Connecticut Judicial Branch
Law Libraries

2020 Edition

Child Custody Actions in Connecticut

A Guide to Resources in the Law Library

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For modification of child custody orders, see our research guide on Modification of Judgments in Family Matters.

For grandparent or third party child custody issues, see our research guide on Rights of Grandparents and Third Parties in Connecticut.

For official Judicial Branch forms, see Filing for Custody or Visitation (or both).

Prepared by Connecticut Judicial Branch, Superior Court Operations, Judge Support Services, Law Library Services Unit

lawlibrarians@jud.ct.gov

These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to his or her own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

View our other research guides at
https://jud.ct.gov/lawlib/selfguides.htm

This guide links to advance release opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar and Harvard's Case Law Access Project.
The online versions are for informational purposes only.

Treated Elsewhere in our Family Law and Juvenile Law Research Guides:

- Adoption in Connecticut
- Best Interest of the Child Standard in Connecticut
- Child Abuse and Neglect in Connecticut
- Child Support in Connecticut
- Child Visitation Actions in Connecticut
- Guardianship in Connecticut
- Modification of Judgments in Family Matters
- Parental Kidnapping
- Rights of Grandparents and Third Parties in Connecticut

Connecticut Judicial Branch Website Policies and Disclaimers
http://www.jud.ct.gov/policies.htm

- "'Child custody determination' means a judgment, decree, or other order of a court providing for the legal custody, physical custody or visitation with respect to a child. The term includes a permanent, temporary, initial and modification order. The term does not include an order relating to child support or other monetary obligation of an individual;" Conn. Gen. Stat. § 46b-115a(3) (2019).

- "'Child custody proceeding' means a proceeding in which legal custody, physical custody or visitation with respect to a child is an issue. The term includes a proceeding for dissolution of marriage, divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation or enforcement under sections 46b-115u to 46b-115gg, inclusive;" Conn. Gen. Stat. § 46b-115a(4) (2019).

- "The child of the marriage and the parent of the child are two sides of the same coin . . . Thus, it confines the meaning of parentage to a child conceived by both parties, or to a child who either had been adopted by both parties or was a natural child of one party who had been adopted by the other." Doe v. Doe, 244 Conn 403, 439, 710 A.2d 1297, 1315-1316 (1998).

- "The father and mother of every minor child are joint guardians of the person of the minor, and the powers, rights and duties of the father and the mother in regard to the minor shall be equal. If either father or mother dies or is removed as guardian, the other parent of the minor child shall become the sole guardian of the person of the minor." Conn. Gen. Stat. § 45a-606 (2019).

Section 1: Child Custody Actions

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to child custody actions in Connecticut.

SEE ALSO (Research Guides):

- Best Interest of the Child Standard in Connecticut
- Guardianship in Connecticut
- Modification of Judgments in Family Matters
- Rights of Grandparents and Third Parties in Connecticut

DEFINITION:

- "Subject to the provisions of section 46b-56a, the court may assign parental responsibility for raising the child to the parents jointly, or may award custody to either parent or to a third party, according to its best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable." Conn. Gen. Stat. § 46b-56(a) *(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 815j. Dissolution of Marriage, Legal Separation and Annulment
    - § 46b-56. Orders re custody, care, education, visitation and support of children. Best interests of the child. Access to records of minor child by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening.
    - § 46b-56a. Joint custody. Definition. Presumption. Conciliation. Parental responsibility plan. Modification of orders.
    - § 46b-56b. Presumption re best interest of child to be in custody of parent.
    - § 46b-56e. Orders of custody or visitation re children of deploying parent.
    - § 46b-56f. Emergency ex parte order of custody.
    - § 46b-57. Third party intervention re custody of minor children. Preference of child.
    - § 46b-61. Orders re children where parents live separately. Commencement of proceedings. (Amended by P.A. 18-75, sec. 4, effective October 1, 2018)

COURT RULES:

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

- Conn. Practice Book (2020).
  - Chapter 25. Superior Court − Procedure in Family Matters
    - § 25-3. Action for custody of minor child
    - § 25-5. Automatic orders upon service of complaint or application
    - § 25-7. Pleadings in general; Amendments to complaint or application
    - § 25-24. Motions
    - § 25-26. Modification of custody, alimony or support
    - § 25-28. Order of notice

§ 25-30. Statements to be filed
§ 25-34. Procedure for short calendar
§ 25-57. Affidavit concerning children
§ 25-59. Closure of courtroom in family matters
§ 25-59A. Sealing files or limiting disclosure of documents in family matters
§ 25-62. Appointment of guardian ad litem
§ 25-62A. Appointment of attorney for a minor child

LEGISLATIVE:

Office of Legislative Research reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Robin K. Cohen and Susan Price, Child Custody and Support, Connecticut General Assembly. Office of Legislative Research Report, 2011-R-0377 (November 4, 2011).
- Mary M. Janicki, Child Custody, Connecticut General Assembly. Office of Legislative Research Report, 2011-R-0212 (May 3, 2011).

PAMPHLETS:

- Connecticut Network for Legal Aid, Establish Paternity for Your Child and for You! Questions and Answers for Dads (Publication No. 95-18, rev. 2016).
  Visitation rights and custody, p.11
- Connecticut Department of Social Services, Establish Paternity for Your Child and for You! Questions and Answers for Moms (Publication No. 95-19, rev. 2016).
  Visitation rights and custody, p.11
- Connecticut Women's Education and Legal Fund (CWEALF), Representing Yourself to Get Custody in Connecticut (2003).
- Connecticut Network for Legal Aid, A Fathers' Rights (rev. 2019).

COURT FORMS:

Official Judicial Branch forms are frequently updated. Please visit the Official Court Webforms page for the current forms.

- Filing for Custody or Visitation (or both)
- Filing for a Divorce with Children
- JD-FM-161. Custody/Visitation Application—Parent (rev. 1-20)
- JD-FM-183. Custody/Visitation Agreement (rev. 7-17)
- JD-FM-222. Application for Emergency Ex Parte Order of Custody (rev. 9-14)

CASES:

- For summaries of recent CT Supreme and Appellate Court child custody cases, see the family law section on our Newslog at: http://jud.ct.gov/LawLib/LawLibNews/Default.aspx?CatID=12

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.

