



Copyright © 2002-2024, Judicial Branch, State of Connecticut. All rights reserved.

2024 Edition

Child Custody Actions in Connecticut

A Guide to Resources in the Law Library

Table of Contents

Introduction	3
Section 1: Child Custody Actions	4
Section 2: Temporary or Pendente Lite Custody Orders.....	16
Section 3: Joint Custody	22
Section 4: Habeas Corpus Proceedings in Child Custody Matters	28
Section 5: Out of State Child Custody Orders.....	33

*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.

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

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
<https://www.jud.ct.gov/policies.htm>

Introduction

A Guide to Resources in the Law Library

- “‘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\(3\)](#) (2023).
- “‘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\(4\)](#) (2023).
- “‘Parentage’ or ‘parent-child relationship’ means the legal relationship between a child and a parent of the child.” Conn. Gen. Stat. § [46b-451\(15\)](#) (2023).
- “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](#) (2023).
- “. . . ‘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\(a\)](#) (2023).

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:

- "In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under section 46b-45, the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children if it has jurisdiction under the provisions of chapter 815p. 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 condition)s and limitations as it deems equitable. The court may also make any order granting the right of visitation of any child to a third party to the action, including, but not limited to, grandparents." Conn. Gen. Stat. § [46b-56](#)(a) (2023).

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. (2023)
 - [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. ([2024 Supplement](#))
 - § [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. Filing of accompanying documents.
 - § [46b-66](#). Review of final agreement; incorporation into decree. Arbitration.

PUBLIC ACTS:

- [Public Act 21-15](#). *An Act Concerning Adoption and Implementation of the Connecticut Parentage Act.*
- [Public Act 21-78](#). *An Act Concerning the Definition of Domestic Violence, Revising Statutes Concerning Domestic Violence, Child Custody, Family Relations Matter Filings and Bigotry or Bias Crimes and Creating a Program to Provide Legal Counsel to Indigents in Restraining Order Cases.*

COURT RULES:

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

- Conn. Practice Book (2024)
 - [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.

- *Child Custody and Support*, Robin K. Cohen and Susan Price, Connecticut General Assembly, Office of Legislative Research Report, [2011-R-0377](#) (November 4, 2011).
- *Child Custody*, Mary M. Janicki, Connecticut General Assembly, Office of Legislative Research Report, [2011-R-0212](#) (May 3, 2011).
- Office of Legislative Research Library Research Guide on "Children": <https://wp.cga.ct.gov/lib/children-research-guide/>

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 Network for Legal Aid, [A Fathers' Rights](#) (rev. 10/22).

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 \(or both\)](#)
- [Divorce, Custody and Visitation](#)
- [JD-FM-161](#). Custody/Visitation Application—Parent (rev. 4-23)
- [JD-FM-284](#). Custody Agreement and Parenting Plan (rev. 9-21)
- [JD-FM-222](#). Application for Emergency Ex Parte Order of Custody (rev. 11-22)
- [JD-FM-279](#). Affidavit in Support of Request to Enter Final Custody/Visitation Judgment (rev. 6-21)

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>
- [In re P. T.- W](#), 223 Conn. App. 571, 394, 309 A.3d 394 (2024). "The parties continued to file numerous motions relating to the custody of P, most of which were resolved following a trial that began in January, 2019, and concluded in May 2019, that resulted in the court issuing a lengthy memorandum of decision in which it made numerous orders, including awarding sole legal and physical custody of P to Melissa T., suspending visitation with the respondent and ordering the respondent, inter alia, to participate in a program of intensive psychotherapy.

In the present case, it is undisputed that the respondent was not present and was not afforded an opportunity to participate remotely, either by telephone or a video conferencing platform, at the hearing on his motion to open the judgment terminating his parental rights.... Instead, the transcript simply reflects that counsel told the court that the respondent was incarcerated in the state of Washington. For example, in [In re Juvenile Appeal \(Docket No. 10155\)](#), 187 Conn. 431, 434, 446 A.2d 808 (1982), the trial court denied a request for a continuance in which the respondent father, who was incarcerated in California, sought a continuance until his expected release from prison so that he could be physically present at the termination of his parental rights trial. Our Supreme Court concluded that the father was not denied due process, especially given the unusual measures taken by the court to secure the father's long-distance participation following its denial of his motion for a continuance.

Specifically, on the initial day of hearings, the state's principal witness testified and was cross-examined by the father's counsel, and a complete transcript of that hearing was sent to the father, who was given time to discuss the witness' testimony with his counsel by telephone. At the second session, a speaker was attached to a telephone at the court in

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.

Connecticut and the father testified and was cross-examined from his California prison. As a result of these measures, the court determined that the father's telephonic testimony adequately protected his due process rights. Accordingly, because the hearing was conducted in violation of the respondent's due process rights, the court's dismissal of his motion to open cannot stand. For that reason, the case must be remanded for a new hearing on the motion to open, at which the respondent must be given a meaningful opportunity to be heard on the motion." (p.587-589)

- [Prioleau v. Agosta](#), 220 Conn. App. 248, 297 A.3d 1012 (2023). "In this contested custody action, the self-represented plaintiff, Keith Prioleau, appeals from the judgment of the trial court awarding him and the defendant, Nitza Agosta, joint legal and physical custody of their minor child, Kayla. On appeal, the plaintiff claims that the court (1) lacked jurisdiction to grant the defendant's motion to reconsider the court's original judgment or abused its discretion in doing so and (2) abused its discretion in allocating parenting time between the parties. We disagree and, therefore, affirm the judgment of the trial court." (p. 249)

"Indeed, there is no question that the court had jurisdiction over the custody action. See General Statutes § 46b-1(a) ('[m]atters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving ... (8) ... proceedings to determine the custody and visitation of children'); General Statutes § 46b-56(a) ('[i]n any controversy before the Superior Court as to the custody or care of minor children ... the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children if it has jurisdiction under the [Uniform Child Custody Jurisdiction and Enforcement Act]'). Thus, '[c]onsistent with our policy of leniency to self-represented litigants'; [Budlong & Budlong, LLC v. Zakko](#), 213 Conn. App. 697, 712 n.13, 278 A.3d 1122 (2022); we construe the plaintiff's argument as challenging the court's authority to reconsider its judgment." (pp. 257-258)

