



## WHAT IS CONSIDERED IN DECIDING ISSUES OF ALIMONY AND PROPERTY DISTRIBUTION?

---

In Connecticut, a court may order either of the parties to pay alimony to the other. In deciding the amount of alimony to be ordered, the legislature has ruled that the court shall take into consideration the length of the marriage, the causes for dissolution of marriage or legal separation, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties, and any property award which may be made to either husband or wife. In addition, where a parent has been awarded custody of minor children, the court will examine the desirability of the custodial parent securing employment.

Connecticut courts may also give either the husband or wife any part of the estate of the other, including real property. In making assignments of property, the same standards applied in alimony awards will be used, as will the chance of the husband and wife acquiring future capital assets and income. The contribution of each of the parties to the purchase, preservation, or appreciation in the value of their estates will be considered an integral part of any assignment of property.

Because circumstances may change, support and custody decisions and alimony are always modifiable, unless otherwise specified. Property awards are *not* modifiable.

## WHAT ARE THE STANDARDS ESTABLISHED UNDER CONNECTICUT LAW FOR THE SUPPORT OBLIGATION?

---

In deciding upon child support, the court will consider both the ability of each of the parents to pay support and the needs of the child. The courts consider the child's age, health, station, occupation, earning capacity, and amount and sources of income.

The courts must also consider Connecticut's Child Support and Arrearage Guidelines. The guidelines are income-based and indicate the appropriate level of child support based upon the parties' incomes and the number of the minor children. The guidelines are usually conclusive although the court is permitted to establish a different level of support based upon the particular facts and circumstances of the case.

The age of majority in Connecticut is eighteen. However, in an action for divorce, legal separation, or annulment, a court may order child support in accordance with the guidelines for any unmarried child of the marriage up to age eighteen or until the child reaches the age of nineteen or completes the twelfth grade, whichever occurs first. In the case of a child who is disabled, child support may be ordered until the child reaches age twenty-one.

The court may enter orders for child support beyond the statutory age by written agreement of the parents. Such orders can be made at any time, and for orders entered after October 1, 2001, only, can be modified on motion of either parent like other child support orders.

Beginning on October 1, 2002, when the parents do not agree on child support beyond the statutory age, the court may order either parent to provide support for a child up to the age of twenty-three to attend up to four full academic years of higher education to obtain a bachelor's degree or vocational training. The support order will be entered only if one of the parents requests such an order before the entry of the judgment of divorce, annulment, or legal separation. However, as long as a parent has requested an order, the court may defer its decision on the amount and terms of the order to a later date by retaining jurisdiction at the time of judgment. An order can also be entered in a support action when parents were never married if the initial order was entered after October 1, 2002. If a judgment or support order was entered before October 1, 2002, parents may not go back to court to request an educational support order.

The court may not enter an order for educational support unless it finds that the parents would have provided support for the child's education if the family had been intact. In determining whether an order should be entered, the court is to consider all relevant circumstances including: (1) the parents' income, assets, and other obligations; (2) the child's need for support to attend school considering the child's assets and the child's ability to earn income; (3) the availability of financial aid from other sources, including grants and loans; (4) the reasonableness of the higher education to be funded considering the child's academic record and the financial resources available; (5) the child's preparation for, aptitude for, and commitment to higher education; and (6) evidence, if any, of the school the child would attend. The amount that a court may order

for educational support is limited to the amount charged by the University of Connecticut for a full-time in-state student, unless the parents agree to pay more. Educational support orders may be modified like other child support orders.

To qualify for payments, the child must be enrolled at least half-time in a qualified institution, maintain good academic standing, and make all academic records available to both parents. The child has no right to request or enforce an educational support order.

## WHO IS ENTITLED TO CUSTODY OF MINOR CHILDREN?

---

The court may assign custody of any minor child to either parent, to the parents jointly, or even to a third party, based upon the particular facts of the case. The court will be guided by the best interests of the child, giving consideration to the wishes of the child if he or she is of sufficient age and is capable of forming an intelligent preference. The causes for the dissolution of the marriage or legal separation may also be considered in making a custody award.

Where the parents have reached an agreement the court will usually be guided by that agreement; but, when the parents are litigating custody, the court will not only hear the parents' cases but may also appoint a lawyer for the children so that their interests may be represented. The parents will be responsible for the fees of the children's lawyer.

The court is required by statute to order the parents of any minor child or children to attend parenting educational programs in any action dealing with dissolution of marriage, legal separation, annulment, custody, visitation, and child support (not including matters brought regarding temporary restraining orders for domestic violence).

## WHAT ARE VISITATION RIGHTS?

---

Visitation rights may be granted to the noncustodial parent based upon the best interests of the children. Under limited circumstances, the court may also grant visitation rights to third parties, such as grandparents. Where necessary to protect the best interests of the children, the court may limit or require supervised visitation. The court will set the frequency and times of the visits in its discretion. Traditionally, Connecticut courts prefer to grant the noncustodial parent "reasonable" rights of visitation, without establishing a specific schedule, allowing the children and parents to work out their own flexible program.

## HOW ARE THE COURT'S ORDERS ENFORCED?

---

If either party fails to comply with the court's orders or with any provisions of an agreement, there are numerous techniques available for obtaining compliance. These include contempt proceedings, which may result in penalties such as paying the attorney's fees of the other party—or even incarceration, lawsuits for damages, and withholding of wages or accounts. An immediate or contingent wage withholding will have been issued by the court at the time the support order was entered or modified. The withholding will be effective immediately unless the payee waives immediate withholding or the court decides that such an order should not be entered. Even parties who have left the state can be reached through such statutory systems as the Uniform Reciprocal Enforcement of Support Act.

## HOW ARE ATTORNEY'S FEES DETERMINED?

---

Legal fees vary depending upon the complexities of the case, the time involved, and the results obtained.

The court may order one spouse to contribute toward the other spouse's attorney's fees, but the full amount due each spouse's attorney remains the obligation of the hiring spouse. The amount ordered to be paid can be credited toward the legal fee.

Attorneys cannot always estimate their fees with any reasonable certainty since the fees are dependent upon the attitudes and behavior of the parties as well as the time and complexities of the case.

When you first consult a lawyer, you should discuss how the fee will be determined. In many cases, it will be possible for your lawyer to give you a fairly accurate estimate

of the fee, but often the amount of the fee is hard to predict because your lawyer cannot be certain just how complex or time-consuming a matter will be or how much work will be involved. In most instances, a down payment or retainer will be requested in advance to cover any preliminary work or cash disbursements the lawyer may be required to make.



This pamphlet, prepared by the Connecticut Bar Association, is based upon Connecticut law in effect at the time of its publication and is intended for general information purposes only. It is issued as a public service and is not a substitute for obtaining legal advice from a Connecticut attorney.