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**2025 Edition**

# Child Support in Connecticut

A Guide to Resources in the Law Library

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This guide links to 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.

See also - Research Guides:

- [Alimony in Connecticut](#)
- [Bankruptcy and the Family](#)
- [Discovery \(Financial\) in Family Matters](#)
- [Glossary of Connecticut Family Law Terms](#)
- [Modification of Judgments in Family Matters](#)
- [Motion for Contempt in Family Matters](#)

See also – Web Pages:

- [Child Support Frequently Asked Questions](#) – Connecticut Judicial Branch
- [Connecticut Law about Child Support](#) – Connecticut Judicial Branch Law Libraries

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

# Introduction

A Guide to Resources in the Law Library

- “**Child support award**’ means the entire payment obligation of the noncustodial parent, as determined under the child support and arrearage guidelines, and includes current support payments, health care coverage, childcare contribution, and periodic payment on arrearages.” Regs., Conn. State Agencies § [46b-215a-1](#) (6). “[T]he purpose of a child support order is to provide for the care and well-being of minor children....” *Battersby v. Battersby*, 218 Conn. 467, 473, 590 A.2d 427 (1991).” *Rostad v. Hirsch*, 148 Conn. App. 441, 460, 85 A. 3d 1212 (2014).
- “Child support therefore furnishes the custodian with the resources to maintain a household to provide for the care and welfare of the children; in essence, the custodian holds the payments for the benefit of the child.” *Tomlinson v. Tomlinson*, 305 Conn. 539, 555, 46 A.3d 112 (2012).
- **Purposes of guidelines:** “The primary purposes of the child support and arrearage guidelines are:
  - (1) To provide uniform procedures for establishing an adequate level of support for children, and for repayment of child support arrearages, subject to the ability of parents to pay.
  - (2) To make awards more equitable by ensuring the consistent treatment of persons in similar circumstances.
  - (3) To improve the efficiency of the court process by promoting settlements and by giving courts and the parties guidance in setting the levels of awards.
  - (4) To conform to applicable federal and state statutory and regulatory mandates.” State of Connecticut, Commission for Child Support Guidelines, [Child Support and Arrearage Guidelines](#) (Effective July 1, 2015). *Preamble to Child Support and Arrearage Guidelines* (c)
- “The **income shares model** considers the income of both parents and ‘presumes that the child should receive the same proportion of parental income as he or she would have received if the parents lived together.’ Id.; accord *Maturo v. Maturo*, supra, 296 Conn. at 93. Accordingly, ‘the determination of a parent’s child support obligation must account for all of the income that would have been available to support the children had the family remained together.’ *Jenkins v. Jenkins*, 243 Conn. 584, 594, 704 A.2d 231 (1998); see also *Dowling v. Szymbczak*, 309 Conn. 390, 408, 72 A.3d 1 (2013) (‘the calculation of child support is based on the income shares model and the parties’ combined net income rather than on the actual costs associated with raising a child’). This means that, unlike when considering a request for the modification of an alimony order, the trial court may consider a substantial increase in the supporting spouse’s income, standing alone, as sufficient justification for granting a motion to modify a child support order to ensure that the child receives the same proportion of parental income that he or she would have received if the parents had remained together.” *McKeon v. Lennon*, 321 Conn. 323, 335, 138 A.3d 242 (2016).

# Section 1: Duty to Support Children

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the duty of parent to support child including child who is adopted or the issue of a subsequently annulled marriage.

## **DEFINITIONS:**

- "The independent nature of a child's right to parental support was recognized by this court long before that right was codified in our statutes." [Guille v. Guille](#), 196 Conn. 260, 263, 492 A.2d 175 (1985).
- **Child support order** "does not operate to crystallize or limit the duty of the parent to support his minor child, but merely defines the extent of his duty during the life of the order." [Roshier v. Superior Court](#), 9 Cal.2d 556, 559, 71 P.2d 918 (1937).
- **Maintenance.** "Under General Statutes . . . [§] 46b-84, the court is authorized to make orders regarding the maintenance of the minor children of the marriage. The word 'maintenance' means 'the provisions, supplies, or funds needed to live on.' Webster, Third New International Dictionary. It is synonymous with support . . . Such orders may be in kind as well as in money." [Valante v. Valante](#), 180 Conn. 528, 532, 429 A.2d 964 (1980).
- **Unallocated support order.** "[e]ven though an unallocated order incorporates alimony and child support without delineating specific amounts for each component, the unallocated order, along with other financial orders, necessarily includes a portion attributable to child support in an amount sufficient to satisfy the guidelines." [Gabriel v. Gabriel](#), 324 Conn. 324, 337, 152 A.3d 1230 (2016).

## **CT 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. (2025)
  - § [46b-36d](#)(c). Content of premarital agreement
  - § [46b-37](#)(b). Joint duty of spouses to support family
  - § [46b-56](#). Orders re custody, care, education . . .
  - § [46b-58](#). Custody, maintenance and education of adopted children
  - § [46b-60](#). Orders re children and alimony in annulment cases
  - § [46b-84](#). Parents' obligation for maintenance of minor child. Order for health insurance coverage.
  - § [46b-215](#). Relatives obliged to furnish support. Attorney General and attorney for town as parties. Orders.

## **CASE LAW:**

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.

- [N. R. v. M. P.](#), 227 Conn. App. 698, 725-726, 323 A.3d 1142 (2024). "We note that N. R. is correct that the right to visitation cannot be conditioned on whether a party is current with his or her child support obligation. See *Raymond v. Raymond*, 165 Conn. 735, 742, 345 A.2d 48 (1974) ('It has never been our law that support payments were conditioned on the ability to exercise rights of visitation or vice versa. The duty to support is wholly independent of the right of visitation.' (Footnote omitted.)); see also *D'Amato v. Hart-D'Amato*, 169 Conn. App. 669, 685 n.12, 152 A.3d 546 (2016).

In the present case, the court did not require N. R. to be current on child support to receive parenting time in Connecticut; rather, the order provides that '[i]f [N. R.] is up to date in child support payments, *then* the parents shall equally share the costs for the children's travel.' (Emphasis added.) Although N. R. argues that the order allows the trip to be cancelled if he is not current on child support, the order does not condition N. R.'s visitation on whether he is current on child support. Instead, we construe the order as providing that, if N. R. is not current on child support, then he will bear the entire cost of the children's travel to Connecticut. If he is current on child support, he and M. P. will share the costs equally."