- Battistotti v. Suzanne A., 182 Conn.App. 40, 188 A.3d 798 (2018). "In this protracted and bitterly contested family matter, the plaintiff father, Marco Battistotti, appeals from the judgment rendered by the court following a ten day trial on his custody action filed against the defendant mother, Suzanne A. On appeal, the plaintiff claims that the court: (1) improperly found that his earning capacity was $174,000 per year, (2) erred in failing to consider how its orders impacted his expenses, particularly the rental of an apartment in Greenwich used solely for parenting time, and (3) abused its discretion in requiring that the plaintiff's parenting time take place only within the town of Greenwich. We agree with the plaintiff's second claim and conclude that the trial court abused its discretion. Accordingly, we reverse the judgment with respect to the child support orders and remand the matter for further proceedings on the issue of calculation of child support."

- Kyle S. v. Jayne K., 182 Conn.App. 353, 190 A.3d 68 (2018). "In this protracted domestic litigation, arising out of a dissolution of marriage action and a separate application for relief from abuse, the plaintiff/respondent, Kyle S., appeals from postjudgment orders of the court rendered in favor of the defendant/applicant, Jayne K. On appeal, Kyle S. claims that (1) Jayne K. failed to meet her burden of proof with respect to her application for relief from abuse filed pursuant to General Statutes § 46b-15, her application for an emergency ex parte order of custody filed pursuant to General Statutes § 46b-56f and her motion for modification of custody filed pursuant to General Statutes § 46b-56, (2) the court committed plain error by accepting the parties' waiver of the minor child's privileged mental health records and admitting the records into evidence and (3) the court improperly delegated its authority to decide Kyle S.'s parenting time and custodial rights to a nonjudicial entity. We agree with Kyle S.'s third claim and, accordingly, reverse in part the judgments of the trial court."

- Zilkha v. Zilkha, 180 Conn. App. 143, 145–46, 183 A.3d 64, 66–67 (2018). "The defendant claims on appeal that the court improperly (1) delegated its judicial function and failed to consider both the best interests of the children and *146 public policy by granting the children considerable control over the defendant's level of access to them; (2) relied on events that occurred between 2004 and 2007, despite having informed the parties that such evidence was too remote and insufficiently weighty for consideration; (3) adopted the recommendation of the children's guardian ad litem, despite the guardian ad litem's alleged abandonment of that role; and (4) relied on an erroneous factual finding that reconciliation therapy had concluded, purportedly in direct contradiction to testimony provided by the parties' reconciliation therapist. Additionally, the defendant requests by way of relief that, if this court agrees with all or parts of

his claims, we should exercise our inherent equitable authority and order, without a remand, that the children participate in one of the reunification programs identified in his proposed orders to the trial court. For the reasons that follow, we reject the defendant's **67 claims and affirm the judgment of the trial court."

- Ricketts v. Kranmas, Superior Court, Judicial District of Hartford at Hartford, No. HHDFA164081766S (August 16, 2016) (2016 Conn. Super. Lexis 2215) (2016 WL 5173384). "Aside from children who are legal issue of a marriage, there are only a few legal avenues wherein a person can obtain an order of custody of a minor child—a party who has acknowledged paternity as provided by the procedures set forth in General Statutes § 46b-172(a) or in General Statutes § 46b-172a (filing a claim with the Probate Court), can bring a custody petition pursuant to General Statutes § 46b-61. Additionally, a person listed as father or mother of a child on a birth certificate may bring a custody petition pursuant to § 46b-61. The procedure in § 46b-61 requires that where 'the parents of a minor child live separately,' either party may, by application, seek an order as to the custody of any minor child of the parties 'by service of an application, a summons, and an order to show cause' to the court."

- Barros v. Barros, 309 Conn. 499, 502, 72 A.3d 367, (2013). "On appeal, the defendant contends that the family relations policy of barring counsel from its evaluations in child custody proceedings violates procedural due process under state and federal law. The plaintiff, Carla Barros, contends that the policy comports with due process because counsel is provided an opportunity to examine the evaluation and to cross-examine the court-appointed evaluator prior to any binding custody determination. The Court Support Services Division, appearing as amicus curiae, similarly argues that due process does not require that counsel be permitted to attend the child custody evaluation. We conclude that the trial court properly denied the defendant's motion."

- Stahl v. Bayliss, 98 Conn. App. 63, 68-70, 907 A.2d 139, 142-143 (2006). "'In a dissolution action the custody of minor children is not finally determined until entry of the decree dissolving the marriage.' Hall v. Hall, 186 Conn. 118, 122, 439 A.2d 447 (1982). 'It is statutorily incumbent upon a court entering orders concerning custody or visitation or a modification of such order to be guided by the best interests of the child.' Wilson v. Wilson, 38 Conn.App. 263, 269, 661 A.2d 621 (1995) . . . In the present case, the court did not make a best interests determination at the time of its final decree in February, 2005. Rather, it summarily incorporated the parties' September, 2003 stipulation despite the uncertain status of renewed mediation and the uncertain status of the motion to modify. Although the stipulation may have been in the children's best interests in 2003, the court

was not free to assume that those interests remained unchanged more than one year later in February, 2005. Moreover, although the defendant did agree in 2003 to abide by the stipulation, which provided for mediation of the custody and visitation issues, this fact does not relieve the court of its fundamental obligation to make a present best interests determination at the time of dissolution, prior to entering its final decree."

- Greco v. Greco, Superior Court, Judicial District of New Haven at New Haven, No. FA010448175 (May 30, 2001) (29 Conn. L. Rptr. 579) (2001 Conn. Super. Lexis 1527) (2001 WL 706965). "In 1974, the General Assembly deleted the language 'between a husband and wife or former husband and wife' from the statute thereby removing the limitation that the controversy before the court involve persons who were currently married and who had formerly been married . . . One of the few substantive changes made by the act was an amendment to General Statutes § 46b-61. Previously, § 46b-61 allowed any husband and wife living separately to file an action for custody of their minor children. Section 12 of Public Act 74-16 expanded the jurisdiction of the Superior Court to include complaints filed by parents living separately who were no longer married or who had never been married. 17 H.R. Proc., Pt. 6, 1974 Sess., p. 2805. Since parents who had never been married could now file a custody action pursuant to § 46b-61, it appears that the changes made by § 8 of Public Act 74-169 merely conformed § 46b-56 to the changes made by § 12 of the Public Act by deleting the requirement that custody controversies involve parents who were or had been married."

WEST KEY NUMBERS:

- Child Custody
  - 20–89. Grounds and factors in general.
  - 22. Persons entitled in general.
  - 24. Preference for mother or father.

ENCYCLOPEDIAS:

- Eric C. Surette, Annotation, *Litigation of custody disputes involving use of parenting coordinators as improper delegation of judicial authority*, 31 ALR7th Art. 9 (2017).

