

CBA LPRC POSITION REQUEST FORM

The CBA Family Law Section Law position request is as follows:

- 1) Proposed legislative or regulatory concept:
The Section opposes legislation that amends the General Statutes to require family court judges to require the prevailing party in a motion for contempt to pay the other party's attorney fees.
- 2) Explanation and rationale for advancing this position:
As currently written, the law gives the court discretion to order counsel fees for the prevailing party in a motion for contempt. The proposed litigation takes away that discretion. It would have a deleterious effect on a party's ability to obtain relief from the court. For example, if a person cures the contempt on the courthouse steps, no attorney fees would be awarded in spite of all the work done prior to the hearing. Further, there are occasions where a court might not find a party in contempt, but rule that the party violated court orders and award fees to protect the integrity of the prior orders, as supported by significant Connecticut Supreme Court precedent. This bill would require instead that the offending party receive counsel fees against the movant in such a situation, merely because of the lack of a contempt finding. The bill would likely have a chilling effect on bringing valid claims for contempt and to enforce court orders as a result. This bill was drafted without the input of the family law section, legal aid and other organizations who work with families in Connecticut.
- 3) Is draft regulation, legislation or proposed bill included? **Yes. The proposed bill is HB 5268.**
- 4) What is the date of any legislative hearing, if known? **March 4, 2022.**
- 5) Was this position previously approved by the CBA? If so, when does/did it expire? **No prior position was advanced to the CBA.**
- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position? **No.**
- 6) Potential or actual CBA opposition from another CBA section or committee? **None anticipated.**
- 7) Strength of section position (including process and results of section vote taken on issue): **The Section position was approved by unanimous vote by the Executive Committee.**
- 8) Fiscal impact (on the state): **None anticipated.**