- [Coleman v. Bembridge](#), 207 Conn. App. 28, 263 A. 3d 403 (2021). "In this dissolution matter, the plaintiff, Carolyn Coleman, appeals from the judgment of dissolution rendered by the trial court insofar as the court entered orders regarding the physical custody of the parties' minor child." (p. 30)

The plaintiff asserts that the court lacked statutory authority to award the parties joint physical custody. Specifically, the plaintiff contends that, pursuant to § 46b-56a, the court had the authority to award the parties joint physical custody only if they had agreed to joint physical custody or if one of the parties had requested it. The plaintiff asserts that she and the defendant both requested sole physical custody, and, thus, the court acted beyond its statutory authority in awarding them

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.

joint physical custody. The defendant argues that the plaintiff conflates joint physical custody with joint legal custody and that there is no legal authority mandating an agreement by the parties or a request by one of the parties as a prerequisite to a joint physical custody award. We agree with the defendant.” (pp. 39-40)

“In *Emerick*, this court addressed a trial court's statutory authority under § 46b-56a to award joint *legal* custody, whether accompanied by joint or sole physical custody. *Emerick v. Emerick*, supra, 5 Conn. App. at 656-57, 502 A.2d 933. Neither *Emerick* nor any other appellate authority of which we are aware interprets § 46b-56a to impose restrictions on a court's authority to award joint *physical* custody.

Indeed, a plain reading of § 46b-56a(a) reveals that the legislature sought to define a court's authority to award joint *legal* custody, not joint *physical* custody. The final sentence of § 46b-56a(a) provides that ‘[t]he court may award joint legal custody without awarding joint physical custody where the parents have agreed to merely joint legal custody.’ There is no similar language circumscribing a court's ability to award joint physical custody. As this court observed in *Emerick*, ‘joint physical custody is severable from joint legal custody.’ *Emerick v. Emerick*, supra, 5 Conn. App. at 656-57, 502 A.2d 933.

In sum, we conclude that, under § 46b-56a, the court had the authority to award the parties joint physical custody notwithstanding that both parties sought only sole physical custody. Thus, the plaintiff's claim fails.” (p. 44)

- [Lopes v. Ferrari](#), 188 Conn. App. 387, 391-392, 204 A.3d 1254 (2019). “We review the court's denial of a motion for a physical or psychological examination under an abuse of discretion standard. See [Tevolini v. Tevolini](#), 66 Conn. App. 16, 32, 783 A.2d 1157 (2001) (standard of review for denial of motion for physical examination in family matter is one of abuse of discretion); [In re Daniel C.](#), 63 Conn. App. 339, 365, 776 A.2d 487 (2001) (standard of review for denial of motion for psychological examination in termination of parental rights case is one of abuse of discretion). ‘In reviewing claims that the trial court abused its discretion, great weight is given to the trial court's decision and every reasonable presumption is given in favor of its correctness. . . . We will reverse the trial court's ruling only if it could not reasonably conclude as it did.’ (Internal quotation marks omitted.) [Tevolini v. Tevolini](#), supra, 32. It is clear from a review of the plaintiff's motion and his oral argument before the trial court that the plaintiff was engaged in nothing short of a fishing expedition for which he was seeking the court's assistance. Indeed, he specifically argued to the court that he was looking for an investigation; he set forth no facts to substantiate any concerns, with the exception of the fact that the defendant was taking a daily prescription

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.

medication that, in fact, had been prescribed to her. On this basis, it was not an abuse of discretion for the court to deny the plaintiff's motion."

- [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."
- [Doyle v. Chaplen](#), 184 Conn. App. 278, 194 A.3d 1198 (2018). "In the second action (custody action), Chaplen filed an application for custody of the minor child, pursuant to General Statutes §§ 46b-56 and 46b-61. In the support action, Chaplen appeals from the judgment of nonpaternity rendered by the trial court following the granting of Doyle's motion to open the judgment of paternity by acknowledgement; in the custody action, Chaplen appeals from the judgment of the trial court rendered in favor of Doyle." (p. 280)

"We conclude that Doyle's testimony, which the trial court credited, supports the court's finding that she signed the acknowledgment on the basis of a material mistake of fact. Accordingly, the trial court's finding was not clearly erroneous. Because the court found that Doyle established that there had been a material mistake of fact, the court, pursuant to § 46b-172 (a) (2), had the authority to grant Doyle's motion to open." (p. 293)

"On the basis of the record before us, we conclude that the trial court's finding that Chaplen does not have a parent-like relationship with the minor child is not clearly erroneous because there is ample evidence to support it. Brady, Doyle's relative, testified that Chaplen was not a consistent presence in the minor child's life prior to his filing the custody action. Doyle's sister, Vach, testified that Chaplen did not have a parent-like relationship with the minor child, that their relationship is more like "a friend type deal." To be sure, there is evidence that could have supported a finding that Chaplen did have a parent-like relationship with the minor child, including Donahue's testimony." (p. 296)

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.

- [Zilkha v. Zilkha](#), 180 Conn. App. 143, 145–46, 183 A.3d 64 (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 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 claims and affirm the judgment of the trial court.”
- [Ricketts v. Kranmas](#), Superior Court, Judicial District of Hartford at Hartford, No. HH DFA164081766S (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.”

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.