- Jennifer J. Chen, Comment Note: *In Camera examination or interview of child in custody proceedings*, 9 ALR7th, Art. 6 (2016).

- Marjorie A. Shields, Annotation, *Provisions of divorce, child custody, or child support orders as infringing on federal or state constitutional guarantees of free speech*, 2 ALR7th, Art. 6 (2015).

- Jay M. Zitter, *Annotation, Parents' work schedules and associated dependent care issues as factors in child custody determinations*, 26 ALR6th 331 (2007).

- George L. Blum, Annotation, *Religion as factor in child custody cases*, 124 ALR5th 203 (2004).

- Robin Cheryl Miller, Annotation, *Child custody and visitation rights arising from same-sex relationship*, 80 ALR5th 1 (2000).

- Linda A. Francis, Annotation, *Mental health of contesting parent as factor in award of child custody*, 53 ALR5th 375 (1997).

- Mary E. Taylor, Annotation, *Parent's use of drugs as a factor in award of custody of children, visitation rights, or termination of parental rights*, 20 ALR5th 534 (1994).

- 24A *Am. Jur.* 2d Divorce and Separation (2018).
  - IV. Child Custody and Support; Visitation Rights
    - § 847. Discretion of the court
    - § 848. Rights and duties of custodian in raising child, generally
    - §§ 849-856. Factors in determining custody
    - §§ 857-861. Types of custody
    - §§ 862-867. Jurisdiction
    - §§ 879-881. Procedural aspects
    - §§ 885-890. Custody order or decree

- 59 *Am. Jur. 2d* Parent and Child (2012).
  - III. Parental Rights and Duties
    - Custody; Visitation
      - § 29. Custody disputes between parents
      - § 30. Custody disputes between parents—Factors affecting choice
      - § 31. Custody agreements between parents

- 27C *C.J.S.* Divorce (2016).
  - VII. Custody, Visitation, and Support of Children
    - §§ 1052-1058. Award of custody
    - §§ 1059-1970. Considerations affecting determination
    - §§ 1080-1090. Custody proceedings
    - §§ 1091-1098. Custody order
    - §§ 1102-1109. Enforcement of custody order

- 67A *C.J.S.* Parent and Child (2013).
  - II. Rights and Duties Incident to Relationship
    - § 55. Rights as to custody, generally
    - § 58. Rights of custody as between parents
    - §§ 60-62. Contracts, agreements, or stipulations as to custody
    - §§ 63-93. Considerations affecting custody
    - §§ 94-155. Proceedings to determine custody

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* (2020).
  - Chapter 8. Custody and Visitation
    - § 8.03. CHECKLIST: Establishing jurisdiction and analyzing statutory provisions for child custody and visitation
    - § 8.07. CHECKLIST: Determining who may seek custody and visitation
    - § 8.23. CHECKLIST: Assessing considerations in custody or visitation actions

- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms*, 3rd ed., Thomson West, 2010, with 2019 supplement (also available on Westlaw).
  - Chapter 40. Jurisdiction to Enter and Enforce Custody Orders
  - Chapter 42. Child Custody and Visitation
  - Chapter 43. Enforcement of Custody and Visitation Orders
  - Chapter 44. Modification of Custody and Visitation orders

- 2 Sandra Morgan Little, *Child Custody & Visitation Law and Practice,* Matthew Bender, 2019.
  - Chapter 10. Custody Disputes Between Parents
    - § 10.01. Introduction
    - § 10.02. Status as a legal parent
    - § 10.03. Legal definitions of custody and custody awards
    - § 10.04. Relative rights of mothers and fathers; Married parents
    - § 10.05. Relative rights of mothers and fathers: Nonmarital parents
    - § 10.05A. Relative rights of same sex parents
    - § 10.06. Standards for selecting the custodial parent

- 5 Sandra Morgan Little, *Child Custody & Visitation Law and Practice,* Matthew Bender, 2019.
  - Chapter 30. Rights of Putative Fathers to Custody & Visitation
    - § 30.02. The putative father's standing to seek custody of his child
    - § 30.03. Rights of the putative father vs. the natural mother or legal parent
    - § 30.04. Rights of the putative father vs. a non-parent

- Connecticut Bar Association, *Connecticut Lawyers' Deskbook: A Reference Manual* (3rd ed. 2008).
  - Chapter 17. Dissolution of Marriage, Barbara A. Stark and Sheri L. Berman
    - Child custody and visitation

- 3 *Family Law and Practice*, by Arnold H. Rutkin et al., Matthew Bender, 2019 (also available on Lexis Advance).
  - Chapter 32. Child Custody and Visitation
    - § 32.02. Jurisdiction
    - § 32.03. Initiating child custody proceedings
    - § 32.04. Agreed custody arrangements
    - § 32.06. Standards used to determine custody between parents
    - § 32.07. Developing and trying the custody case
    - § 32.08. Custody options
    - § 32.11. Enforcement

- Barbara Kahn Stark, *Friendly Divorce Guidebook for Connecticut* (2d ed. 2003).
  - Chapter 8. Children
    - Legal custody—Sole or joint?
    - How do we decide?
    - Sole legal custody

- 1 Ann M. Haralambie, *Handling Child Custody, Abuse and Adoption Cases* (3d edition 2009, with 2020 supplement).
  - Chapter 4. Custody Incident to Dissolution of Marriage, Legal Separation, or Annulment
    - § 4:1. Jurisdiction
    - §§ 4:6-4:19. General factors in awarding custody

- Daniel Hynan, PhD, *Parenting Plans* (2018).
  - Chapter 2: Parenting Plan Controversies
  - Chapter 14: Practical Considerations
  - Chapter 15: Schedule-Focused Practical Considerations
  - Chapter 16: Age-Appropriate Parenting Schedules
  - Appendix C: Parenting Plan Legal Criteria

LAW REVIEWS:

Public access to law review databases is available on-site at each of our law libraries.

- Linda D. Elrod, Raising the Bar for Lawyers Who Represent Children: ABA Standards of Practice for Custody Cases, 37 *Family Law Quarterly* 105 (2003).

