

CONNECTICUT FAMILY COURT SYSTEM _____

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Family relations matters account for a majority of the Connecticut judicial system's civil caseload.

They include actions for:

- dissolution of marriage
- legal separation
- annulment
- custody and visitation issues involving unmarried parents or involving grandparents
- enforcement and modification of child support and alimony obligations
- spousal abuse restraining orders

In Connecticut, all court proceedings that are defined as family relations matters are placed on the Superior Court Family Docket.

Parties seeking a dissolution of marriage, legal separation or annulment are required by state statute to wait a minimum of ninety days after the return date before a final hearing or trial may be held. Spousal abuse restraining orders, granted *ex parte*, must be heard within fourteen days of the date of the order. Dissolution actions generally remain pending on the family court docket for four-to-eight months, depending on the issues in the case and the judicial district where the action is initiated. Cases with complex custody and financial issues usually take longer to be finalized through the court pretrial process or by trial by judge or trial referee.

Cases in which the parties reach agreement on all financial and custody issues are assigned to the uncontested trial list, and the matter may be concluded before the court within a week after agreement in most judicial districts. Cases in which custody and visitation issues have been resolved, but property and/or other financial issues remain unresolved are assigned to a limited contested list. Finally, cases where custody and visitation issues remain in dispute are assigned to the fully contested trial list. Those cases may be assigned to regional custody trial dockets, where special master teams of attorneys and health professionals help to resolve complex custody

issues, prior to trials. Parents of minor children must attend approved parenting education classes for six hours before a dissolution will be granted in all cases, unless waived by the court, which is rarely done.

A pretrial process is available to assist parties and counsel in settling cases in order to avoid the need for a trial. Depending upon the judicial district, special masters—experienced family law attorneys and/or judges may conduct the pretrials. The “pretrialers” propose recommendations for settlement, after listening to facts and arguments presented by counsel and the parties.

AUTOMATIC ORDERS

Upon initiation of an action for dissolution of marriage, legal separation, annulment, custody or visitation, automatic orders applicable to both parties go into effect which generally restrain the parties’ use of marital assets for unreasonable purposes and restrict the parties from removing the minor children from the State of Connecticut, without the other party’s written consent or order of the court. The automatic orders also, among other things, prohibit parties from removing the other party or the minor children of the marriage from any medical hospital and dental insurance and from changing the beneficiaries of any existing life insurance.

TEMPORARY ORDERS

The court can enter temporary orders, referred to as *pendente lite* orders, to stabilize the family living arrangements while an action is pending on the court docket. In cases seeking a dissolution of marriage, frequently there is a need for temporary orders regarding custody, visitation, child support, alimony, possession of the family home and restraining orders concerning assets, to supplement automatic orders.

In such instances, *pendente lite* motions for the appropriate relief are filed with the court by the moving party and are scheduled for a hearing on the court’s weekly short calendar. These motions may be heard at any time following the return of the initial writ, summons and complaint to the court.

Pendente lite motions are regularly scheduled within three weeks of the date an action is returned to the court or at an earlier time upon request to the court.

After a hearing on a particular motion or by agreement of the parties, the court enters temporary orders regarding the specific issues raised. These

orders remain in effect until further orders are entered or until final judgment when the temporary orders are extinguished and replaced by permanent orders.

Temporary child support orders (as well as final orders for child support) are determined using State of Connecticut Child Support Guidelines. The Guidelines are based on the net incomes of the custodial and non-custodial parents. Deviations are permitted in certain cases, including, but not limited to shared and split custody situations, and extraordinary expenses for the care of the child or for the parents.

COURT SUPPORT SERVICES DIVISION

There is a Court Support Services Division to assist the court in family matters. Each judicial district has family relations counselors who are trained to resolve custody and visitation disputes. They also may be involved in helping to resolve financial disputes at short calendar sessions. The counselors are appointed by the judges of the superior court pursuant to state statute and are empowered to investigate any circumstance of a family matter which may be helpful or material to the disposition of a case, upon referral from a judge.

Disputes involving custody or visitation are handled through either the mediation (as the first choice) or the evaluation process. Mediation usually involves a series of meetings with a male or female mediation team of family relations counselors who attempt to help parents resolve their disputes by agreement. If the issues are not resolved by mediation, the case may be referred for an evaluation.

Custody evaluations may involve examination of a child's home and school environment and discussions with the child and parents. If, in the judgment of the family relations counselor, other professional services are necessary to assist the court, a mental health professional may be specially appointed by the court for an evaluation. Frequently, an attorney or a guardian *ad litem* is appointed by the court to represent the child or children of the parties.

POST-JUDGMENT REMEDIES

In addition to the heavy volume of cases created by original actions seeking a dissolution of marriage or legal separation, the family court must adjudicate numerous post-judgment disputes. Since the superior court retains

jurisdiction over all cases in which it has entered a final decree, it often remains actively involved with the review and enforcement of its own orders.

A civil contempt proceeding or an action to modify court orders usually begins the court's post-judgment involvement. A contempt proceeding may result from one party's failure to comply with an order of the court. The contempt enforcement powers of the court include incarceration. In a motion for modification of financial orders, one party usually requests that orders previously entered by the court be changed because there has been a substantial change in circumstances. As an alternative to filing an action with the superior court, a party may seek modification and enforcement of support orders from the magistrate court by paying a small registration fee to the child support enforcement division. In addition, the court becomes involved in actions to modify previously ordered custody or visitation arrangements when one party claims that such a change is in the best interests of the children.

The Connecticut family court's post-judgment activities also include the enforcement and modification of divorce decrees entered in other states and foreign countries and enforcement of out-of-state obligations under the Uniform Interstate Family Support Act. Pursuant to the Enforcement of Foreign Matrimonial Judgments Act, Connecticut law allows divorced persons to file certified copies of their decrees from other states with the Connecticut superior court. The Connecticut court is then empowered to modify or enforce the other jurisdiction's decree in the same manner and to the same extent permitted in the state of original jurisdiction. Decrees of foreign nations may also be enforced by the Connecticut family court; however, such actions are infrequent and are empowered by the principles of comity among nations rather than by statute.