [46b-72](#). Notification of filing  
§ [46b-73](#). Stay of enforcement; modifications; hearing  
§ [46b-74](#). Right to action on judgment unimpaired  
§ [46b-75](#). Uniformity of interpretation
- 15A *Am. Jur. Pleading and Practice Forms* Judgments (2016 rev.).  
§ 526. Judgment—Establishing judgment of divorce secured in foreign jurisdiction
- Amy Calvo MacNamara, Aidan R. Welsh, and Cynthia Coulter George, Editors, *Library of Connecticut Family Law Forms*, 2<sup>nd</sup> ed., Connecticut Law Tribune, 2014.  
Form 17-001. Notification of filing of petition registering foreign matrimonial judgment  
Form 17-002. Petition registering foreign matrimonial judgment
- [Baugher v. Baugher](#), 63 Conn. App. 59, 61, 774 A.2d 1089, 1090-1091 (2001). “There ensued a flurry of litigation in New York that ended when the New York court decided that, although it had continuing jurisdiction, it would decline to exercise that jurisdiction if the parties filed an appropriate action in Connecticut, where the parties were then residing or planning to reside.”
- [Sender v. Sender](#), 56 Conn. App. 492, 498, 743 A.2d 1149, 1152 (2000). “Our legislature has consistently drafted legislation to state expressly when a court has exclusive jurisdiction. See, e.g., General Statutes § 46b-42 (granting Superior Court exclusive jurisdiction over all complaints seeking dissolution of marriage, decree of annulment or legal separation); General Statutes § 46b-212h (a) (granting family support magistrate division or Superior Court exclusive jurisdiction over child support orders); General Statutes § 52-12 (granting Superior Court exclusive jurisdiction over sale of certain real property).”
- [Mirabal v. Mirabal](#), 30 Conn. App. 821, 825-826, 622 A.2d 1037 (1993). “General Statutes § 46b-71(b) consigns to the courts of this state the power to enforce, satisfy, modify, alter, amend vacate, set aside or suspend a foreign matrimonial judgment that has been properly filed in a Connecticut court. This subject-matter jurisdiction is circumscribed, however, by General Statutes § 46b-70, which defines a foreign matrimonial judgment as ‘any

judgment, decree or order of a court of any state in the United States in an action for ... divorce ... or dissolution of marriage, for the custody ... or support of children ... *in which both parties have entered an appearance.*'

(Emphasis added.) The requirement of the entry of an appearance by both parties is a 'threshold requirement for enforcement' of a foreign matrimonial judgment. *Morabito v. Wachsman*, 191 Conn. 92, 101, 463 A.2d 593 (1983). The language of § 46b-70 differs from that of other uniform enforcement of judgment acts; it 'reflects the intent of the legislature to ensure that both parties have actual notice of an out-of-state proceeding, and to preclude adoption of foreign judgments obtained by a default in appearance.' *Rule v. Rule*, 6 Conn.App. 541, 544, 506 A.2d 1061, cert. denied, 201 Conn. 801, 513 A.2d 697 (1986); *Morabito v. Wachsman*, supra, 191 Conn. at 101 n. 9, 463 A.2d 593. A trial court has no competency to exercise power over an out-of-state matrimonial judgment that does not satisfy the requirements of § 46b-70."

**WEST KEY NUMBERS:**

- *Divorce*  
1400-1476. Foreign divorces.

**ENCYCLOPEDIAS:**

- 23 *Am. Jur. 2d Desertion and Nonsupport* (2013).  
II. Uniform Acts  
§ 73. Uniform Reciprocal Enforcement of Support Acts