Table 1: Factors Court May Consider When Awarding Custody - Conn. Gen. Stat. § 46b-56(c)

"In making or modifying any order as provided in subsections (a) and (b) of this section, the court shall consider the best interests of the child, and in doing so may consider, but shall not be limited to, one or more of the following factors:

1. The temperament and developmental needs of the child;
2. The capacity and the disposition of the parents to understand and meet the needs of the child;
3. Any relevant and material information obtained from the child, including the informed preferences of the child;
4. The wishes of the child's parents as to custody;
5. The past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child;
6. The willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders;
7. Any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute;
8. The ability of each parent to be actively involved in the life of the child;
9. The child's adjustment to his or her home, school and community environments;
10. The length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided the court may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household;
11. The stability of the child's existing or proposed residences, or both;
12. The mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child;
13. The child's cultural background;
14. The effect on the child of the actions of an abuser, if any domestic violence has occurred between the parents or between a parent and another individual or the child;
15. Whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120;
16. Whether the party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b.

Section 2: Temporary or Pendente Lite Custody Orders

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to temporary custody orders issued while a custody action is pending.

DEFINITION:

- "Pendente lite orders, by their very definition, are orders that continue to be in force 'during the pendency of a suit, action, or litigation.' Ballentine's Law Dictionary (3d Ed.) 1969. 'Pendente lite orders necessarily cease to exist once a final judgment in the dispute has been rendered because the purpose is extinguished at that time.' Connolly v. Connolly, 191 Conn. 468, 479, 464 A.2d 837 (1983). Pendente lite orders do not survive the entry or rendition of judgment." Febbroriello v. Febbroriello, 21 Conn. App. 200, 206, 572 A.2d 1032, 1036 (1990).

STATUTES:

- Conn. Gen. Stat. (2019).

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.

Chapter 319. Department of Children and Families.
§ 17a-10c. Youth Advisory Board. Sibling Bill of Rights (2020 supplement).
§ 17a-10e. Children in Care Bill of Rights and Expectations. Meeting between caseworker and child (2020 supplement).

Chapter 815j. Dissolution of Marriage, Legal Separation and Annulment
§ 46b-56. Orders re custody, care, education, visitation and support of children. Best interests of the child. Access to records of minor child by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening.
§ 46b-56e. Orders of custody or visitation re children of deploying parent.
§ 46b-56f. Emergency ex parte order of custody.
§ 46b-64. Orders of court prior to return day of complaint.

COURT RULES:

- Conn. Practice Book (2020).

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

Chapter 25. Superior Court – Procedure in Family Matters
§ 25-24. Motions
§ 25-26. Modification of custody, alimony or support
§ 25-30. Statements to be filed

COURT FORMS:

Official Judicial Branch forms are frequently updated. Please visit the Official Court Webforms page for the current forms.

- JD-FM-176. Motion for Orders Before Judgment (Pendente Lite) in Family Cases (rev. 2-20)
- JD-FM-222. Application for Emergency Ex Parte Order of Custody (rev. 9-14)

FORMS:

- 8B *Am. Jur. Pleading and Practice Forms Divorce and Separation* (2015 rev.).
  - § 242. Motion—For temporary custody
  - § 246. Affidavit—In support of motion for temporary custody
- Mary Ellen Wynn & Ellen B. Lubell, *Handbook of Forms for the Connecticut Family Lawyer* (1991).
  - Form VI-C-1. Motion for custody pendente lite, p. 107
  - Form VI-C-2. Motion for custody and support pendente lite, p. 108
  - Form VI-C-4. Motion for temporary joint custody and determination of joint custodial rights, p. 110
  - Form VI-C-5. Motion for temporary change of custody pending final determination of motion to modify custody, p. 111
- Amy Calvo MacNamara, Aidan R. Welsh, and Cynthia Coulter George, Editors, *Library of Connecticut Family Law Forms* (2nd ed. 2014).
  - Form 5-015. Emergency motion for temporary sole legal and physical custody

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.

- For summaries of recent CT Supreme and Appellate Court child custody cases, see the family law section on our Newslog at: http://jud.ct.gov/LawLib/LawLibNews/Default.aspx?CatID=12
- Garvey v. Valencis, 177 Conn. App. 578, 585-586, 173 A.3d 51 (2017). "The text of § 46b–56f(b) does not require that the court provide a respondent with the opportunity to be heard prior to ordering emergency ex parte relief. See *Kinsey* v. *Pacific Employers Ins. Co.*, 277 Conn. 398, 408, 891 A.2d 959 (2006) ('when the language is read as so applied, it appears to be *the* meaning and appears to preclude any other likely meaning' [emphasis in original; internal quotation marks omitted]). Section 46b–56f(b) merely provides that the applicant submit an affidavit detailing the conditions requiring an emergency ex parte order, stating that the emergency ex parte order is in the best interests of the child, and stating the actions taken to notify the respondent, or if no actions were taken to inform the respondent, explaining why the court should consider such an application on an ex parte basis absent such notification efforts. Accordingly, we

conclude that § 46b−56f does not require the court to hear from the respondent before granting the application for emergency ex parte order of custody and issuing appropriate ex parte orders.

The plaintiff next claims that § 46b−56f (c) mandates that a hearing be *completed* within fourteen days after the ex parte emergency order is issued. We disagree."

- Strobel v. Strobel, 73 Conn. App. 428, 434, 808 A. 2d 698, 703 (2002). "…in the present matter a hearing on the merits had not been conducted, nor did the court enter any findings. Rather, as previously set forth, the court ordered the temporary custody and supervised visitation in response to an 'emergency' situation with respect to the minor child's suicidal gesture. The court's order was akin to an ex parte order of temporary custody, not a temporary order. In fact, the court stated that 'this [the entering of the orders] is in terms of an emergency order. I view it as I would had I still been in Juvenile [Court] in terms of an order of temporary custody.'"

- Madigan v. Madigan, 224 Conn. 749, 757, 620 A.2d 1276, 1279 (1993). " . . . we conclude that temporary custody orders are immediately appealable because an immediate appeal is the only reasonable method of ensuring that the important rights surrounding the parent-child relationship are adequately protected."

- Hall v. Hall, 186 Conn. 118, 123, 439 A.2d 447, 450 (1982). "Although during the pendency of the dissolution action the parties and the child have an interest in undisrupted custody, the trial court typically awards custody pendente lite without having all the relevant circumstances before it…. Until the entry of the final decree the court has discretion to modify custody according to the best interest of the child without first finding a material change of circumstances since the previous award."

ENCYCLOPEDIAS:

- Kurtis A. Kemper, Annotation, *Appealability of interlocutory or pendente lite order for temporary child custody*, 82 *ALR5th* 389 (2000).