- [Davis v. Davis](#), 200 Conn. App. 180, 199, 238 A.3d 46 (2020). "In his final claim, the defendant argues that the court improperly failed to apply § 46b-224 by refusing to credit the time the minor child was in his custody when it calculated the defendant's child support arrearage. According to the defendant, § 46b-224 operates to automatically suspend a child support order in the event that the obligor receives custody of the minor child as a result of a court order. Thus, the defendant asserts that the court improperly calculated his arrearage without deducting a pro rata amount reflecting the time that the minor child remained in his custody. We agree."
- [LeSueur v. LeSueur](#), 186 Conn. App. 431, 451-452, 199 A.3d 1082 (2018). "General Statutes § 46b-224 specifically 'addresses the question of how a change in custody affects the payment of child support . . . .' *Tomlinson v. Tomlinson*, 305 Conn. 539, 549, 46 A.3d 112 (2012). 'Child support . . . furnishes the custodian with the resources to maintain a household to provide for the care and welfare of the children; in essence, the custodian holds the payments for the benefits of the child. Consequently, once custody changes, there is no immediately apparent reason for the former custodian to continue to receive the payments because the presumption is that the former custodian is no longer primarily responsible for providing the children's

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*necessary living expenses, including food, shelter and clothing.* In turn, permitting the diversion of funds away from the parent providing for the care and well-being of minor children when custody changes, pursuant to the parents' contractual agreement, would contravene the purpose of child support.' (Emphasis added.) Id., 555.

'Modification, including retroactive modification, of a child support order upon a change of custody under § 46b-224, comports with the default rule that child support follows the children, unless the trial court has made a finding that another arrangement is appropriate. This statute indicates that the legislature viewed the provision of custody as the premise underlying the receipt of child support payments; the legislature did not envision that the custodian would be required to pay child support to a person who does not have custody, as well as (in cases in which the obligor obtains custody) expend resources to provide directly for the care and welfare of the child. In fact, under the Child Support and Arrearage Guidelines . . . child support award is defined as the entire payment obligation of the *noncustodial* parent. . . . Once custody is transferred, however, there is no longer any basis for the presumption that the former custodian is spending his or her share of the support on the children.' (Citations omitted; emphasis in original; internal quotation marks omitted.) *Coury v. Coury*, 161 Conn. App. 271, 299, 128 A.3d 517 (2015).

In *Tomlinson*, our Supreme Court stated that "if the obligor becomes the new primary custodial parent, the obligor is no longer required to pay child support to the former custodian. . . . The immediate result . . . is . . . the originally designated payee who no longer has custody of the child does not continue to receive support payments following the change in custody, and the payments are retained by . . . the party who does have custody." *Tomlinson v. Tomlinson*, supra, 305 Conn. 549-50."

- [Schull v. Schull](#), 163 Conn. App. 83, 93-94, 134 A.3d 686 (2016). "The term 'unreimbursed medical expenses' is not defined in the 2007 order of the court or in the original judgment of dissolution. Nonetheless, we are not left without guidance regarding the meaning of this phrase. Indeed, the regulations governing the child support guidelines illuminate the meaning of that phrase: 'An order shall be made under this subdivision for payment of the child's medical and dental expenses that are not covered by insurance or reimbursed in any other manner....' Regs., Conn. State Agencies (Rev. to 2005) § 46b-215a-2b (g)(3). Additionally, the guideline regulations define ' "Health care coverage" ' as 'any provision of the child support award that addresses the

child's medical or dental needs, and includes an order for either parent to ... (B) pay all or part of such child's medical and dental expenses that are not covered by insurance or reimbursed in any other manner.' Regs., Conn. State Agencies (Rev. to 2005) § 46b-215a-1 (12). Thus, in light of the foregoing explanations, to be classified as an unreimbursed medical expense, the medical expense must: (1) not be paid by medical insurance; or (2) not be reimbursed in any other manner."

- Pelrin v. Shemet, Superior Court, Judicial District of New Haven, No. FA13-4018057-S (Apr. 8, 2015) (60 Conn. L. Rptr. 176, 177-178) (2015 WL 2166546) (2015 Conn. Super. LEXIS 789). "This seemingly anomalous and arguably unjust result may be explained, at least in part, by the possibly unintuitive reality that a guardian does not have a legal duty to support her ward. See *Favrow v. Vargas*, *supra*. The petitioner is free to support the child voluntarily but cannot be required to continue to do so if she decides not to continue. When a non-parental custodian volunteers to care for a minor child, the parents are accountable to the custodian for the child's support because the custodian is discharging their legal responsibility to the child for them. If the custodian continues to care for the adult child after emancipation, she is not discharging a legal obligation of the parents and, therefore, arguably, cannot claim support from them."
- Commissioner of Social Services v. Lewis, Superior Court, Judicial District of Hartford, No. FA11-4059024-S (Oct. 21, 2013) (56 Conn. L. Rptr. 937, 939-940) (2013 WL 5969110) (2013 Conn. Super. LEXIS 2346). "In Connecticut there is a specific statutory provision that excludes a sperm donor from an obligation of support, however, at this time there are no statutes that relieve a parent of a child conceived through in vitro fertilization (IVF) from the duty to support. The magistrate found and relied upon a body of law recognizing that in the absence of statutory authority it is in the best interest of the child to be supported by both parents. The magistrate further found that the trend in sister states suggests a disinclination to disqualify an eligible parent from a duty to support. He specifically noted that a number of jurisdictions have held that in the absence of statutorily required written consent, the best interest of children and society are served by recognizing that parental responsibility may be imposed based on conduct evincing actual consent to the artificial insemination procedure."
- Kalinowski v. Kropelnicki, 92 Conn. App. 344, 350, 885 A.2d 194 (2005). ". . . we agree that the defendant has

such a duty to support her minor child. 'The defendant's duty to support . . . is a continuing obligation, which ordinarily exists even apart from any judgment or decree of support.' *Atlas Garage & Custom Builders, Inc. v. Hurley*, 167 Conn. 248, 255, 355 A.2d 286 (1974); see also *Pezas v. Pezas*, 151 Conn. 611, 617, 201 A.2d 192 (1964). 'A parent has both a statutory and common law duty to support his minor children within the reasonable limits of his ability.' *Weisbaum v. Weisbaum*, 2 Conn. App. 270, 272-73, 477 A.2d 690 (1984)."