- [Morrone v. Morrone](#), 142 Conn. App. 345, 351, 64 A.3d 803 (2013). "We next address the defendant's claim that the court abused its discretion by awarding sole physical and legal custody to the plaintiff. The defendant argues that the court ignored evidence in support of joint custody and placed too much weight on evidence that supported the plaintiff's request for sole custody. General Statutes § 46b-56 (c) provides in relevant part that when making custody orders, '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 [sixteen listed factors] . . . The court is not required to assign any weight to any of the factors that it considers.' 'In reaching a decision as to what is in the best interests of a child, the court is vested with broad discretion and its ruling will be reversed only upon a showing that some legal principle or right has been violated or that the discretion has been abused.' (Internal quotation marks omitted.) [Stahl v. Bayliss](#), 98 Conn. App. 63, 68, 907 A.2d 139, cert. denied, 280 Conn. 945, 912 A.2d 477 (2006)."
- [Greco v. Greco](#), Superior Court, Judicial District of New Haven at New Haven, No. FA010448175 (May 30, 2001) (29 Conn. L. Rptr. 579) (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.
 - 42. Right of biological parent as to third persons in general.
 - 76. Welfare and best interest of child.

ENCYCLOPEDIAS:

- 31 A.L.R.7th Art. 9, *Litigation of custody disputes involving use of parenting coordinators as improper delegation of judicial authority*, Eric C. Surette, Thomson West, 2017.

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 9 *A.L.R.7th* Art. 6, *Comment Note: In Camera examination or interview of child in custody proceedings*, Jennifer J. Chen, Thomson West, 2016.
- 2 *A.L.R.7th* Art. 6, *Provisions of divorce, child custody, or child support orders as infringing on federal or state constitutional guarantees of free speech*, Marjorie A. Shields, Thomson West, 2015.
- 26 *A.L.R.6th* 331, *Parents' work schedules and associated dependent care issues as factors in child custody determinations*, Jay M. Zitter, Thomson West, 2007.
- 124 *A.L.R.5th* 203, *Religion as factor in child custody cases*, George L. Blum, Thomson West, 2004.
- 80 *A.L.R.5th* 1, *Child custody and visitation rights arising from same-sex relationship*, Robin Cheryl Miller, Thomson West, 2000.
- 53 *A.L.R.5th* 375, *Mental health of contesting parent as factor in award of child custody*, Linda A. Francis, Thomson West, 1997.
- 20 *A.L.R.5th* 534, *Parent's use of drugs as a factor in award of custody of children, visitation rights, or termination of parental rights*, Mary E. Taylor, Thomson West, 1994.
- 24A *Am Jur 2d* Divorce and Separation, Thomson West, 2018 (Also available on Westlaw).

IV. Child Custody and Support; Visitation Rights

§ 791. Discretion of the court

§ 792. Rights and duties of custodian in raising child, generally

§§ 794-803. Factors in determining custody

§§ 804-808. Types of custody

§§ 809-814. Jurisdiction and Power

§§ 828-833. Procedural aspects

§§ 834-839. Custody order or decree

- 59 *Am Jur 2d* Parent and Child, Thomson West, 2023 (Also available on Westlaw).

III. Parental Rights and Duties

Custody; Visitation

§ 32. Custody disputes between parents

§ 33. Custody disputes between parents—Factors affecting choice

§ 34. Custody agreements between parents

- 27C *CJS Divorce*, Thomson West, 2016 (Also available on Westlaw).
- VII. Custody, Visitation, and Support of Children
 - §§ 1052-1058. Award of custody
 - §§ 1059-1070. Considerations affecting determination.
 - §§ 1080-1090. Custody proceedings
 - §§ 1091-1098. Child custody order
 - §§ 1102-1109. Enforcement of child custody order
- 67A *CJS Parent and Child*, Thomson West, 2023 (Also available on Westlaw).

- II. Rights and Duties Incident to Relationship
 - § 54. Rights as to custody, generally
 - § 56. Right of custody as between parents
 - §§ 58-60. Contracts, agreements, or stipulations as to custody
 - §§ 61-92. Considerations affecting custody
 - §§ 93-153. 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.

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis
 - 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 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 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 *Child Custody and Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2024 (Also available on Lexis).
 - 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

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.

§ 10.05. Relative rights of mothers and fathers:
Nonmarital parents

§ 10.05A. Relative rights of same sex parents

§ 10.05B. Transgendered parents

§ 10.06. Standards for selecting the custodial parent

§ 10.07. The wishes of the child's parent or parents
as to the child's custody

§ 10.08. The child's wishes

- *5 Child Custody and Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2024 (Also available on Lexis).

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 Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.

Chapter 19. Dissolution of Marriage, Barbara A. Stark and Sheri L. Berman

Child custody and visitation

- *3 Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2024 (Also available on Lexis).

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

§ 32.12. Appeal of custody determinations

- *Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce*, 2d ed., by Barbara Kahn Stark, LawFirst Publishing, 2003.

Chapter 8. Children

Legal custody—Sole or joint?

How do we decide?

Sole legal custody

- *1 Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2023-2024 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

- *Parenting Plans*, by Daniel Hynan, PhD, American Bar Association, 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.](#)

- Ryan Fortson and Troy C. Payne, *Lawyering Up: The Effects of Legal Counsel on Outcomes of Custody Determinations*, 22 UC Davis J. Juv. L. & Pol'y 4 (2018).
- Linda D. Elrod, *Raising the Bar for Lawyers Who Represent Children: ABA Standards of Practice for Custody Cases*, 37 Family Law Quarterly 105 (2003).

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." [Febbrioriello v. Febbrioriello](#), 21 Conn. App. 200, 206, 572 A.2d 1032 (1990).

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. (2023)
 - [Chapter 319](#). Department of Children and Families
 - § [17a-10c](#). Youth Advisory Board. Sibling Bill of Rights. Meeting between caseworker and child.
 - § [17a-10e](#). Children in Care Bill of Rights and Expectations. Meeting between caseworker and child.
 - [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. ([2024 Supplement](#))
 - § [46b-56f](#). Emergency ex parte order of custody.
 - § [46b-64](#). Orders of court prior to return day of complaint.
- [Public Act 21-78](#). secs., 8 & 9. *An Act Concerning the Definition of Domestic Violence, Revising Statutes Concerning Domestic Violence, Child Custody, Family Relations Matter Filings and Bigotry or Bias Crimes and Creating a Program to Provide Legal Counsel to Indigents in Restraining Order Cases.*

PUBLIC ACTS

COURT RULES:

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

- Conn. Practice Book (2024)
[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. 11-22)

FORMS:

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.