- 24A *Am. Jur.* 2d Divorce and Separation (2018).
  IV. Child Custody and Support; Visitation Rights
  § 857. Temporary custody

- 27C *C.J.S.* Divorce (2016).
  VII. Custody, Visitation, and Support of Children
  §§ 1095. Temporary orders

- 67A *C.J.S.* Parent and Child (2013).
  II. Rights and Duties Incident to Relationship

§ 112. Proceedings - Temporary custody
§ 130. Disposition - Temporary custody

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* (2020).
  Chapter 8. Custody and Visitation
  § 8.26. Filing custody and visitation motions *pendente lite*—General considerations
  § 8.27. Filing a motion for custody and visitation *pendente lite*

- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms*, 3rd ed., Thomson West, 2010, with 2019 supplement (also available on Westlaw).
  Chapter 41. Pendente Lite Custody and Visitation
  § 41:2. Automatic orders affecting temporary custody
  § 41:3. Determining necessity of motion for temporary custody
  § 41:4. Significance of temporary custody determinations
  § 41:5. Modification and enforcement of temporary orders
  § 41:6. Appealability of temporary orders
  § 41:7. Emergency temporary orders

- 2 Sandra Morgan Little, *Child Custody & Visitation Law and Practice,* Matthew Bender, 2019.
  Chapter 8. Temporary Custody Determinations
  § 8.01. Generally
  § 8.02. Obtaining a temporary custody order
  § 8.05. Modification and enforcement of temporary custody orders

- 3 *Family Law and Practice*, by Arnold H. Rutkin et al., Matthew Bender, 2019 (also available on Lexis Advance).
  Chapter 32. Child Custody and Visitation
  § 32.05. Temporary custody

Section 3: Joint Custody

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to joint custody and the criteria for granting joint custody awards.

DEFINITION:

- ". . . 'joint custody' means an order awarding legal custody of the minor child to both parents, providing for joint decision-making by the parents and providing that physical custody shall be shared by the parents in such a way as to assure the child of continuing contact with both parents." Conn. Gen. Stat. § 46b-56a(a) (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 815j. Dissolution of Marriage, Legal Separation and Annulment
    - § 46b-56. Orders re custody, care, education, visitation and support of children. Best interests of the child. Access to records of minor child by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening.
    - § 46b-56a. Joint custody. Definition. Presumption. Conciliation. Parental responsibility plan. Modification of orders.

LEGISLATIVE:

Office of Legislative Research reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Saul Spigel, *Presumption for Joint Custody in Divorce*, Connecticut General Assembly. Office of Legislative Research Report, 2000-R-0759 (July 26, 2000).
- George Coppolo, *Divorce – Fathers' Rights*, Connecticut General Assembly. Office of Legislative Research Report, 2000-R-0578 (June 13, 2000).
- Lawrence K. Furbish, *Child Custody In Marriage Dissolutions*, Connecticut General Assembly. Office of Legislative Research Report, 99-R-0791 (August 5, 1999).

FORMS:

- 8B *Am. Jur. Pleading and Practice Forms Divorce and Separation* (2015 rev.).
  - § 120. Husband and wife seek joint custody of children
- Mary Ellen Wynn & Ellen B. Lubell, *Handbook of Forms for the Connecticut Family Lawyer* (1991).
  - Form VI-C-4. Motion for temporary joint custody and determination of joint custodial rights, p. 110
- 1 Ann M. Haralambie, *Handling Child Custody, Abuse and Adoption Cases* (3d edition 2009, with 2020 supplement).
  - Chapter 4. Custody Incident to Dissolution of Marriage, Legal Separation, or Annulment
    - Figure 4-2. Sample joint custody agreement

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.

- For summaries of recent CT Supreme and Appellate Court child custody cases, see the family law section on our Newslog at: http://jud.ct.gov/LawLib/LawLibNews/Default.aspx?CatID=12

- Baronio v. Stubbs, 178 Conn. App. 769, 777-778, 177 A.3d 600 (2017). "On the basis of the record before it, the court in the present case reasonably could have concluded that the parties had agreed upon an award of joint legal custody. The defendant's counsel represented to the court at the start of the hearing that she did not object to joint legal custody. The defendant's counsel further represented to the court at the close of evidence that she was requesting joint legal custody. Moreover, the plaintiff had requested joint legal custody in his proposed orders, and the defendant did not file proposed orders. '[J]udicial review of a trial court's exercise of its broad discretion is limited to the questions of whether the court correctly applied the law and could reasonably have concluded as it did.' (Internal quotation marks omitted.) *Timm* v. *Timm*, supra, 195 Conn. at 210, 487 A.2d 191. The court reasonably could have concluded, under the circumstances of this case, that a joint custody award was both agreed upon and was in the best interests of the child."

- Keenan v. Casillo, 149 Conn. App. 642, 646-647, 89 A.3d 912, 917 (2014). "General Statutes § 46b–56a (c) provides: 'If only one parent seeks an order of joint custody upon a motion duly made, the court may order both parties to submit to conciliation at their own expense with the costs of such conciliation to be borne by the parties as the court directs according to each party's ability to pay.' Our precedent is clear, however, that 'joint custody cannot be an alternative to a sole custody award where neither seeks it and where no opportunity is given to the recalcitrant parent to embrace the concept. Further, it is significant that the statute contains no additional subsection providing for a procedure in the event neither parent seeks joint custody.' *Emerick v. Emerick*, 5 Conn.App. 649, 658, 502 A.2d 933 (1985), cert. dismissed, 200 Conn. 804, 510 A.2d 192 (1986)."

- Desai v. Desai, 119 Conn. App. 224, 230-231, 987 A.2d 362, 366 (2010). "The court's decision regarding joint custody of the parties' minor child specifically provided the parties with a method of joint responsibility for the major decisions regarding the minor child. The court's memorandum of decision stated that the parties were to attempt to agree in good faith to make decisions regarding the minor child. If the parties were unable to reach an agreement, they were to attempt to resolve the disagreement through mediation. The defendant was to make the ultimate decision regarding any disagreement between the parties only in the event that mediation failed to resolve their dispute. The court's decision did not prevent the plaintiff from exercising a degree of

decision-making power with regard to the minor child but, rather, contemplated and provided the parties with a solution for the occasion when, despite good faith and multiple attempts to reach a decision, the parties were stymied. Nothing in §§ 46b–56 or 46b–56a prevents the court from so ordering. Previously, we rejected the argument that a grant of ultimate decision-making authority to one parent is in effect an order of sole custody. In *Tabackman v. Tabackman,* 25 Conn.App. 366, 368–69, 593 A.2d 526 (1991), we determined that a nearly identical order was a form of joint custody, despite one spouse's ultimate authority to make decisions."