- Foster v. Foster, 84 Conn. App. 311, 322, 853 A.2d 588 (2004). "It is a well established principle that child support is premised upon a parent's obligation to provide for the care and well being of the minor child. See *Raymond v. Raymond*, 165 Conn. 735, 739, 345 A.2d 48 (1974) ('[t]he needs of the child, within the limits of the financial abilities of the parent, form the basis for the amount of support required'). Although the trial court is given wide discretion to modify child support on the basis of a substantial change in circumstances, interference with visitation alone is insufficient to warrant a reduction in child support. See *id.* (concluding that 'duty to support is wholly independent of the right of visitation'). Although we do not condone the plaintiff's actions in this case, the court may not punish the child, who is the beneficiary of child support, for the sins of her mother. See *id.* Accordingly, because the court incorrectly applied the law regarding a parent's obligation to provide child support, it was an abuse of discretion for the court to have eliminated the defendant's child support obligations on the basis of the plaintiff's chronic interference with visitation. Accordingly, the order eliminating the defendant's child support obligation is vacated."
- Decamillis v. Hasiotis, Superior Court, Judicial District of Hartford, No. FA00-0630369 (Sep. 11, 2001) (2001 WL 1199924) (2001 Conn. Super. LEXIS 2670). "It is implicit in the computation of current support orders that each parent's share must be computed, regardless of who requests the support order. Clearly, if either parent's support obligation is not met by providing direct support to a child in that parent's custody or by satisfactory and appropriate voluntary payments, it is not only the court's fight, but its duty, to set a support order."
- W. v. W., 248 Conn. 487, 497-498, 728 A.2d 1076 (1999). "In the context of parental responsibilities, the duty to support the child is placed fairly on the nonparental party, not solely because of his voluntary assumption of a parental role, but, also because of the misleading course of conduct that induced the child, and the biological parent as the child's guardian, to rely

detrimentally on the nonparental party's emotional and financial support of the child."

- [In re Bruce R.](#), 234 Conn. 194, 209, 662 A.2d 107 (1995). "Connecticut child support enforcement legislation clearly evinces a strong state policy of ensuring that minor children receive the support to which they are entitled."
- [Timm v. Timm](#), 195 Conn. 202, 207, 487 A.2d 191 (1985). "It is further recognized that an order for the support of minor children is not based solely on the needs of the children but takes into account what the parents can afford to pay."

**DIGESTS:**

- Dowling's Digest: *Parent and Child*  
§ 5 Liability of Parent  
Support
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2024.  
Chapter 10. Child Support  
§ 10.05. Health insurance coverage  
[1] Generally  
[2] Unreimbursed medical expenses  
§ 10.06. Life insurance coverage

**WEST KEY  
NUMBERS:**

*Child Support*

- II. Duty to support in general, #20-37
  - #24. Duty of father
  - #25. Duty of mother
  - #26. Equality of duty of mother and father
  - #27. Other particular relationships
  - #32. Effect of custody

**ENCYCLOPEDIAS:**

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

- 59 *Am Jur 2d Parent and Child*, 2023 (also available on Westlaw).  
E. Support and maintenance of child; Liability for expenses regarding child  
§§ 47-53. In General
- 24A *Am Jur 2d Divorce and Separation*, 2018 (also available on Westlaw).  
§§ 867-971. Child Support

**TEXTS &  
TREATISES:**

- 8 *Connecticut Practice Series: Family Law and Practice with Forms*, 3rd ed., by Arnold H. Rutkin et al., Thomson West, 2010 with 2022-2023 supplement (also available on Westlaw).  
Chapter 38. Child Support  
§ 38:1 Duty to support child  
§ 38:2 Statutory duty to support

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.

§ 38:3 Comparison of "child support" and "alimony"

§ 38:4 Children to whom duty of support applies

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.  
    Chapter 7. Child Support  
    Part III: Determining Who is Liable for Child Support
- *A Practical Guide to Divorce in Connecticut*, Hon. Barry F. Armata and Campbell D. Barrett, editors, Massachusetts Continuing Legal Education, 2013, with 2018 supplement.  
    Chapter 7. Child Support Basics  
    § 7.1. Introduction  
    § 7.3. Types of Child Support  
    § 7.4. Definitions
- [Child Support Services in Connecticut: A Brief Guide](#), Connecticut Department of Social Services, Revised October 2024.

**PAMPHLETS:**

Table 1: Statutory Duty to Support Children

§ <a href="#">46b-56</a>	<ul style="list-style-type: none"> <li>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 <b>may make or modify any proper order regarding the custody, care, education, visitation and support of the children</b> if it has jurisdiction under the provisions of chapter 815p.</li> </ul>
§ <a href="#">46b-58</a>	<ul style="list-style-type: none"> <li>The authority of the Superior Court to make and enforce orders and decrees as to the custody, maintenance and education of minor children in any controversy before the court between husband and wife brought under the provisions of this chapter is extended to children <b>adopted</b> by both parties and to any natural child of one of the parties who has been adopted by the other.</li> </ul>
§ <a href="#">46b-60</a>	<ul style="list-style-type: none"> <li>In connection with any petition for <b>annulment</b> under this chapter, the Superior Court may make such order regarding any child of the marriage and concerning alimony as it might make in an action for dissolution of marriage. The issue of any void or voidable marriage shall be deemed legitimate. Any child born before, on or after October 1, 1976, whose birth occurred prior to the marriage of his parents shall be deemed a child of the marriage.</li> </ul>
§ <a href="#">46b-61</a>	<ul style="list-style-type: none"> <li>In all cases in which the parents of a minor child live separately, the superior court for the judicial district where either parent resides may, on the application of either parent and after notice is given to the other parent, make any order as to the custody, care, education, visitation and support of any minor child of the parents, subject to the provisions of sections 46b-54, 46b-56, 46b-57 and 46b-66. Proceedings to obtain such orders shall be commenced by service of an application, a summons and an order to show cause.</li> </ul>
§ <a href="#">46b-84</a>	<ul style="list-style-type: none"> <li>Upon or subsequent to the annulment or dissolution of any marriage or the entry of a decree of legal separation or divorce, the parents of a minor child of the marriage, shall maintain the child according to their respective abilities, if the child is in need of maintenance. Any postjudgment procedure afforded by chapter 906 shall be available to secure the present and future financial interests of a party in connection with a final order for the periodic payment of child support.</li> </ul>
§ <a href="#">46b-215</a>	<ul style="list-style-type: none"> <li>(1) The Superior Court or a family support magistrate may make and enforce orders for payment of support against any person who neglects or refuses to furnish necessary support to such person's spouse or a child under the age of eighteen or as otherwise provided in this subsection, according to such person's ability to furnish such</li> </ul>

	<p>support, notwithstanding the provisions of section 46b-37. If such child is unmarried and a full-time high school student, such support shall continue according to the parents' respective abilities, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever occurs first.</p> <p>(4) For purposes of this section, the term "child" shall include one born out of wedlock whose father has acknowledged in writing paternity of such child or has been adjudged the father by a court of competent jurisdiction, or a child who was born before marriage whose parents afterwards intermarry.</p>
You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.	