**TEXTS & TREATISES:**

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

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

- Louise Truax, Editor, *LexisNexis Practice Guide: Connecticut Family Law*, LexisNexis, 2020.  
Chapter 2. Jurisdiction  
Part XI: Domesticating and Enforcing Foreign Matrimonial Judgments  
§ 2.55. CHECKLIST: Domesticating and enforcing foreign matrimonial judgments  
§ 2.56. Domesticating a foreign judgment  
§ 2.57. Asserting comity for judgments of foreign countries
- 8A Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms* 3<sup>rd</sup> ed., 2010, Thomson West, with 2020 supplement (also available on Westlaw).  
Chapter 55. Foreign Divorce  
§ 55: 9. Effect to be given to foreign judgment  
§ 55: 10. Enforcement of foreign judgments—Generally  
§ 55: 11. —Filing of judgment in Connecticut  
§ 55: 12. —Stays or modification  
§ 55: 13. —Hearing  
§ 55: 14. —Public-policy considerations



- 3 Connecticut Practice Series. *Civil Practice Forms*. 4th ed., by Joel M. Kaye and Wayne D. Efron, 2014, Thomson West, with 2020 supplement (also available on Westlaw).  
**Authors' Commentary for Form 506.2**
- 5 Arnold H. Rutkin, *Family Law and Practice*, Matthew Bender, 2020 (also available on Lexis Advance).  
Chapter 48. Interstate Support Proceedings  
§ 48.10. Suit to reduce a sister-state order to a local order
  - [5] Procedure to reduce a foreign order to an order of the forum state
    - [c] Action under the general provisions of (R)URESAs
    - [d] Registration under (R)URESAs

# Section 5: Collection Procedures

A Guide to Resources in the Law Library

**SCOPE:**

Bibliographic resources relating to collection procedures in family law judgments in Connecticut.

**SEE ALSO:**

- [Enforcing Money Judgments](#)

**DEFINITION:**

- **“Although the court does not have the authority to modify a property assignment, a court, after distributing property, which includes assigning the debts and liabilities of the parties, does have the authority to issue postjudgment orders effectuating its judgment.”** (Internal quotation marks omitted.) [Richman v. Wallman](#), 172 Conn. App. 616, 620, 161 A.3d 666 (2017).
- **“The Superior Court and any family support magistrate shall issue an order for withholding pursuant to this section against the income of an obligor to enforce a support order when the support order is entered or modified or when the obligor is before the court in an enforcement proceeding.”** Conn. Gen. Stat. § [52-362](#)(b) (2019).
- **“Whenever an order of the Superior Court or a family support magistrate for support of a minor child or children is issued and such payments have been ordered to be made to the state acting by and through the IV-D agency and the person against whom such support order was issued owes past-due support in the amount of five hundred dollars or more, the state shall have a lien on any property, real or personal, in which such person has an interest to enforce payment of such past-due support. The lien for past-due child support shall be secured by the IV-D agency pursuant to procedures contained in the general statutes applicable to the type of property to be secured. After securing the lien, the IV-D agency shall provide such person with notice of the lien and an opportunity for a hearing before a hearing officer of the Department of Social Services pursuant to section 17b-60 to contest the lien. The IV-D agency shall file a release of such lien if a hearing officer determines that the conditions for the existence of a lien are not satisfied. Any such lien on real property may, at any time during which the obligor owes the amount of past-due child support secured by such lien, be foreclosed in an action brought in a court of competent jurisdiction by the Commissioner of Social Services in a title IV-D case or by the person to whom the child support is due. A lien for past-due support arising in any other state shall be given full faith and credit by this state provided such other state has complied with its procedural rules relating to recording or serving of liens.”** Conn. Gen. Stat. § [52-362d](#) (2019).

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

**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. (2019).
  - [Chapter 906](#). Postjudgment Procedures
    - § [52-362](#). Income withholding and unemployment compensation for support
    - § [52-362d](#). Lien against property of obligor for unpaid child support. Securing, releasing or foreclosing lien. Notice of lien and opportunity for hearing. Information re unpaid support reported to participating consumer reporting agency. Offset for child support arrearage against money payable by state to obligor. Notification by Connecticut Lottery Corporation. Hearings re alleged arrearages. Regulations.
    - § [52-362f](#). Enforcement of child support orders by income withholding