- Christolini v. Christolini, Superior Court, Judicial District of Waterbury at Waterbury at Regional Family Trial Docket, No. FA 980145598 (April 12, 2000) (2000 Conn. Super. Lexis 1127) (2000 WL 639357). "Joint custody requires positive communication between parents, an ability not only to speak but to listen to the other parent and to consider the position of the other parent in terms of the needs of the children."

WEST KEY NUMBERS:

- *Child Custody*
  - 76. Welfare and best interest of child
  - 120–155. Joint custody.

ENCYCLOPEDIAS:

- Vitauts M. Gulbis, Annotation, *Propriety of awarding joint custody of children*, 17 *ALR4th* 1013 (1982).

- 24A *Am. Jur*. 2d Divorce and Separation (2018).
  - IV. Child Custody and Support; Visitation Rights
    - § 858. Joint custody
    - § 859. —Divided or alternate custody
    - § 860. Separating children by awards to different custodians; split custody

- 27C *C.J.S*. Divorce (2016).
  - VII. Custody, Visitation, and Support of Children
    - § 1057. Joint custody
    - § 1058. Divided or alternating custody

- 67A *C.J.S*. Parent and Child (2013).
  - II. Rights and Duties Incident to Relationship
    - § 66. Joint or divided custody

TEXTS & TREATISES:

- Louise Truax, Editor, *LexisNexis Practice Guide: Connecticut Family Law* (2020).
  - Chapter 8. Custody and Visitation
    - § 8.29. Assessing joint or sole legal custody issues

- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms*, 3rd ed., Thomson West, 2010, with 2019 supplement (also available on Westlaw).
  - Chapter 42. Child Custody and Visitation
    - § 42:8. Joint custody—Generally

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.

§ 42:9. Joint custody—Sharing physical access
§ 42:10. Joint custody—Parental agreement requirements

- 1 Jeff Atkinson, *Modern Child Custody Practice*, 2d (2018).
  Chapter 6. Joint and Split Custody
  § 6-1A. Constitutional arguments for equal time with children
  § 6-8. Joint custody as a placebo

- 2 Sandra Morgan Little, *Child Custody & Visitation Law and Practice,* Matthew Bender, 2019.
  Chapter 13. Joint Custody
  § 13.04. Recognized forms of custody
  [4] Shared parenting (Joint custody)
  § 13.05. Legislative approaches
  § 13.06. Criteria to determine when joint custody is appropriate
  § 13.07. Problem areas for practitioners
  § 13.09. Drafting joint custody agreements

- 3 Arnold H. Rutkin, *Family Law and Practice* (2019).
  Chapter 32. Child Custody and Visitation
  § 32.08[2]. Joint or shared custody

- Barbara Kahn Stark, *Friendly Divorce Guidebook for Connecticut* (2d ed., 2003).
  Chapter 8. Children
  Legal custody—Sole or joint?
  Can we have joint legal custody?
  How to make joint legal custody work
  Long-distance joint legal custody

- 1 Ann M. Haralambie, *Handling Child Custody, Abuse and Adoption Cases* (3d edition 2009, with 2020 supplement).
  Chapter 4. Custody Incident to Dissolution of Marriage, Legal Separation, or Annulment
  § 4:21. Joint custody generally
  § 4:22. —Joint legal custody
  § 4:23. —Shared physical custody
  § 4:24. —Drafting joint custody agreements

- 1 Thomas R. Young, *Legal Rights of Children* (3d ed. 2019-2020).
  Chapter 2. Child Custody
  § 2:25. Joint custody

LAW REVIEWS:

Public access to law review databases is available on-site at each of our law libraries.

- Joseph L. Steinberg, *Joint Custody: Is Parental Approval Required? An Analysis of Emerick v. Emerick*, 4 *Conn. Fam. L. J.* 51 (1986).

Section 4: Habeas Corpus Proceedings in Child Custody Matters

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the applicability of a writ of habeas corpus in child custody matters, and procedure in habeas corpus custody proceedings.

DEFINITIONS:

- "A habeas corpus petition concerning a minor child's custody is an equitable proceeding in which the trial court is called upon to decide, in the exercise of its sound discretion, the custodial placement which will be best for the child." Evans v. Santoro, 6 Conn. App. 707, 709, 507 A.2d 1007, 1009 (1986).

- "In order to invoke the aid of a habeas corpus writ to enforce a right to physical custody of a minor, the applicant for the writ must show a prima facie legal right to custody…. Once the writ has issued, the burden of proving that a change of custody would be in the child's best interest rests upon the party seeking the change." Evans v. Santoro, 6 Conn. App. 707, 709-710, 507 A.2d 1007, 1009 (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 815. Court Proceedings in Family Relations Matters
    - § 46b-1.(8)(9) Family relations matters defined.
  - Chapter 915. Habeas Corpus
    - § 52-466. Application for writ of habeas corpus. Service. Return.

COURT RULES:

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

- Conn. Practice Book (2020).
  - Chapter 25. Superior Court − Procedure in Family Matters
    - § 25-40. Habeas corpus in family matters; The petition
    - § 25-41. —Preliminary consideration
    - § 25-42. —Dismissal
    - § 25-43. —The return
    - § 25-44. —Reply to the return
    - § 25-45. —Schedule for filing pleadings
    - § 25-46. —Summary judgment as to writ of habeas corpus
    - § 25-47. —Discovery

FORMS:

- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms*, 3rd ed., Thomson West, 2010, with 2019 supplement (also available on Westlaw).
  - Chapter 43. Enforcement of Custody and Visitation Orders

§ 43:9. Application for writ of habeas corpus—Form

- 1 Sandra Morgan Little, *Child Custody & Visitation Law and Practice,* Matthew Bender, 2019.
  Chapter 6. Commencement of Action or Proceeding
  § 6.08. Forms
  [7] Petition for writ of habeas corpus
  [8] Return to petition for writ of habeas corpus

- 3 Joel M. Kaye and Wayne D. Effron, *Connecticut Practice Series. Civil Practice Forms* (4th ed. 2004, with 2019 supp.).
  Form 504.4. Habeas corpus concerning custody of child

- Mary Ellen Wynn & Ellen B. Lubell, *Handbook of Forms for the Connecticut Family Lawyer* (1991).
  Form X-A-1a. Application for writ of habeas corpus concerning custody/visitation of minor child(ren), p. 176
  Form X-A-1c. Writ of habeas corpus, p. 180

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.