Table 2: History of Federal Legislation Dealing with Child Support

1950	Social Security Amendments of 1950	P.L. No. 81-734, 64 Stat. 549	42 U.S.C. § 602(a)(11)
1967	Social Security Amendments of 1967	P.L. No. 90-248, 81 Stat. 896	42 U.S.C. § 602(a)(17)
1975	Federal Child Support Enforcement Program (Title IV-D)	P.L. 93-647, 88 Stat. 2337	42 U.S.C. §§651-669
1984	Child Support Enforcement Amendments of 1984*	P.L. 98-378, 98 Stat. 1305	42 U.S.C. §§651-669
1988	Family Support Act of 1988*	P.L. 100-485 P.L. 100-647	42 U.S.C. §§651-669
1993	Omnibus Budget Reconciliation Act of 1993	P.L. 103-66	42 U.S.C. §§651-669
1996	Personal Responsibility and Work Opportunity Reconciliation Act of 1996	P.L. 104-193	42 U.S.C. §§651-669
1998	Child Support Performance and Incentive Act of 1998  Deadbeat Parents Punishment Act of 1998	P.L. 105-200  P.L. 105-187	42 U.S.C. §658a  18 U.S.C. §228 note
1999	Foster Care Independence Act of 1999	P.L. 106-169	42 U.S.C. 677 note
2000	National Family Caregiver Support Act	P.L. 106-501	42 U.S.C. 3001 note

See also: [The Child Support Enforcement Program: Summary of Laws Enacted Since 1950](#), Congressional Research Service (July 19, 2023).

Table 3: Child Support and Parental Agreements

<b>Cases</b>	
<u><a href="#">Barber v. Barber</a></u> , 193 Conn. App. 190, 219 A. 3d 378 (2019).	<p>“Rather than rewriting the agreement, the court's order seeks to facilitate its enforcement by providing the parties with a timeline for exchanging information as required by the agreement.” (p. 202)</p> <p><i>facilitating enforcement</i></p> <p>“In other words, the court ordered the parties, who appeared unable or unwilling to abide by the clear requirements of their agreement, to do what they should have done before the plaintiff filed her motion for contempt.” (p. 202)</p>
<u><a href="#">Nuzzi v. Nuzzi</a></u> , 164 Conn. App. 751, 765-766, 138 A. 3d 979 (2016).	<p>“Pursuant to §§ 8.3 and 8.4 of the agreement, both parties were entitled to a de novo hearing to establish the defendant's support obligation after the first year grace period. In failing to adjudicate the motion to modify pursuant to the agreement, the court failed to afford the parties the benefit of the agreement they had entered into at the time of the dissolution of their marriage, and therefore abused its discretion by denying the motion to modify without considering its merits. We reverse the judgment with respect to the motion to modify and remand the matter to the trial court for further proceedings.”</p>
<u><a href="#">Digiuseppe v. Digiuseppe</a></u> , Superior Court, Judicial District of Litchfield at Litchfield, No. LLI-FA13-4013019-S (November 23, 2015) (61 Conn. L. Rptr. 310, 311) (2015 WL 9242356) (2015 Conn. Super. LEXIS 2900).	<p>“While it is true that CGS Section 46b-56c is the vehicle which allows the court to enter an order for college expenses, the parties are free to enter into an agreement separate and apart from the dictates of the statute. The Appellate Court stated in <i>Histen v. Histen</i>, 98 Conn. App. 729, 734 n. 4, 911 A.2d 348 (2006): 'We reject at the outset the [father's] contention, pressed throughout his appellate brief, that the educational support provision of the parties' separation agreement must be construed with reference to language contained in General Statutes § 46b-56c, a fairly recent enactment authorizing courts to enter educational support orders in dissolution proceedings <i>in the event the parties fail to reach a voluntary agreement regarding their children's college expenses</i>. It is abundantly clear from the record in this case that the parties reached a voluntary settlement agreement that addressed the question of their children's post-majority educational expenses, and, therefore, there was no need for the court to issue an educational support order under the authority of § 46b-56c. It is further clear that neither party requested such an order, nor did the court at the time of dissolution make the predicate findings necessary to issue such an order. See General Statutes § 46b-56c(b)(4) (c). Accordingly, the terms used in that statute have no bearing whatsoever on the construction of the language chosen by the parties when they</p>

	drafted their voluntary settlement agreement.' (Emphasis added.)"
<a href="#"><u>Zitnay v. Zitnay</u></a> , 90 Conn. App. 71, 75, 875 A.2d 583 (2005).	"In his appeal to this court, the father has raised three issues. He maintains that (1) the shared parenting plan manifested the parents' agreement that neither parent would ever have primary custody of their children, (2) the court impermissibly deviated from the support guidelines because the mother did not satisfy the definition of a custodial parent under the guidelines, and (3) the parents' incomes and their shared parenting responsibilities were approximately equal. We are not persuaded."
<a href="#"><u>Brent v. Lebowitz</u></a> , 67 Conn. App. 527, 532, 787 A.2d 621, <i>cert. granted</i> , 260 Conn. 902 (2002).	"Accordingly, support agreements that are not in accordance with the financial dictates of the guidelines are not enforceable unless one of the guidelines' deviation criteria is present, such as when the terms of the agreement are in the best interest of the child."
<a href="#"><u>In re Bruce R.</u></a> , 234 Conn. 194, 210-211, 662 A.2d 107 (1995).	"In addition, we repeatedly have recognized that children must be supported <i>adequately</i> . . . . This commitment would be undermined if we permitted a consensual petition, which frees the petitioner from any further obligation to support his or her children, to be granted without considering the financial condition of the parents."
<a href="#"><u>Masters v. Masters</u></a> , 201 Conn. 50, 67-68, 513 A.2d 104 (1986).	"To ensure that the court's ultimate, nondelegable responsibility to protect the best interests of the child is not shortcircuited by this process, some courts have devised special provisions for court review, permitting a full <i>de novo</i> hearing under certain specified circumstances."
<a href="#"><u>Guille v. Guille</u></a> , 196 Conn. 260, 265, 492 A.2d 175 (1985).	"In light of the legislature's evident concern for the rights of minor children in marital dissolution proceedings, we cannot conclude that General Statutes § 46b-86 (a) was designed to change the common law and permit divorcing parents, by stipulation incorporated into the divorce decree, to contractually limit their children's right to support."
<a href="#"><u>In re Juvenile Appeal</u> (85-BC), 195 Conn. 344, 352, 488 A.2d 790 (1985).</a>	"We recognize initially that the established public policy in this state is '[t]o protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children. . . .'"
<a href="#"><u>In re Juvenile Appeal</u> (83-DE), 190 Conn. 310, 318-319, 460 A.2d 1277 (1983).</a>	"Parents have a constitutionally protected right to raise and care for their own children. <i>Stanley v. Illinois</i> , 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972). This right is not free from intervention by the state, however, when the continuing <i>parens patriae</i> interest of the state in the well being of children is deemed by law to supercede parental interests."

