

**Sec. 46b-66. (Formerly Sec. 46-49). Review of final agreement; incorporation into decree. Arbitration.** (a) Except as provided in section 46b-44c, in any case under this chapter where the parties have submitted to the court a final agreement concerning the custody, care, education, visitation, maintenance or support of any of their children or concerning alimony or the disposition of property, the court shall inquire into the financial resources and actual needs of the spouses and their respective fitness to have physical custody of or rights of visitation with any minor child, in order to determine whether the agreement of the spouses is fair and equitable under all the circumstances. If the court finds the agreement fair and equitable, it shall become part of the court file, and if the agreement is in writing, it shall be incorporated by reference into the order or decree of the court. If the court finds the agreement is not fair and equitable, it shall make such orders as to finances and custody as the circumstances require. If the agreement is in writing and provides for the care, education, maintenance or support of a child beyond the age of eighteen, it may also be incorporated or otherwise made a part of any such order and shall be enforceable to the same extent as any other provision of such order or decree, notwithstanding the provisions of section 1-1d.

(b) Agreements providing for the care, education, maintenance or support of a child beyond the age of eighteen entered into on or after July 1, 2001, shall be modifiable to the same extent as any other provision of any order or decree in accordance with section 46b-86.

(c) The provisions of chapter 909 shall be applicable to any agreement to arbitrate in an action for dissolution of marriage under this chapter, provided (1) an arbitration pursuant to such agreement may proceed only after the court has made a thorough inquiry and is satisfied that (A) each party entered into such agreement voluntarily and without coercion, and (B) such agreement is fair and equitable under the circumstances, and (2) such agreement and an arbitration pursuant to such agreement shall not include issues related to child support, visitation and custody including past age 18 provisions relating to post high-school education, unless all such issues relating to support and maintenance comply with the provisions of section (d) hereof. Except as provided in paragraph (d) hereof, an arbitration award in such action shall be confirmed, modified or vacated in accordance with the provisions of chapter 909.

(d) Arbitral awards of issues related to child support and related issues shall be confirmed only if they comply with the provisions of Sections 46b-51, 46b-84 and 46b-215a.

(e) Arbitral awards of custody and visitation of minor children, as well as related issues pertaining to the care, education and upbringing of minor children shall be confirmed if they comply with Section 46b-56.

(f) In any proceeding to confirm or vacate an arbitral award under this Section, provisions pertaining to financial support or custody, visitation, care, education and upbringing of minor children may be severed from other parts of the award.

(1972, P.A. 164, S. 1; P.A. 73-373, S. 18; P.A. 74-169, S. 11, 18; P.A. 77-488, S. 1; P.A. 78-230, S. 34, 54; P.A. 01-135, S. 1, 3; P.A. 05-258, S. 1; P.A. 06-196, S. 171; P.A. 17-47, S. 4.)

History: P.A. 73-373 deleted provision which allowed court to continue, modify, set aside, etc. final orders re custody, visitation, etc. “upon a showing of a material change in the circumstances of either party or of their children”; P.A. 74-169 amended section to remove requirement that agreements be written but to specify that, if written, they are to be incorporated by reference in court orders or decrees; P.A. 77-488 added provision re written agreements providing for care, education, etc. of a child beyond the age of 18; P.A. 78-230 restated provisions; Sec. 46-49 transferred to Sec. 46b-66 in 1979; P.A. 01-135 designated existing provisions as Subsec. (a) and added Subsec. (b) re modifiable agreements for the care, education, maintenance and support of child beyond the age of 18 entered into on or after July 1, 2001, effective July 1, 2001; P.A. 05-258 added Subsec. (c) re arbitration agreement and award; P.A. 06-196 made a technical change in Subsec. (c), effective June 7, 2006; P.A. 17-47 amended Subsec. (a) by adding “Except as provided in section 46b-44c”, by substituting “a final agreement” for “an agreement” and by making a technical change.

Annotation to former section 46-49:

Parties to divorce proceeding may submit to court an agreement concerning education of any of their children and such agreement may be incorporated by reference in order or decree of court. 33 CS 210.