## **COURT RULES:**

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

## **COURT FORMS:**

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

## **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.

- Conn. Practice Book (2020).  
[Chapter 25](#). Superior Court—Procedure in Family Matters  
§ 25-27. Motion for contempt
- [Filing a Motion for Contempt](#)
- [JD-FM-173](#). Motion for Contempt/Contempt Citation
- [JD-FM-173H](#). Motion for Contempt/Contempt Citation Help File
- [JD-FM-124](#). Contempt Proceedings Upon Failure of Payer of Income to Comply with Withholding Order for Support
- [JD-CV-3](#). Wage Execution Proceedings Application, Order, Execution
- [Family Support Magistrate Decisions](#) are available through the **Law Libraries’ website**.
- [Lavy v. Lavy](#), 190 Conn. App.186, 189, 210 A.3d 98 (2019). “The plaintiff...appeals from the judgment of the trial court granting the motion of the defendant...to open and reform the parties' marital dissolution judgment because the plaintiff failed to disclose on his financial affidavit two marital assets: a savings account with First Niagara Bank, N.A., formerly known as NewAlliance Bank (Niagara account), and real property located in the Middle East (Jerusalem property). The plaintiff later amended this appeal to challenge the court's subsequent decision to grant the defendant's motion for an award of postjudgment interest. On appeal, the plaintiff claims that the court improperly (1) found that his failure to disclose the Niagara account and Jerusalem property on his financial affidavit constituted material omissions that triggered remedial measures set forth in the parties' separation agreement, which was incorporated by reference into the judgment of dissolution, (2) awarded the defendant prejudgment interest despite her having requested such relief for the first time in her posthearing brief, and (3) awarded the defendant postjudgment interest during the pendency of the appeal, purportedly in violation of the automatic appellate stay. We reject the plaintiff's claims and, accordingly, affirm the judgment of the trial court.”
- [Profetto v. Lombardi](#), 164 Conn. App. 658, 663-665, 137 A.3d 922, 925-926 (2016). “In the present case, the judgment of dissolution contained no orders for alimony or child support. A money judgment may be enforced by postjudgment procedures, including the foreclosure of a judgment lien. See General Statutes §§ 52-350f and 52-380a. A money judgment is defined as an order for the payment of a sum of money, but expressly excludes a

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

- [Cooke v. Cooke](#), 99 Conn. App. 347, 352, 913 A.2d 480, 382-483 (2007). **"In this instance**, the record makes it plain that the order did not oblige Richard T. Cooke to pay **a money judgment which is defined statutorily as 'a judgment, order or decree of the court calling in whole or in part for the payment of a sum of money, other than a family support judgment. Money judgment includes any such money judgment of a small claims session of the Superior Court, any foreign money judgment filed with the Superior Court pursuant to the general statutes and in IV-D cases, overdue support in the amount of five hundred dollars or more accruing after the entry of an initial family support judgment.'** General Statutes § 52-350a(13). Because the marital dissolution judgment in effect on the date of the imposition of the judgment lien did not order Richard T. Cooke to pay a certain sum, it cannot fairly be **characterized as a money judgment.**"
- [Niles v. Niles](#), 15 Conn. App. 718, 720-721, 546 A.2d 329, 330 (1988). **"It is apparent that an order for the payment of money from the sale of real estate constitutes a 'money judgment' and not a 'family support judgment,' as those terms are defined, despite the judgment's origin in an action on the family docket. One party cannot, at its whim, deprive another of monies due and owing simply by changing the characterization of the obligation owed. While similarities exist between support payments and property settlements, we recognize that each serves a distinct purpose. Support, which is generally modifiable, often serves to satisfy an ongoing obligation, whereas a property settlement constitutes a final resolution of a dispute, and as such, warrants the penalty of interest when satisfaction is not obtained. We therefore conclude that the trial court properly ordered that postjudgment interest be paid. See [LaBow v. LaBow](#), 13 Conn.App. 330, 353, 537 A.2d 157 (1988)."**

**WEST KEY  
NUMBERS:**

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

## **DIGESTS:**

- Amy Calvo MacNamara and Cynthia C. George, *Connecticut Family Law Citations*, LexisNexis, 2020. Chapter 12: Enforcement of Orders

