

Marin, Carolina

From: O'Connor, James
Sent: Thursday, September 21, 2023 11:21 AM
To: McDonald, Andrew; Armata, Barry; Chaplin, Courtney; Green, Ernest; Macierowski, Jennifer; McLaughlin, Stephanie; Pierson, W; Prats, Sheila; Stewart, Elizabeth
Cc: Petruzzelli, Lori; Marin, Carolina; Del Ciampo, Joseph
Subject: RCID # 2023-008, Proposal to amend various Practice Book Sections regarding the Pathways process in Family Matters.
Attachments: Public Act No. 23-7.PDF

Follow Up Flag: Follow up
Flag Status: Completed

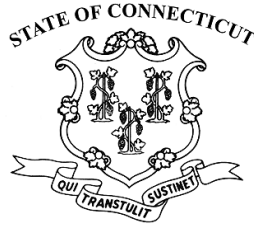
Dear Justice McDonald and Judges,

At the Rules Committee meeting held on September 18, 2023, Judge Albis and Judge Diana appeared for discussion regarding RSID #2023-008, Proposal to amend various Practice Book Sections regarding the Pathways process in Family Matters. Judge Albis mentioned recent legislation, which addresses the time periods in which the court must hear certain family motions. The relevant legislation is Public Acts 2023, No. 23-7, *An Act Ensuring Timely Scheduling of Temporary Financial Support Hearings in Divorce and Custody Proceedings*, which I have attached for your reference.

Thank you,
James

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Substitute House Bill No. 6639

Public Act No. 23-7

AN ACT ENSURING TIMELY SCHEDULING OF TEMPORARY FINANCIAL SUPPORT HEARINGS IN DIVORCE AND CUSTODY PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46b-83 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2024*):

(a) At any time after the return day of a complaint under section 46b-45 or 46b-56 or after filing an application under section 46b-61, and after hearing, alimony and support pendente lite may be awarded to either of the parties from the date of the filing of an application therefor with the Superior Court. Upon the filing of a motion requesting an initial order of alimony or support pendente lite that is accompanied by an affidavit, on a form prescribed by the Chief Court Administrator, by the moving party attesting that (1) the moving party has insufficient funds to meet the moving party's reasonable needs or the reasonable needs of the minor children of the parties, (2) the other party is not providing sufficient funds to the moving party to meet such reasonable needs, and (3) the moving party reasonably believes that the other party has sufficient means or earning capacity to so provide, then such hearing shall be held by the court not later than sixty days after the date on which such motion requesting an initial order of alimony or support

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pendente lite and accompanying affidavit were filed. In the event that such hearing requires a continuance to another date, the court shall give calendar priority to scheduling such hearing on a date that facilitates the expeditious resumption and conclusion of the hearing, absent a written agreement or interim orders that provide for such alimony or support pendente lite. In the event of a delay necessitated by a court closure or emergency experienced by a party, such hearing shall be rescheduled to a date that is not later than fourteen days after the date of the originally scheduled hearing date. Full credit shall be given for all sums paid to one party by the other from the date of the filing of such a motion to the date of rendition of such order. In making an order for alimony pendente lite, the court shall consider all factors enumerated in section 46b-82, except the grounds for the complaint or cross complaint, to be considered with respect to a permanent award of alimony. In making an order for support pendente lite, the court shall consider all factors enumerated in section 46b-84. The court may also award exclusive use of the family home or any other dwelling unit which is available for use as a residence pendente lite to either of the parties as is just and equitable without regard to the respective interests of the parties in the property. Any financial order affecting the parties entered pursuant to the provisions of section 46b-15, shall not be considered an initial order of alimony or support pendente lite for purposes of scheduling a hearing under this subsection.

(b) In any proceeding brought under section 46b-45, 46b-56 or 46b-61 involving a minor child, if one of the parents residing in the family home leaves such home voluntarily and not subject to court order, and if the court finds that the voluntary leaving of the family home by such parent served the best interests of the child, the court may consider such voluntary leaving as a factor when making or modifying any order pursuant to section 46b-56.

Approved June 7, 2023