- 8B *Am Jur Pleading and Practice Forms* Divorce and Separation, Thomson West, 2015, with 2023 supplement (Also available on Westlaw).
 - § 242. Motion—For temporary custody
 - § 246. Affidavit—In support of motion for temporary custody
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 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
- *Library of Connecticut Family Law Forms*, 2d ed., by MacNamara, Welsh, and George, editors, Connecticut Law Tribune, 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 them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating 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>
- [In Re M.S.](#), 226 Conn App. 857, 319 A.3d 833 (2024). "...[i]t's been my standard policy, with respect to consolidation, to say that if the [order of temporary custody] is sustained, then a neglect adjudication follows on a per se basis. I can't find that the child is *in imminent risk of physical harm* and then not find that they were neglected. (Emphasis added.) Later in the

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.

hearing, when the child's attorney questioned the department social worker as to why the child's school had been changed following her removal from the home, the court asked how that information would be relevant to the order of temporary custody, and explained: 'I see it's irrelevant to the issue of whether she's in imminent physical risk unless you're suggesting that she's going to run away unless she's returned to' her previous school.

The child focuses on S and the observation made in one portion of the court's decision as to whether S is 'suitable and worthy,' in seeking to demonstrate that the court applied the wrong legal standard. Specifically, the child contends that, '[i]n using this terminology, the trial court appears to have been alluding to its power, under [§] 46b-129 (j),⁶ to vest guardianship of a child in any suitable and worthy person *after the child is adjudicated neglected*.' The petitioner responds that the court mentioned 'suitable and worthy' only after it had set forth sufficient findings in support of sustaining the order of temporary custody. We agree with the petitioner that the court's use of the phrase 'suitable and worthy' does not lead to the conclusion that the court improperly used that standard in sustaining the order of temporary custody." (pp. 867-868)

- [In Re Alizabeth L.-T. et al.](#), 213 Conn. App. 541, 278 A.3d 547 (2022). "The respondent father, Benjamin L., appeals from the judgments of the trial court sustaining ex parte orders granting temporary custody of his minor children, Alizabeth L.-T., Tanisha L., and Alyson L.-T., to the petitioner, the Commissioner of Children and Families. The respondent father raises several evidentiary claims on appeal, including that, at the contested hearing, the court improperly (1) admitted certain hearsay statements of the children under a statutory exception to the hearsay rule codified in General Statutes § 46b-129 (g), and (2) admitted hearsay statements made by Alizabeth during a forensic interview under the medical diagnosis or treatment exception to the hearsay rule. See Conn. Code Evid. § 8-3 (5). We agree with both claims and conclude that these evidentiary errors, considered together, were not harmless because, without the improperly admitted hearsay testimony and exhibits, it is likely that the outcome of the hearing would have been different. Accordingly, we reverse the judgments of the court and remand the case for a new contested hearing." (pp. 545-546)

"The petitioner, on obtaining the ex parte orders, immediately removed the children from the respondent parents' home and placed them in the temporary care of the children's older brother, Jamie C., and his wife, Zesmary F. Zesmary works at an area hospital and is a mandated reporter; see General Statutes § 17a-101 (b); and she was the person who had alerted the department of the suspected abuse and neglect.

At the May 25, 2021, preliminary hearing, the respondent

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.

father appeared and indicated that he intended to contest the orders of temporary custody. The respondent father waived his right to a hearing within ten days; see General Statutes § 46b-129 (c) (4); and the court, Chaplin, J., set a contested hearing date for June 17, 2021.” (p. 547)

- [In re Teagan K.-O.](#), 335 Conn. 745, 756-757, 242 A.3d 59 (2020). “...even temporary disruptions to the parent-child relationship can result in irreparable harm. When children have been temporarily removed from their parents' care, we have determined that ‘an immediate appeal is the only reasonable method of ensuring that the important rights surrounding the parent-child relationship are adequately protected . . . and . . . is the only way to ensure the protection of the best interests of children.’ (Citation omitted; internal quotation marks omitted.) [In re Shamika F.](#), supra, 256 Conn. 385; see also [Madigan v. Madigan](#), 224 Conn. 749, 754-55, 620 A.2d 1276 (1993).”
- [Thunelius v. Posacki](#), 193 Conn. App. 666, 687, 220 A.3d 194 (2019). “In *Yontef*, our Supreme Court noted that pendente lite custody orders do not survive the rendition of a judgment and that the judgment itself, being automatically stayed by operation of Practice Book (1981) § 3065[19] (now § 61-11), is not binding for twenty days. [Yontef v. Yontef](#), supra, 185 Conn. at 291, 440 A.2d 899. The court further noted that, ‘[i]n this twenty-day gap period, the parties arguably may revert to their common law rights, under which both are entitled, without preference, to take custody.’ *Id.* The court found that such a resolution was both ‘unseemly’ and ‘inconsistent with the concern, repeatedly enunciated in the statutes and the cases, for the best interests of the children.’ *Id.* The court therefore advised that ‘[a] trial court rendering a judgment in a disputed custody case should ... consider entering protective orders sua sponte to ensure an orderly transition that protects the primary interests of the children in a continuous, stable custodial placement.’ *Id.*, at 291-92, 440 A.2d 899. More specifically, the court stated: ‘In the interest of minimizing the emotional trauma so often imposed upon the children of divorce, a trial court should, at or before the time of its judgment, inquire whether its custody order is apt to be acceptable to the parties or is apt to be further litigated upon appeal. If an appeal appears likely, the court should enter whatever interim post judgment order it deems most appropriate, in the exercise of its broad discretion, taking into consideration the needs of the minor children for continuity, stability and well-being as well as the need of the parent who appeals for a fair opportunity fully to present his or her case. These legitimate needs are not, in all probability, apt to be protected if dissatisfied parties are able to intervene unilaterally, without judicial supervision, to effect changes in custody pending appeal. A court exercising its equitable jurisdiction with regard to custody has the duty to assure itself that its judgment will be implemented equitably to serve

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.

the best interests of the children for the near as well as for the more distant future.' *Id.*, at 293-94, 440 A.2d 899."