- For summaries of recent CT Supreme and Appellate Court child custody cases, see the family law section on our Newslog at: http://jud.ct.gov/LawLib/LawLibNews/Default.aspx?CatID=12

- Gonzalez v. Katz, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTFA134026627S (February 16, 2016) (61 Conn. L. Rptr. 843) (2016 Conn. Super. Lexis 344) (2016 WL 921561). "This court's conclusion that the petitioner has standing does not equate to the enforcement of the Guatemalan judgment, or otherwise constitute a determination of custody. In Adamsen v. Adamsen, 151 Conn. 172, 195 A.2d 418 (1963), a father filed an application for a writ of habeas corpus after finding his child in Connecticut with the child's mother. His application seeking custody was based on a Norwegian court decree awarding him custody of that child. The child's mother essentially sought to have the writ dismissed. In rejecting the mother's efforts, the court reasoned that '[i]t is a well-settled principle that, unless the law of another jurisdiction or rights arising thereunder contravene our public policy or violate our positive laws, a plaintiff may enforce in this state any legal right of action which he may have whether it arises under our own law or that of another jurisdiction ... Under the accepted principles of comity, it was proper for the plaintiff to allege, and sufficient for the court to recognize, with the other facts alleged, the outstanding judgment of the Norwegian court *as a proper basis for entertaining the plaintiff's application for the issuance of the writ of habeas corpus ... The issuance of the writ did not determine the validity of the foreign judgment or its effect, if any, as establishing the custodial rights of the parties. On the contrary, it served only to bring the parties before the court* ...' (Citations omitted; emphasis added) Id., 176–77, 195 A.2d 418."

- In Re Jonathan M., 255 Conn. 208, 223, 764 A.2d 739, 747-748 (2001). "The primary issue in this appeal is whether the habeas petition may be employed as a means of testing the merits of the termination judgment, and not solely as a means of bringing challenges to custody and visitation orders. Although the petitioner's parental rights have been terminated by a presumptively valid judgment . . . to foreclose, on jurisdictional grounds, his ability to seek custody and assert subsequent challenges to the termination judgment, whether through a petition for a writ of habeas corpus or other means, would require a circular course of reasoning in which we are unprepared to indulge."

- Weidenbacher v. Duclos, 234 Conn. 51, 62-63, 661 A.2d 988, 994 (1995). "This court, recognizing that courts must be ever mindful of what is in the best interests of a child and of who should be allowed to intrude in the life of a child, has placed limits on the class of persons who have standing to bring a habeas petition for custody. In Doe v. Doe, supra, 163 Conn. at 345, 307 A.2d 166, the court held that a person must allege parenthood or legal guardianship of a child born out of wedlock in order to have standing. In Nye v. Marcus, supra, 198 Conn. at 143–44, 502 A.2d 869, where foster parents sought custody of their foster child, the court reiterated that 'only parents or legal guardians of a child have standing to seek habeas corpus relief,' and explained that 'parents' could include either biological or adoptive parents, but not foster parents."

WEST KEY NUMBERS:

- *Habeas Corpus*
  - 232. Infants; child custody.
  - 532. Infants—Custody in general.

ENCYCLOPEDIAS:

- 39 *Am. Jur.* 2d Habeas Corpus (2019).
  - I. Habeas Corpus and Its Statutory Equivalents
    - §§ 72-76. Infants
    - § 81. Generally; infants
    - § 143. Custody of minor

- 39A *C.J.S.* Habeas Corpus (2014).
  - III. Grounds for Relief
    - §§ 252-259. Infants. In general
    - §§ 260–262. Considerations affecting custody
    - §§ 263-271. Judgment or order awarding custody

TEXTS & TREATISES:

- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms*, 3rd ed., Thomson West, 2010, with 2019 supplement (also available on Westlaw).
  - Chapter 43. Enforcement of Custody and Visitation Orders

- Louise Truax, Editor, *LexisNexis Practice Guide: Connecticut Family Law* (2020).
  - Chapter 10. Paternity

§ 10.19. Filing a writ of *habeas corpus*

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.

- 1 Sandra Morgan Little, *Child Custody & Visitation Law and Practice,* Matthew Bender, 2019.
  - Chapter 6. Commencement of Action or Proceeding
    - § 6.06. Habeas corpus
      - [1] Applicability to custody dispute
      - [2] Procedure
    - § 43:8. Habeas corpus proceedings

- 1 Wesley W. Horton et al., *Connecticut Practice Series: Superior Court Civil Rules,* Thomson West, 2019-2020 ed. (also available on Westlaw).
  - Authors' Commentary for § 25-40

- 3 *Family Law and Practice*, by Arnold H. Rutkin et al., Matthew Bender, 2019 (also available on Lexis Advance).
  - Chapter 32. Child Custody and Visitation
    - § 32.03. Initiating child custody proceedings
      - [1] Types of divorce-related custody proceedings
        - [b] *Habeas corpus*

- Mary Ellen Wynn and Ellen B. Lubell, *Handbook of Forms for the Connecticut Family Lawyer* (1991).
  - Chapter X. Extraordinary relief
    - A. Extraordinary relief: Notes & comments

- 3 Ann M. Haralambie, *Handling Child Custody, Abuse and Adoption Cases* (3d edition 2009, with 2020 supplement).
  - Chapter 19. Interference with Custody and Visitation
    - § 19:9. Habeas corpus
  - Chapter 23. Appeals and Writs
    - § 23:10. Traditional or common law writs—Habeas corpus in child custody matters

Section 5: Out of State Child Custody Orders

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to registration, modification and enforcement of out of state child custody determinations pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which was effective in Connecticut on July 1, 2000.

SEE ALSO:

- Parental Kidnapping and Custodial Interference

DEFINITIONS:

- "The purposes of the UCCCJEA are to avoid jurisdictional competition and conflict with courts of other states in matters of child custody; promote cooperation with the courts of other states; discourage continuing controversies over child custody; deter abductions; avoid re-litigation of custody decisions; and to facilitate the enforcement of custody decrees of other states." Radlo v. Radlo, Superior Court, Judicial District of Windham at Putnam, No. FA920044260 (December 2, 2003) (36 Conn. L. Rptr. 136) (2003 Conn. Super. Lexis 3309) (2003 WL 22962494).

- Hague Convention on the Civil Aspects of International Child Abduction, 1980, 51 Fed. Reg. 10494 (March 26, 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 815p. Uniform Child Custody Jurisdiction and Enforcement Act
    - § 46b-115m. Modification of custody determination of another state.
    - § 46b-115p. Simultaneous proceedings.
    - § 46b-115w. Registration of child custody determination.
    - § 46b-115u-46b-115gg. Enforcement of a child custody determination.