<p><a href="#"><u>State v. Anonymous</u></a>, 179 Conn. 155, 170-171, 425 A.2d 939 (1979).</p>	<p>"It is important to note in this relation that the ultimate standard underlying the whole statutory scheme regulating child welfare is the 'best interest of the child' . . . . This furthers the express public policy of this state to provide all of its children a safe, stable nurturing environment."</p>
<p><a href="#"><u>Burke v. Burke</u></a>, 137 Conn. 74, 80, 75 A.2d 42 (1950).</p>	<p>"This is because no such contract by a father can restrict or preclude the power of the court to decree what he shall pay for the support of a dependent minor child. A husband and wife cannot make a contract with each other regarding the maintenance or custody of their child which the court is compelled to enforce, nor can the husband relieve himself of his primary liability to maintain his child by entering into a contract with someone else to do so. The welfare of the child is the primary consideration."</p>
<p>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 <a href="#"><u>contact your local law librarian</u></a> to learn about the tools available to you to update cases.</p>	

Table 4: Retroactive Child Support – Cases

<b>Cases</b>	
<p><a href="#"><u>Colbert v. Carr</u></a>, 140 Conn. App. 229, 57 A.3d 878 (2013).</p>	<p>"The plaintiff's next claim is that the court improperly failed to award three years of child support retroactive from the date of the filing of her petition under § 46b-160. She concedes that such an award is discretionary under § 46b-171 (a) (1) (A), but argues that the court abused its discretion in denying an award of retroactive child support because the amounts voluntarily paid by the defendant 'were deficient.'" p. 238</p> <p>"We cannot conclude that the court abused its discretion in denying the plaintiff's request for three years of retroactive child support when the defendant has been paying child support throughout his son's life, has paid the amounts for child support requested by the plaintiff and, in some instances, has paid more than the amounts set forth in the child support guidelines." p. 239</p>
<p><a href="#"><u>Pagliaro v. Jones</u></a>, 75 Conn. App. 625, 817 A.2d 756 (2003).</p>	<p>"In Connecticut, the initial paternity action was dismissed on the 1998 dormancy list for failure to prosecute with reasonable diligence. The plaintiff subsequently filed a second paternity petition in Connecticut on May 15, 1998..." p. 629</p> <p>"At the child support hearing, the plaintiff sought child support retroactive to May 15, 1995, pursuant to General Statutes (Rev. to 1993) § 46b-160 (a)." p. 630</p> <p>"...the court properly concluded that the three year retroactivity provision of § 46b-160 relates to the time of the filing of the present petition, May 15, 1998." p. 638</p>
<p><a href="#"><u>Clinton v. Ogbogu</u></a>, Superior Court, Judicial District of Windham at Putnam, No. WWM-FA-215012437-S (July 21, 2022) (2022 WL 21748305).</p>	<p>"After the hearing on the matter and further review of § 46b-215 and General Statutes § 46b-56, the Court agrees that a matter involving claims under each section can be adjudicated by the Superior Court if properly pleaded or, as in this case, leave is requested to amend a custody application to include a claim for support under § 46b-215 and the Court subsequently grants the request for leave to amend. The Court agrees with the Plaintiff Mother that the Plaintiff's Amended Complaint (#119.00) filed on September 7, 2021, properly invoked § 46b-215 by claiming via affidavit that which is specifically required under § 46b-215 (a) (7) (A) in order to commence a support matter.</p>

	<p>"Regarding the Constitutionality of § 46b-215, the Court also agrees with the Plaintiff Mother that, essentially, the distinction drawn between married and unmarried persons in § 46b-215 benefits the Defendant Father and other unmarried litigants by limiting their liability for retroactive child support to three years prior to the support petition whereas retroactive child support appears to be unlimited in situations where parents are married."</p>
<p><u>Reynolds-Beaumont v. Wyble</u>, Superior Court, Judicial District Of Windham at Putnam, No. WWM-FA19-6017311-S (August 29, 2022) (2022 WL 21748302)</p>	<p>"...the state is permitted to seek past due support retroactive to the three years preceding the date of the filing of the petition. See General Statutes § 46b-160 (a) (1) (A). The record demonstrates that Mr. Wyble has not made regular support payments since his paternity was conclusively established. Had Mr. Wyble paid more than \$340 in child support since the parentage finding, the current arrearage would be considerably lower. The court also notes that Mr. Wyble has filed eight motions for continuance ... The continuances, which were granted by the court, contributed to the delay in the family support magistrate court's ability to reach a final resolution in this action, thereby causing the retroactive support amount to increase. It logically follows that the accrued arrearage in the present case is not the result of the family support magistrate's conduct, nor any exercise of the family support magistrate's discretion."</p>

## Section 2: Child Support Guidelines

A Guide to Resources in the Law Library

“To ensure the appropriateness of child support awards, General Statutes § 46b-215a provides for a commission to oversee the establishment of child support guidelines.’ *Kiniry v. Kiniry*, 299 Conn. 308, 319, 9 A.3d 708 (2010). Pursuant to General Statutes § 46b-215b (a), the guidelines ‘shall be considered in all determinations of child support award amounts .... In all such determinations, there shall be a rebuttable presumption that the amount of such awards which resulted from the application of such guidelines is the amount to be ordered. A specific finding on the record at a hearing, or in a written judgment, order or memorandum of decision of the court, that the application of the guidelines would be inequitable or inappropriate in a particular case, as determined under the deviation criteria established by the Commission for Child Support Guidelines under section 46b-215a, shall be required in order to rebut the presumption in such case.’” [C. D. v. C. D.](#), 218 Conn. App. 818, 848, 293 A.3d 86 (2023).

**Child support and arrearage guidelines:** “means the rules, schedule and worksheet established under this section and sections 46b-215a-2c, 46b-215a-3a, 46b-215a-4b and 46b-215a-5c, and 46b-215a-6 of the Regulations of Connecticut State Agencies for the determination of an appropriate child support award, to be used when initially establishing or modifying both temporary and permanent orders.” Regulations of Conn. State Agencies (Child Support and Arrearage Guidelines) § [46b-215a-1\(5\)](#) [Amended July 1, 2015].