- [Garvey v. Valencis](#), 177 Conn. App. 578, 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." (p. 585)

"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." (p. 586)

- [Strobel v. Strobel](#), 73 Conn. App. 428, 434, 808 A. 2d 698 (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.'"
- [Hall v. Hall](#), 186 Conn. 118, 123, 439 A.2d 447 (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:

- 82 A.L.R. 5th 389, *Appealability of interlocutory or pendente lite order for temporary child custody*, Kurtis A. Kemper, Thomson West, 2000.

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

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.

- 24A *Am Jur* 2d Divorce and Separation, Thomson West, 2018 (Also available on Westlaw).
IV. Child Custody and Support; Visitation Rights
§ 804. Temporary custody
- 27C *CJS* Divorce, Thomson West, 2016 (Also available on Westlaw).
VII. Custody, Visitation, and Support of Children
§§ 1095. Temporary child custody orders
- 67A *CJS* Parent and Child, Thomson West, 2023 (Also available on Westlaw).
II. Rights and Duties Incident to Relationship
§ 111. Presumptions - temporary custody
§ 128. Temporary child custody order
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
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 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 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 *Child Custody and Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2024 (Also available on Lexis).
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, Matthew Bender, 2024 (Also available on Lexis).
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\(a\)](#) (2023).

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. (2023)
[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.

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

FORMS:

Each of our law libraries own the Connecticut treatises cited.

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

- *8B Am Jur Pleading and Practice Forms Divorce and Separation*, Thomson West, 2015, with 2023 supplement (Also available on Westlaw).
§ 120. Husband and wife seek joint custody of children
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
Form VI-C-4. Motion for temporary joint custody and determination of joint custodial rights, p. 110
- *1 Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2023-2024 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>
- [Lopes v. Ferrari](#), 188 Conn. App. 387, 396-397, 204 A.3d 1254 (2019). “There shall be a presumption, affecting the burden of proof, that joint custody is in the best interests of a minor child where the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child General Statutes § 46b-56a (b). This section does not mandate joint custody; it only creates a presumption that joint custody would be in the best interests of a minor child under certain circumstances. It is still for the trial court to decide whether joint custody has been agreed to by the parties. . . . Whether the parties have agreed to such an award is a question for the trial court.’ (Citation omitted; internal quotation marks omitted.) [Baronio v. Stubbs](#), 178 Conn. App. 769, 776-77, 177 A.3d 600 (2017). In the present case, both parties agreed to joint legal custody. The defendant, however, also requested primary physical custody and final decision-making authority. It is clear that the court awarded joint legal custody of the child to the parties, and that it also awarded to the defendant primary physical custody and final decision-making authority on major issues. Although the plaintiff contends that by giving the defendant final decision-making authority, the court, essentially, gave her sole custody, without setting forth its reasons for doing so, such a contention is contrary to our case law. As this court previously has held: ‘[F]inal decision making authority in one parent is distinct from sole legal custody. See [Desai v. Desai](#), 119 Conn. App. 224, 230, 987 A.2d 362 (2010) (noting Appellate Court’s rejection of argument that grant of ultimate decision-making authority to one parent is, in effect, order of sole custody).’
- [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

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.

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.”

- *Hardisty v. Krauss*, Superior Court, Judicial District of Middlesex at Middletown Family Trial Docket, No. FA12-4027480 (July 22, 2014) (Not Reported) (WL 4358381). “Although 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, there is no similar restriction on the court preventing the court from ordering sole legal custody when the parties seek joint custody. ‘Further, it is significant that the statute contains no additional subsection providing for a procedure in the event neither parent seeks joint custody.’ *Keenan v. Casillo*, 149 Conn. App. 642, 647, 89 A.3d 912, cert. denied, 312 Conn. 910, 93 A.3d 594, (2014), quoting *Emerick v. Emerick*, 5 Conn. App. 649, 658, 502 A.2d 933 (1985), cert. dismissed, 200 Conn. 804, 510 A.2d 192 (1986). Accordingly, despite the previous request for joint custody, the court will consider the plaintiff’s request for sole legal custody.”
- *Keenan v. Casillo*, 149 Conn. App. 642, 646-647, 89 A.3d 912 (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 (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,

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.

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.”

- Evans v. Taylor, Superior Court, Judicial District of Fairfield at Bridgeport, No. FA95-328326-S (December 19, 2000) (Not Reported) (WL 1918009). “It is problematic enough that Joshua must exist in two distinct psychological worlds, one with father and one with mother. Indeed, in his experience, when these two worlds overlap with each other, it is oftentimes accompanied by acrimony and perceived violence. It is extremely troublesome that he is exposed to the ongoing anger and hostility in a fairly regular way even when he is. . . physically with only one of his parents. It is forcefully recommended that the parents cease and desist from such behavior. Both Mr. Evans and Ms. Taylor demonstrate enough psychological upset and disturbance around these issues, that both should strongly consider their own individual psychotherapy, especially if they cannot stop directly exposing Joshua to their anger. Joshua's awareness of his parents' hostilities was striking in how salient and vivid it is. This awareness directly contributes to his own insecurity and feelings that his world is an unsafe place.” (p. 4-5)

“This December, the father desires to take his son on a cruise with the father's parents and the child's aunt, uncle and cousins. When Dr. Adamakos was asked about this proposal, he pointed out that there has not been a track record with the father and son being together for an extended period of time... Such a trip at this time does not appear to be in the child's best interests.” (p. 13-14)

“In summary, the plaintiff mother is given sole legal custody of Joshua. Parenting and visitation orders are entered in accordance with the foregoing.” (p. 16)

- Christolini v. Christolini, Superior Court, Judicial District of Waterbury at Waterbury Regional Family Trial Docket, No. FA98-0145598 (April 12, 2000) (Not Reported) (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*
120–155. Joint custody.
123. Welfare and best interest of child.
124. Existence of factors other than best interest of child.
125. Persons entitled in general.
126. Right of biological parent as to third persons in general.