CASES:

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- For summaries of recent CT Supreme and Appellate Court child custody cases, see the family law section on our Newslog at: http://jud.ct.gov/LawLib/LawLibNews/Default.aspx?CatID=12

- Cizek v Cizek, Superior Court, Judicial District of Hartford, No. FA156061349 (February 22, 2016) (2016 Conn. Super Lexis 398) (2016 WL 1099160). "Here, the plaintiff meets the residency requirement of C.G.S. § 46b−44(d). He resided in Connecticut until he enrolled in college in South Carolina. Even though he joined the Army in South Carolina, he listed his home state as Connecticut. He continues to be registered as a voter in Connecticut and the parties filed joint taxes in the State of Connecticut. He has never established residency in any other state and he intends to return to Connecticut upon his discharge from the Army…The court finds that the

defendant notice was made to the defendant as she was served with this action in Germany. Furthermore, as explained above, the court finds that the plaintiff is a resident of the State of Connecticut. Therefore, the statutory requirements of C.G.S. § 46b–46 are met").

- Chafin v. Chafin, 133 S. Ct. 1017, 1021, 185 L. Ed. 2d 1 (2013). "The Hague Convention on the Civil Aspects of International Child Abduction generally requires courts in the United States to order children returned to their countries of habitual residence, if the courts find that the children have been wrongfully removed to or retained in the United States."

- Casman v. Casman, Superior Court, Judicial District of New Haven at New Haven, No. FA030476028 (February 3, 2006) (2006 Conn. Super. Lexis 414) (2006 WL 415106). "'The UCCJEA addresses inter-jurisdictional issues related to child custody and visitation. The UCCJEA allows a Connecticut court to maintain exclusive, continuing jurisdiction over child custody determinations until one of the enumerated events under Sec. 46b-115l occurs.' Catton v. Catton, Superior Court, Judicial District of Fairfield at Bridgeport, Docket No. FA 99 0363660 (September 2, 2004, Fischer, J.) (37 Conn. L. Rptr. 801, 803)."

- Gilman v. Gilman, Superior Court, Judicial District of New London at Norwich, No. 0121957S (May 22, 2001) (2001 Conn. Super. Lexis 1453) (2001 WL 688610). "The UCCJEA alters the analysis of the initial determination of child custody. Specifically, the new act requires that the 'home state' determination be made as a condition precedent to an examination as to whether the child and parent have significant connections with this state. The new act also eliminates that analysis on the basis of 'the best interest of the child.'"

WEST KEY NUMBERS:

- *Child Custody*
  - 700-789. Interstate issues.
  - 736. Home state of child.
  - 800-830. International issues.

ENCYCLOPEDIAS:

- Kimberly J. Winbush, Annotation, *Litigation of Interstate Compact on Placement of Children*, 159 Am. Jur. Trials 97 (2019).

- Ann K. Wooster, Annotation, *Applicability and application of Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to international child custody and support actions,* 66 ALR6th 269 (2011).

- Rebecca E. Hatch, Annotation, *Obtaining Child Custody from Citizen Parent and Parent Who Immigrated by Marriage to U.S.,* 114 Am. Jur. Proof of Facts 3d 275 (2010).

- David Carl Minneman, Annotation, *Construction and operation of Uniform Child Custody Jurisdiction and Enforcement Act*, 100 ALR5th 1 (2002).

- David Carl Minneman, Annotation, *Abandonment jurisdiction of court under §§ 3(a)(3)(i) and 14(a) of Uniform Child Custody Jurisdiction Act and Parental Kidnapping Prevention Act, 28 U.S.C.A. §§ 1738A(c)(2)(C)(i) and 1738A(f), notwithstanding existence of prior valid custody decree rendered by second state*, 78 ALR5th 465 (2000).

- 24A *Am. Jur.* 2d Divorce and Separation (2018).
  IV. Child Custody and Support; Visitation Rights
  §§ 868-878. Interstate custody disputes
  §§ 1124-1127. Recognition of foreign custody determinations
  §§ 1128-1130. Modification of decree

- 67A *C.J.S.* Parent and Child (2013).
  II. Rights and Duties Incident to Relationship
  § 103. Uniform Child Custody Jurisdiction and Enforcement Act

- 27C *C.J.S.* Divorce (2016).
  VII. Custody, Visitation, and Support of Children
  § 1046. Effect of Uniform Child Custody Jurisdiction and Enforcement Act
  IX. Foreign Divorce
  §§ 1344-1348. Custody and visitation of children

TEXTS & TREATISES:

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

- Daniel Hynan, PhD, *Parenting Plans* (2018).
  Appendix B: Airplane Travel for Unaccompanied Children

- 1 Sandra Morgan Little, *Child Custody & Visitation Law and Practice,* Matthew Bender, 2019.
  - Chapter 3. Impact of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA): An Overview
  - Chapter 4. Interstate Child Custody Jurisdiction Under UCCJA, UCCJEA and PKPA
  - Chapter 5. Recognition and Enforcement of Foreign Judgments

- 8 Arnold H. Rutkin et al. *Connecticut Practice Series. Family Law and Practice with Forms*, 3rd ed., Thomson West, 2010, with 2019 supplement (also available on Westlaw).
  - Chapter 40. Jurisdiction to Enter and Enforce Custody Orders
    - § 40:4. Grounds for UCCJEA jurisdiction—Generally
    - § 40:18. Pleadings under the UCCJEA
    - § 40:22. Hearings and testimony in Connecticut
    - § 40:23. Hearings in Connecticut relating to out-of-state proceedings
    - § 40:24. Hearings and testimony in another state relating to Connecticut action
    - § 40:28. Enforcement jurisdiction under the UCCJEA, generally
    - § 40:29. —Registration of out-of-state custody determinations
    - § 40:32. —Proceedings to take physical custody of a child

- 3 *Family Law and Practice*, by Arnold H. Rutkin et al., Matthew Bender, 2019 (also available on Lexis Advance).
  - Chapter 32. Child Custody and Visitation
    - § 32.02. Jurisdiction
      - [4] Uniform Child Custody Jurisdiction and Enforcement Act

- 1 Ann M. Haralambie, *Handling Child Custody, Abuse and Adoption Cases* (3d edition 2009, with 2020 supplement).
  - Chapter 2. Jurisdiction
    - §§ 2:2-2:16. Uniform Child Custody Jurisdiction and Enforcement Act

- Louise Truax, Editor, *LexisNexis Practice Guide: Connecticut Family Law* (2020).
  - Chapter 2. Jurisdiction
    - § 2.38. CHECKLIST: Applying the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
    - § 2.39. Establishing jurisdiction under the UCCJEA