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STAHL v. BAYLISS-DISSENT

PELLEGRINO, J. dissenting in part. Although I agree with the majority that the judgment of the trial court must be reversed because the court improperly failed to determine the best interests of the parties' children at the time of dissolution, I do not agree that the court must revisit its financial orders on remand. See footnote 5 of the majority opinion. The defendant, Eugene R. Bayliss, Jr., filed two motions to modify the parties' stipulation regarding custody and visitation, and in neither motion did he seek primary custody of the children. The defendant requested only that the court order the family relations division of the Superior Court to undertake a custody evaluation that would address the problems that he had experienced with the stipulation. Specifically, the defendant alleged in his motions that the plaintiff, Celine M. Stahl, had disparaged him to the children and had not supported his relationship with them. Even if the defendant's motions ultimately are resolved in his favor, there will be no effect on the financial orders. "Every improper order . . . does not necessarily merit a reconsideration of all of the trial court's financial orders. A financial order is severable when it is not in any way interdependent with other orders and is not improperly based on a factor that is linked to other factors." Smith v. Smith, 249 Conn. 265, 277, 752 A.2d 1023 (1999). I therefore would proceed to review the defendant's final claim on appeal, which is that the court improperly failed to award him alimony. I would reject that claim because the defendant's argument in support thereof amounts to little more than his belief that he deserves alimony. In sum, I would reverse the court's judgment as to the custody orders and would affirm the judgment as to the financial orders.