**Purposes of guidelines:** “The primary purposes of the child support and arrearage guidelines are:

- (1) To provide uniform procedures for establishing an adequate level of support for children, and for repayment of child support arrearages, subject to the ability of parents to pay.
- (2) To make awards more equitable by ensuring the consistent treatment of persons in similar circumstances.
- (3) To improve the efficiency of the court process by promoting settlements and by giving courts and the parties guidance in setting the levels of awards.
- (4) To conform to applicable federal and state statutory and regulatory mandates.” State of Connecticut, Commission for Child Support Guidelines, [Child Support and Arrearage Guidelines](#) (Effective July 1, 2015). Preamble to Child Support and Arrearage Guidelines (c).

**Income Shares Model:** “The Income Shares Model presumes that the child should receive the same proportion of parental income as he or she would have received if the parents lived together. Underlying the income shares model, therefore, is the policy that the parents should bear any additional expenses resulting from the maintenance of two separate households instead of one, since it is not the child’s decision that the parents divorce, separate, or otherwise live separately.” [Child Support and Arrearage Guidelines](#) (Effective July 1, 2015). Preamble to Child Support and Arrearage Guidelines (d).

# Section 2a: When Applicable

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to the [Child Support and Arrearage Guidelines](#) (eff. July 1, 2015) including applicability and instructions on using.

**DEFINITIONS:** • **Applicability.** "(1) Award components

This section shall be used to determine the current support, health care coverage and child care contribution components of all child support awards within the state, subject to section 46b-215a-5c of the Regulations of Connecticut State Agencies.

(2) Income scope

When the parents' combined net weekly income exceeds \$4,000, child support awards shall be determined on a case-by-case basis, consistent with statutory criteria, including that which is described in subsection (d) of section 46b-84 of the Connecticut General Statutes. The amount shown at the \$4,000 net weekly income level shall be the minimum presumptive support obligation. The maximum presumptive support obligation shall be determined by multiplying the combined net weekly income by the applicable percentage shown at the \$4,000 net income level." Child Support and Arrearage Guidelines (Regulations of Conn. State Agencies) § [46b-215a-2c\(a\)](#) (2015).

**CT STATUTES:** • Conn. Gen. Stat. (2025)  
§ [46b-215b](#). Guidelines to be used in determination of amount of support and payment on arrearages and past due support.

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

**REGULATIONS:** • Conn. Agencies Regs. (7/15)  
§§ [46b-215a-1](#) et seq.  
Child Support and Arrearage Guidelines  
Regulations  
§§ [17b-179\(b\)-1](#). Use of child support and arrearage guidelines

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

**CASE LAW:**

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- [LeSueur v. LeSueur](#), 186 Conn. App. 431, 443-444, 199 A.3d 1082 (2018). "We agree with the plaintiff that, pursuant to our child support statutes and regulations, the court may not include income from alimony when it calculates the income of an alimony recipient for purposes of determining child support.

'Our review of the court's interpretation of . . . § 46b-215a-1 (11) . . . of the Regulations of Connecticut State Agencies is plenary. . . . Section 46b-215a-1 (11) of the Regulations of Connecticut State Agencies defines gross income as the average weekly earned and unearned income from all sources before deductions . . . . That section includes a nonexhaustive list of twenty-two inclusions. In that list of inclusions is: alimony being paid by an individual who is not a party to the support determination. . . . Regs., Conn. State Agencies § 46b-215a-1 (11) (A) (xix). The specific wording of this inclusion makes clear that only alimony received from a nonparty to the support determination is included in gross income.' (Citation omitted; emphasis omitted; internal quotation marks omitted.) *Robinson v. Robinson*, 172 Conn. App. 393, 397-98, 160 A.3d 376, cert. denied, 326 Conn. 921, 169 A.3d 233 (2017); see also General Statutes § 46b-84."
- [Malpeso v. Malpeso](#), 165 Conn. App. 151, 166-167, 138 A.3d 1069 (2016). "Therefore, '[t]o the extent that the parties' combined net weekly income exceeds . . . the upper limit of the schedule . . . the schedule cannot, and does not, apply, except insofar as the guidelines mandate a minimum child support payment. This does not mean, however, that the guideline principles that inform the schedule, including equity, consistency and uniformity in the treatment of persons in similar circumstances . . . do not continue to apply merely because the parties' income exceeds the schedule's upper limit. As previously discussed, § 46b-215b requires that the guidelines shall be considered in all determinations of child support amounts.... Accordingly, the guidelines cannot be ignored when the combined net family income exceeds the upper limit of the schedule, but remain applicable to all determinations of child support." (Citations omitted; emphasis omitted; internal quotation marks omitted.) *Maturo v. Maturo*, 296 Conn. 80, 109, 995 A.2d 1 (2010)."
- [O'Brien v. O'Brien](#), 138 Conn. App. 544, 553, 53 A.3d 1039 (2012). "In any marital dissolution action involving minor children, it is axiomatic that the court must fashion orders providing for the support of those children. There is no exception to this mandate, and certainly none for unallocated awards of alimony and child support, which necessarily include amounts for both child support and spousal support. Indeed, our Supreme Court recently

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confirmed in *Tomlinson v. Tomlinson*, 305 Conn. 539, 558, 46 A.3d 112 (2012), that an unallocated order 'necessarily includes a portion attributable to child support in an amount sufficient to satisfy the guidelines.' (Emphasis added.)"

- [Korsgren v. Jones](#), 108 Conn. App. 521, 529-530, 948 A.2d 358 (2008). "As this court emphasized in *Lefebvre*, § 46b-215a-3(b)(6)(A) of the regulations provides that a deviation is warranted only when the shared parenting arrangement substantially increases or decreases a parent's financial obligation. *Lefebvre v. Lefebvre*, supra, 75 Conn. App. at 669."
- [Reininger v. Reininger](#), 49 Conn. Supp. 238, 241, 871 A.2d 422 (2005). "When a judgment incorporates a separation agreement in accordance with a stipulation of the parties, it is to be regarded and construed as a contract."
- [Morris v. Morris](#), 262 Conn. 299, 306-307, 811 A.2d 1283 (2003). "The cases upon which the plaintiff relies, however, are inapposite because, in the present case, the trial court affirmatively and expressly stated that it relied on gross incomes in determining support, as the trial court did in the case at hand. Although the court broadly stated that its support order was based on financial affidavits, the court, nonetheless, expressly and affirmatively stated that the defendant 'has the following gross amounts which are properly included in his support income consideration . . . .' (Emphasis added.) Therefore, we conclude that the trial court applied the wrong legal standard."
- [Evans v. Taylor](#), 67 Conn. App. 108, 111-112, 786 A.2d 525 (2001). "Although the court noted that it was unclear whether the earnings that were reported by the plaintiff were his actual earnings, it also noted that the defendant had income from various investments that she did not include on her financial affidavit. Further, the court found that pursuant to the financial affidavit of the plaintiff, his 'expenses' were, for the most part, all being paid, despite the fact that the total of those 'expenses' exceeded the amount he had listed as 'income,' which led the court to conclude that the plaintiff's income was at least equal to that of his 'expenses.' In light of that situation, the court calculated the net income of each party using the same method; it substituted the amount listed as 'expenses' on each party's financial affidavit for gross income and deducted the applicable payroll taxes from that amount to arrive at each party's net income."
- [Favrow v. Vargas](#), 222 Conn. 699, 707-714, 610 A.2d 1267 (1992). *History of the child support guidelines.*