- 127. Ability of parents to cooperate.
- 128. Preference of courts for mother or father.

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 17 *A.L.R.4th* 1013, Propriety of awarding joint custody of children, Vitauts M. Gulbis, Thomson West, 1982.
- 24A *Am Jur* 2d Divorce and Separation, Thomson West, 2018 (Also available in Westlaw).
 - IV. Child Custody and Support; Visitation Rights
 - § 805. Joint custody
 - § 806. —Divided or alternate custody
 - § 807. Separating children by awards to different custodians; split custody
- 27C *CJS* Divorce, Thomson West, 2016 (Also available on Westlaw).
 - VII. Custody, Visitation, and Support of Children
 - § 1057. Joint custody
 - § 1058. Divided or alternating custody
- 67A *CJS* Parent and Child, Thomson West, 2023 (Also available on Westlaw).
 - II. Rights and Duties Incident to Relationship
 - § 64. Determining joint or divided 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.

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
 - Chapter 8. Custody and Visitation
 - § 8.29. Pleading and assessing joint or sole legal custody issues
- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (Also available on Westlaw).
 - Chapter 42. Child Custody and Visitation
 - § 42:8. Joint custody—Generally
 - § 42:9. Joint custody—Sharing physical access
 - § 42:10. Joint custody—Parental agreement requirements
- 1 *Modern Child Custody Practice*, 2d ed., Jeff Atkinson, Matthew Bender, 2021, with 2024 supplement (Also available on Lexis).
 - Chapter 6. Joint and Split Custody
 - § 6-1A. Constitutional arguments for equal time with children
 - § 6-8. Joint custody as a placebo
- 2 *Child Custody and Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2024 (Also available on Lexis).
 - 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 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2024 (Also available on Lexis).
Chapter 32. Child Custody and Visitation
§ 32.08[2]. Joint or shared custody
- Friendly Divorce Guidebook for Connecticut: Planning, Negotiating and Filing Your Divorce, 2d ed., by Barbara Kahn Stark, LawFirst Publishing, 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 *Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2023-2024 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 *Legal Rights of Children*, 3d ed., by Thomas R. Young, 2023-2024 edition, Thomson West (Also available on Westlaw).
Chapter 2. Child Custody
§ 2:27. Joint custody

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Maritza Karmely, *Presumption Law in Action: Why States Should Not Be Seduced Into Adopting A Joint Custody Presumption*, 30 ND J. L. Ethics & Pub Pol'y 321 (2016).
- 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 (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 (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. (2023)
[Chapter 815](#). Court Proceedings in Family Relations Matters
§ [46b-1](#).(8)(9) Family relations matters defined.
[Chapter 915](#). Habeas Procedure 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 (2024)
[Chapter 25](#). Superior Court –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 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
Chapter 43. Enforcement of Custody and Visitation Orders
§ 43:9. Application for writ of habeas corpus—Form

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 *Child Custody and Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2024 (Also available on Lexis). 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
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2023-2024 supplement (also available on Westlaw).
Form 9:13. Habeas corpus concerning custody of child
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 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>
- [Maria G. v. Commissioner of Children and Families](#), 187 Conn. App. 466, 202 A.3d 1100 (2019). "In Connecticut, a petitioner in a habeas corpus petition for custody of a child, in order to set forth a cognizable claim, must establish that she is the child's biological parent, his adoptive parent through a proper adoption, or his legal guardian through a recognized court procedure. See [Weidenbacher v. Duclos](#), 234 Conn. 51, 62-63, 661 A2d 988 (1995)." (p. 479)

"On January 12th, 2017, the court granted the respondent's motion for summary judgment, and dismissed the habeas petition. In rendering its decision, the court applied the Uniform Child Custody Jurisdiction and Enforcement Act, General Statutes § 46g-115 et seq. (act), and determined that the Guatemalan court decree was not entitled to recognition because it was based on the petitioner's fraudulent and illegal conduct that was repugnant to the public policy of this state, it relied on the false birth certificate, and it was secured without adequate notice to the respondent". (p. 473)

"The judgment is affirmed." (p. 486)

- [Gonzalez v. Katz](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTFA13-4026627-S (February 16, 2016) (61 Conn. L. Rptr. 843) (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

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.

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."

- [Henry E.S. v. Hamilton](#), Superior Court, Judicial District of Stamford-Norwalk at Norwalk, No. F02CP07-003237-A (February 28, 2008) (Not Reported) (WL 1001969). "The provisions of Practice Book §§25-40 through 25-47 govern habeas corpus in custody matters. The provisions of §25-41 require the court to make preliminary determinations as a prerequisite to the issuance of a writ of habeas corpus: '(a) The judicial authority shall promptly review any petition for a writ of habeas corpus to determine whether the writ should issue. The judicial authority shall issue the writ if it appears that: (1) the court has jurisdiction; (2) the petition is meritorious; and (3) another proceeding is not more appropriate; (b) The judicial authority shall notify the petitioner if it declines to issue the writ pursuant to this section.'"
- [In Re Jonathan M.](#), 255 Conn. 208, 223, 764 A.2d 739 (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."
- [In the Interest of Jonathan M.](#), Superior Court, Judicial District of Middlesex at Middletown, No. -- (January 4, 2000) (Not Reported) (WL --). "Although the petitioner maintains that the court erred in granting the termination petition, he does not contend that the court lacked jurisdiction to do so or that in any other respect the judgment of termination is not final. The petitioner also claims that this court should reinstate him as a parent of Jonathan M., but the petitioner can make no claim that