## **ENCYCLOPEDIAS:**

- 24A *Am. Jur. 2d* Divorce and Separation (2018).
  - III. Spousal Support; Alimony and Other Allowances Enforcement of Judgment, Decree, or Order; Provisional Remedies and Ne Exeat
    - § 762. Attachment of property to secure payment support
    - § 763. Receivership of property to secure payment support
  - IV. Child Custody and Support; Visitation Rights Child Support—Contempt
    - § 867. Generally

## **TEXTS & TREATISES:**

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

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

- Louise Truax, Editor, *LexisNexis Practice Guide: Connecticut Family Law*, LexisNexis, 2020.
  - Chapter 17. Enforcement of Orders
    - Part IV. Determining General Relief That May Be Sought in a Motion for Contempt
      - § 17.19. CHECKLIST: Determining general relief that may be sought in a motion for contempt
      - § 17.20. Seeking an award of counsel fees
      - § 17.21. Incarcerating the party held in contempt
      - § 17.22. Assessing interest
      - § 17.23. Enforcing a judgment through a separate civil action
    - Part V. Crafting Orders to Enforce Alimony and Child Support
      - § 17.26. Enforcing alimony orders
      - § 17.27. Calculating arrearages
      - § 17.30. Obtaining wage executions
      - § 17.32. Ordering the payment of an arrearage by a QDRO
      - § 17.34. Levying a Writ of Execution
    - Part VI. Crafting Orders to Enforce a Property Division
    - Part VII. Crafting Orders to Enforce Custody and Visitation
- 3 Connecticut Practice Series. *Civil Practice Forms*, 4th ed., by Joel M. Kaye and Wayne D. Efron, 2014, Thomson West, with 2020 supplement (also available on Westlaw).  
**Authors' Commentary for Form 506.2**
- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms* 3<sup>rd</sup> ed. 2010, with 2020 supplement (also available on Westlaw).
  - Chapter 34. Enforcement of Alimony and Child Support Provisions of Judgment

§ 34:17. Contempt penalties and terms for payment  
§ 34:18. Contempt penalties—Incarceration  
§ 34:19. Criminal action based on nonpayment of alimony or child support  
§ 34:20. Enforcement of alimony or support obligation against property  
§ 34:21. Receivership  
§ 34:22. Garnishment or income withholding  
§ 34:23. Voluntary income withholding  
§ 34:24. Court-ordered income withholding  
§ 34:25. Income withholding based on delinquency  
§ 34:26. Priorities and exemptions associated with income withholding  
§ 34:27. Employer obligations associated with income withholding  
§ 34:28. Limitations of income withholding  
§ 34:29. Payment through support enforcement office  
§ 34:30. Withholding tax refunds  
§ 34:31. Other federal remedies  
§ 34:32. Writ of ne exeat  
§ 34:33. Security for performance  
§ 34:34. Claims for interest and/or damages  
§ 34:35. Effect of pending claim for modification  
§ 34:36. Effect of pending appeal

- 4 Arnold H. Rutkin, *Family Law and Practice*, Matthew Bender, 2020 (also available on Lexis Advance).  
Chapter 47. Enforcement of Court Orders  
§ 47.01. Introduction  
§ 47.02. Entry of money judgment  
§ 47.03. Supplemental discovery in aid of recovery  
§ 47.04. General execution and sale  
§ 47.05. Wage garnishment and income withholding  
§ 47.06. Contempt, relief to litigant and incarceration  
§ 47.07. Security  
§ 47.08. Sequestration  
§ 47.09. Attachment  
§ 47.10. Counsel fees in enforcement proceedings  
§ 47.11. Alternative remedies
- Connecticut Bar Association, *Connecticut Lawyers' Deskbook: A Reference Manual* (3<sup>rd</sup> ed. 2008).  
Chapter 19. Dissolution of Marriage, Barbara A. Stark and Sheri L. Berman  
Enforcement