- Battersby v. Battersby, 218 Conn. 467, 469-470, 590 A.2d 427 (1991). "The statute [46b-215b] does not . . . require the trial courts to *apply* the Guidelines to all determinations of child support, but creates only a rebuttable presumption as to the amount of child support. It requires only that the trial court *consider* the Guidelines."
- Miklos v. Miklos, Superior Court, Judicial District of Litchfield, No. 049049 (June 5, 1991) (4 Conn. L. Rptr. 185, 186) (1991 WL 107513) (1991 Conn. Super. LEXIS 1341). "...the child support guidelines may be applied to motions for modification of support filed in cases where judgment was entered prior to the effective date of the child support guidelines."

**DIGESTS:**

- *Connecticut Family Law Citations*: A Reference Guide to Connecticut Family Law Decisions, by Monika D. Young, LexisNexis, 2024.
  - Chapter 10. Child Support
    - § 10.03. Child Support Guidelines
      - [1] Income
      - [2] Additional sources of income other than salary and wages
- Family Support Magistrate Decisions and Digest
  - II. Child Support Guidelines
  - III. Support guidelines

**WEST KEY  
NUMBERS:**

*Child Support*

- IV. Amount and incidents of award, #140-165
  - #142. Validity of guidelines
  - #143. Applicability of guideline
  - #144. Retroactive effect of guidelines
  - #145. Incomes outside guidelines range
  - #146. Construction, operation, and effect of guidelines
  - #147. Adjustments to guidelines

**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*, 3rd ed., by Arnold H. Rutkin et al., Thomson West, 2010 with 2022-2023 supplement (also available on Westlaw).
  - Chapter 38. Child Support
    - § 38:19. Guidelines and formulas for support
    - § 38:52. Connecticut Child Support Guidelines
    - § 38:53. Child Support Guidelines Worksheet—Form
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
  - Chapter 7. Child Support
    - Part V: Using the Child Support Guidelines
    - Part VII: Establishing Permanent Child Support Orders

- *A Practical Guide to Divorce in Connecticut*, Hon. Barry F. Armata and Campbell D. Barrett, editors, Massachusetts Continuing Legal Education, 2013, with 2018 supplement.  
Chapter 7. Child Support Basics  
§ 7.2. Connecticut's Child Support Guidelines

**LAW REVIEWS:**

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

- Molly E. Christy, *Unjust and inequitable: An argument against strict application of the child support guidelines when the obligor parent and child live in different countries*, 20 Quinnipiac Prob. L.J. 260 (2007).
- *Calculating And Collecting Child Support: Sixteen Years After The Guidelines...And Counting*, 23 Family Advocate no. 2 (Fall 2000). Special issue
- *1999 Child Support Symposium*, 33 Family Law Quarterly no. 1 (Spring 1999).
- Lewis Becker, *Spousal and Child Support and the "Voluntary Reduction of Income" Doctrine*, 29 Connecticut Law Review 647 (1997).

# Section 2b: Deviation from Guidelines

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to deviation from the [Child Support and Arrearage Guidelines](#) (eff. July 1, 2015).

## **DEFINITIONS:**

- **Deviation criteria:** "means those facts or circumstances specified in sections 46b-215a-5c of the Regulations of Connecticut State Agencies which may justify an order different from the presumptive support amounts." Regulations of CT State Agencies § [46b-215a-1\(10\)](#) (7-15).
- **Shared physical custody** "means a situation in which the physical residence of the child is shared by the parents in a manner that ensures the child has substantially equal time and contact with both parents. An exactly equal sharing of physical care and control of the child is not required for a finding of shared physical custody." Regulations of CT State Agencies § [46b-215a-1\(23\)](#) (7-15).

## **CT STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2025)  
§ [46b-215b\(a\)](#). Guidelines to be used in determination of amount of support and payment on arrearages and past-due support.

## **REGULATIONS:**

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- Regulations of Conn. State Agencies. (7-15)  
§§ [46b-215a-5c](#). Deviation criteria
  - (b) Criteria for deviation from presumptive support amounts
    - (1) Other financial resources available to parent
    - (2) Extraordinary expenses for care and maintenance of the child
    - (3) Extraordinary parental expenses
    - (4) Needs of a parent's other dependents
    - (5) Coordination of total family support
    - (6) Special circumstances
      - (A) Shared physical custody
      - (B) Extraordinary disparity in parental income
      - (C) Total child support award exceeds 55% of obligor's net income.
      - (D) Best interests of the child
      - (E) Other equitable factors

## **AGENCY REPORTS:**

- [Child Support and Arrearage Guidelines](#) (eff. July 1, 2015)  
*Preamble to Child Support and Arrearage Guidelines,*  
(j) Deviation criteria  
(3) Existing criteria

(D) **Shared physical custody.** "The commission refined the shared physical custody deviation by removing references to 'custodial' and 'noncustodial' parents and substituting the designations of 'lower net weekly income' and 'higher net weekly income' parents. The commission also added a provision to allow deviation from the presumptive support amount when both parents have substantially equal income. The commission continues to reject the notion of a mathematical formula based on the time spent with each parent to determine support amounts in the shared physical custody context. Application of such a formula would tend to shift the focus away from the best interests of the child and more toward financial considerations, which would be inconsistent with Connecticut law. A finding of shared physical custody should be made only where each parent exercises physical care and control of the child for periods *substantially in excess of* two overnights on alternate weekends, alternate holidays, some vacation time, and other visits of short duration, which may occasion an overnight stay during the week. While periods substantially in excess of this schedule are required for a finding of shared physical custody, the commission emphasizes that an *equal* time-sharing is *not* required for such finding. Courts still must determine what precise level of sharing is sufficient to warrant a deviation from presumptive support amounts. The commission continues to reject a 'bright-line' definitional test as well as a formula approach to shared custody situations to discourage disputes over time-sharing as a means of affecting support amounts. The commission believes the approach continued in these regulations leaves sufficient room for the exercise of judicial discretion while providing a measure of predictability for the parties."