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.

he currently is the parent of Jonathan M. Under our case law, then, he lacks standing to seek habeas corpus relief. See [Nye v. Marcus](#), supra, 198 Conn. 143-44. See also [Adoption of Alexander S.](#), 44 Cal. 3d 857, 750 P.2d 778, 784-85, 245 Cal. Rptr. 1 (1988) ('habeas corpus may not be used to collaterally attack a final nonmodifiable judgment in an adoption-related action where the trial court had jurisdiction to render the final judgment'). A second characteristic of a writ of habeas corpus in this context is that the issue is 'one of custody.' [McGaffin v. Roberts](#), supra, 193 Conn. 406. 'The issue is not the illegality of confinement, as is normally the case . . .' [Pi v. Delta](#), supra, 175 Conn. 530. Rather, '[a] habeas 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.' [Weidenbacher v. Duclos](#), supra, 234 Conn. 51 (internal quotation marks omitted)."

- [Weidenbacher v. Duclos](#), 234 Conn. 51, 62-63, 661 A.2d 988 (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(1). Infants—Custody in general.
532(2). Infants—Judgment or order awarding custody.

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 39 *Am Jur* 2d Habeas Corpus, Thomson West, 2019 (Also available in Westlaw).
I. Habeas Corpus and Its Statutory Equivalents
§§ 70-74. Infants and children
- 39A *CJS* Habeas Corpus, Thomson West, 2014 (Also available on Westlaw).
III. Grounds for Relief
§§ 252-259. Infants. In general
§§ 260-262. Considerations affecting custody
§§ 263-271. Judgment or order awarding 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.

- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (Also available on Westlaw).
Chapter 43. Enforcement of Custody and Visitation Orders
§ 43:8. Habeas corpus proceedings
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
Chapter 10. Paternity
§ 10.19. Filing a writ of *habeas corpus*
- 1 *Child Custody and Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2024 (Also available on Lexis).
Chapter 6. Commencement of Action or Proceeding
§ 6.06. Habeas corpus
[1] Applicability to custody disputes
[2] Procedure
- 1 *Connecticut Practice Series: Superior Court Civil Rules*, Wesley W. Horton et al., Thomson West, 2022-2023 ed. (Also available on Westlaw).
Authors' Commentary for § 25-40
- 3 *Family Law and Practice*, by Matthew Bender, 2024 (also available on Lexis).
Chapter 32. Child Custody and Visitation
§ 32.03. Initiating child custody proceedings
[1] Types of divorce-related custody proceedings
[b] *Habeas corpus*
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
Chapter X. Extraordinary relief
A. Extraordinary relief: Notes & comments
- 3 *Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2023-2024 supplement.
Chapter 19. Interference with Custody and Visitation
§ 19:9. Habeas corpus
Chapter 23. Appeals and Writs
§ 23:10. Traditional or common law writs: generally—
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 UCCJEA 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. (2023)
[Chapter 815p](#). Uniform Child Custody Jurisdiction and Enforcement Act
 § [46b-115a](#). Definitions.
 § [46b-115k](#). Initial child custody jurisdiction.
 § [46b-115m](#). Modification of custody determination of another state.
 § [46b-115n](#). Temporary emergency jurisdiction.
 § [46b-115p](#). Simultaneous proceedings.
 § [46b-115q](#). Inconvenient forum.
 § [46b-115w](#). Registration of child custody determination.
 § [46b-115u-46b-115gg](#). Enforcement of a child custody determination.

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating 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>
- *Golan v. Saada*, 142 S. Ct. 1880, 596 US ___, 213 L. Ed. 2d 203 (2022). "Under the Hague Convention on the Civil Aspects of International Child Abduction, Mar. 26, 1986, T. I. A. S. No. 11670, S. Treaty Doc. No. 99-11 (Treaty Doc.), if a court finds that a child was wrongfully removed from the child's country of habitual residence, the court ordinarily must order the child's return. There are, however, exceptions to that rule.

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.

As relevant here, a court is not bound to order a child's return if it finds that return would put the child at a grave risk of physical or psychological harm. In such a circumstance, a court has discretion to determine whether to deny return." (p. 1885)

"In exercising this discretion, courts often consider whether any 'ameliorative measures,' undertaken either 'by the parents' or 'by the authorities of the state having jurisdiction over the question of custody,' could 'reduce whatever risk might otherwise be associated with a child's repatriation.' *Blondin v. Dubois*, 189 F.3d 240, 248 (C.A.2 1999) (*Blondin I*). The Second Circuit has made such consideration a requirement, mandating that district courts independently 'examine the full range of options that might make possible the safe return of a child' before denying return due to grave risk, even if the party petitioning for the child's return has not identified or argued for imposition of ameliorative measures. *Blondin v. Dubois*, 238 F.3d 153, 163, n. 11 (C.A.2 2001) (*Blondin II*).

The Second Circuit's categorical requirement to consider all ameliorative measures is inconsistent with the text and other express requirements of the Hague Convention." (p. 1887-1888)

"The judgment of the United States Court of Appeals for the Second Circuit is vacated, and the case is remanded for further proceedings consistent with this opinion." (p.1896).

- [In re Teagan K.-O.](#), 212 Conn. App. 161, 190, 274 A.3d 985 (2022). "Our interpretation is bolstered by other relevant language in § 46b-115n (b). Section 46b-115n (b) provides in relevant part that '[if] there is no previous child custody determination that is enforceable under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction . . . a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction' Because § 46b-115n governs temporary emergency jurisdiction, the statute's reference to '[a] child custody determination *made under this section*' refers to a child custody determination made pursuant to the court's temporary emergency jurisdiction. (Emphasis added.) General Statutes § 46b-115n (b). A custody determination made under § 46b-115n (b) remains in effect only 'until an order is obtained from a court of a state having jurisdiction' By its plain language, § 46b-115n (b) establishes that a custody determination made by a court pursuant to its temporary emergency jurisdiction is 'temporary' in that it lasts only until an order is obtained from a state that has preferred jurisdiction. This language is significant because it establishes that the limitation on a court's temporary emergency jurisdiction is the existence of a state with preferred

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.

jurisdiction. If there is no state that has preferred jurisdiction or if an order is never obtained from a court of a state with preferred jurisdiction, it follows that Connecticut's jurisdiction would continue."

- [Cizek v Cizek](#), Superior Court, Judicial District of Hartford, No. FA15-6061349 (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](#), 568 U.S. 165, 133 S. Ct. 1017 (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.' The question is whether, after a child is returned pursuant to such an order, any appeal of the order is moot. The Hague Conference on Private International Law adopted the Hague Convention on the Civil Aspects of International Child Abduction in 1980. T. I. A. S. No. 11670, S. Treaty Doc. No. 99-11. In 1988, the United States ratified the treaty and passed implementing legislation, known as the International Child Abduction Remedies Act (ICARA), 102 Stat. 437, 42 U.S.C. §11601 et seq. See generally [Abbott v. Abbott](#), 560 U.S. 1, 8-9, 130 S. Ct. 1983, 176 L. Ed. 2d 789 (2010)).

The Convention seeks 'to secure the prompt return of children wrongfully removed to or retained in any Contracting State' and 'to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.' Art. 1, S. Treaty Doc. No. 99-11, at 7." (p. 168)

"The Hague Convention mandates the prompt return of children to their countries of habitual residence. But such return does not render this case moot; there is a live dispute between the parties over where their child will be raised, and there is a possibility of effectual relief for the prevailing parent." (p. 180)

- [In re Iliana M.](#), 134 Conn. App. 382, 390, 38 A.3d 130 (2012).

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.

"At the outset, we note our agreement with the decisions of the Superior Court that have set forth the goals of the UCCJEA. 'The purposes of the UCCJEA 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. . . . see *Lippman v. Perham-Lippman*, Superior Court, judicial district of Fairfield, Docket No. FA-06-4013911-S, 2006 Conn. Super. LEXIS 808 (March 10, 2006); see also *McNamara v. McNamara*, Superior Court, judicial district of Tolland, Docket No. FA-97-0064781-S, 2006 Conn. Super. LEXIS 233 (January 20, 2006)."

- *Casman v. Casman*, Superior Court, Judicial District of New Haven at New Haven, No. FA03-0476028 (February 3, 2006) (2006 Conn. Super Lexis 414) (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. 0121957-S (May 22, 2001) (2001 Conn. Super. Lexis 1453) (WL 688610). "The UCCJEA (C.G.S. § 46b-115k) allows that a court of this State has jurisdiction to make an initial child custody determination if: (1) this state is the home state of the child on the date of the commencement of the child custody proceeding; (2) this state was the home state of the child within six months of the commencement of the child custody proceeding, the child was absent from the state, and a parent or person acting as a parent continues to reside in this state. Section 46b-115a(7) provides that 'home state' means 'the state in which a child lived with a parent or person acting as a parent . . . for at least six consecutive months immediately before the commencement of a child custody proceeding A period of temporary absence of any such person is counted as part of the period. . . . 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*
700-708. Interstate issues—in general.
715-726. Foreign decrees and orders.
730-753. Jurisdiction of forum court.
736. Home state of child.
762-789. Proceedings and relief.
800-830. International issues.

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 159 *Am Jur Trials* 97, *Litigation of Interstate Compact on Placement of Children*, Kimberly J. Winbush, Thomson West, 2019 (Also available on Westlaw).
- 66 *A.L.R.6th* 269, *Applicability and application of Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to international child custody and support actions*, Ann K. Wooster, Thomson West, 2011.
- 114 *Am Jur Proof of Facts* 3d 275, *Obtaining Child Custody from Citizen Parent and Parent Who Immigrated by Marriage to U.S.*, Rebecca E. Hatch, Thomson West, 2010 (Also available on Westlaw).
- 100 *A.L.R.5th* 1, *Construction and operation of Uniform Child Custody Jurisdiction and Enforcement Act*, David Carl Minneman, Thomson West, 2002.
- 78 *A.L.R.5th* 465, *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*, David Carl Minneman, Thomson West, 2000.
- 24A *Am Jur 2d* Divorce and Separation, Thomson West, 2018 (Also available on Westlaw).
 - IV. Child Custody and Support; Visitation Rights
 - §§ 815-827. Interstate custody disputes
 - §§ 1067-1070. Recognition of foreign custody determinations
 - §§ 1071-1073. Modification of decree
- 67A *CJS* Parent and Child, Thomson West, 2023 (Also available on Westlaw).
 - II. Rights and Duties Incident to Relationship
 - § 102. Uniform Child Custody Jurisdiction and Enforcement Act
- 27C *CJS* Divorce, Thomson West, 2016 (Also available on Westlaw).
 - 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:**

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.

- *Parenting Plans*, by Daniel Hynan, American Bar Association, 2018. Appendix B: Airplane Travel for Unaccompanied Children
- 1 *Child Custody and Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2024 (Also available on Lexis).
 - Chapter 3. Impact of the UCCJEA: An Overview
 - Chapter 4. Interstate Child Custody Jurisdiction Under UCCJA, UCCJEA and PKPA
 - Chapter 5. Recognition and Enforcement of Foreign Judgments
- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 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. - 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, Matthew Bender, 2024 (also available on Lexis).
 - Chapter 32. Child Custody and Visitation
 - § 32.02. Jurisdiction
 - [4] Uniform Child Custody Jurisdiction and Enforcement Act
- 1 *Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2023-2024 supplement.
 - Chapter 2. Jurisdiction
 - §§ 2:2-2:16. Uniform Child Custody Jurisdiction and Enforcement Act
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
 - Chapter 2. Jurisdiction
 - § 2.38. CHECKLIST: Applying the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
 - § 2.39. Establishing jurisdiction under the UCCJEA