(4) **New Deviation Criteria** "A new deviation criterion was adopted by the commission which provides that if the total child support award exceeds 55% of the obligor's net income, it may be appropriate to deviate downward on any components of the award other than current support to reduce the total award to not less than 55% of the obligor's net income."

**CASE LAW:**

- [Wald v. Cortland-Wald](#), 226 Conn. App. 752, 767-68, 319 A.3d 769 (2024). "Regardless of the parties' disagreement regarding the defendant's income, the court failed to make the requisite findings that would support a deviation based on the shared physical custody of the parties' minor child, specifically, that the plaintiff or the defendant would have substantially increased or decreased expenses due to the shared parenting plan, and that sufficient funds would remain for the parent receiving support to meet the needs of the child after deviation, or that both parties have substantially equal income, as required by § 46b-215a-5c (b) (6) (A) of the regulations. Without the specific findings

that would support a deviation based on the shared physical custody of the minor child, it is impossible to ascertain how the court determined that application of the child support guidelines was inequitable and inappropriate due to this criterion. We conclude, therefore, that the court improperly deviated from the presumptive amount of child support without making the required findings. See *Renstrup v. Renstrup*, *supra*, 217 Conn. App. at 272-73, 287 A.3d 1095 (trial court abused its discretion when it deviated from child support guidelines without making required findings); *Zheng v. Xia*, 204 Conn. App. 302, 308, 312, 253 A.3d 69 (2021) (trial court abused its discretion when its reason for deviating from guidelines failed as matter of law and it made no other findings explaining why guidelines were inequitable or inappropriate)."

- [Marcus v. Cassara](#), 223 Conn. App. 69, 84-85, 308 A.3d 39 (2023). "Although the plaintiff has filed numerous motions for modification, including the motion at issue in the present case, he has never challenged the court's decision to issue the extracurricular activities order as being a substantial deviation from the child support guidelines that was made without the requisite finding that the application of the guidelines would be inequitable or inappropriate. We conclude that, under the circumstances of the present case, the court improperly used the plaintiff's motion for modification as an opportunity to evaluate, *sua sponte*, the propriety of the order more than twelve years after it was imposed.

We also disagree with the court's conclusion that the extracurricular activities order constituted a deviation from the child support guidelines. It is helpful in our analysis to provide an overview of the legal principles governing custody and support orders issued pursuant to General Statutes § 46b-56 and basic child support orders issued pursuant to General Statutes § 46b-215b."

- [Anketell v. Kulldorff](#), 207 Conn. App. 807, 821-822, 263 A.3d 972 (2021). "Having concluded that the court calculated the presumptive amount on the basis of the defendant's actual income, we note the subsequent findings of the court. The court found that the presumptive amount 'was determined to be unfair and inequitable' and turned to the application of deviation criteria. It deviated upward on the basis of the defendant's earning capacity."
- [Zheng v. Xia](#), 204 Conn. App. 302, 312 (2021). "Our Supreme Court has stated that '[i]ncome disparity may be considered . . . only when the *custodial parent* has the higher income and deviation from the presumptive support amount would enhance the lower income [noncustodial] parent's ability to foster a relationship with the child . . . .

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This consideration is unambiguously intended to protect the noncustodial parent in circumstances where the income of the custodial parent far exceeds the income of the parent obligated to pay child support . . . . (Citation omitted; emphasis in original; internal quotation marks omitted.) Id., 101. That is not the situation in the present case, in which the unemployed defendant is the custodial parent who has no income aside from child support. The court, therefore, improperly considered the disparity between the parties' incomes when it ordered the plaintiff to pay the defendant 13 percent of his net bonus income as supplemental child support. For this reason, we reverse the judgment only with respect to the lump sum, supplemental child support order."

- [Buxenbaum v. Jones](#), 189 Conn. App. 790, 209 A.3d 664 (2019). "[A]lthough a court can base its financial orders on the parties' earning capacities, it is not required to do so. In the present case, although the court found that the defendant had a higher 'income earning capacity' than did the plaintiff, the court also found that the parties were in an equal position: 'The parties are in equipoise as to age, health, station, estate, needs, vocational skills, education, employability, and opportunity. . . .' The record also reveals that the court carefully considered the status of the parties before the marriage, during the marriage, and at the time of trial, including the fact that the defendant is an entrepreneur at heart who wanted to pursue a career path different than the one that, in the past, had produced a higher income. Significantly, the plaintiff did not claim, nor did the court find, that the defendant's decision to change careers was done willfully to restrict his earning capacity to avoid support obligations. Overall, the court crafted its financial orders taking all of the facts into consideration, including the requests of the plaintiff, and balanced the equities in the case, including a shared physical custody arrangement." (p. 805)

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"Because the parties were sharing physical custody of the children and their net incomes were similar, the court found that a deviation from the guidelines was in order, and it concluded that no support should be paid by either party, as had been the position of the plaintiff during closing argument." (p. 809)

- [Gabriel v. Gabriel](#), 324 Conn. 324, 337-338, 152 A3d 1230 (2016). "Consistent with General Statutes § 46b-215b (a), the guidelines provide that the support amounts calculated thereunder are the correct amounts to be ordered by the court unless rebutted by a specific finding on the record that the presumptive support amount would be inequitable or inappropriate. Regs., Conn. State Agencies § 46b-215a-3 (a). The finding must include a statement of the presumptive support amount and explain how application of the deviation

criteria justifies the variance. *Id.*; see also General Statutes § 46b- 215b (a).’ (Emphasis omitted.) *Kiniry v. Kiniry*, 299 Conn. 308, 319–20, 9 A.3d 708 (2010).”

- [Hornung v. Hornung](#), 323 Conn. 144, 167, 146 A.3d 912 (2016). “The trial court also did not specify how much of the periodic alimony and child support award should go toward the children’s maintenance, as opposed to the plaintiff’s support. The trial court, at least, found it appropriate to deviate from the presumptive minimum child support amount under the guidelines based on the defendant’s income. Moreover, the parties’ four minor children are entitled to maintain the standard of living of the marriage, to the extent possible. See *Maturo v. Maturo*, *supra*, 296 Conn. at 108; see also *id.*, at 168– 69 (*Vertefeuille, J.*, dissenting in part) (noting ‘new wave’ of cases recognizing ‘the significance of the standard of living of children of affluent parents’ [internal quotation marks omitted]).”
- [Malpeso v. Malpeso](#), 165 Conn. App. 151, 167-168, 138 A.3d 1069 (2016). “[T]he guidelines emphasize that the support amounts calculated thereunder are the correct amounts to be ordered by the court unless rebutted by a specific finding on the record that such an amount would be inequitable or inappropriate. [Regs., Conn. State Agencies] § 46b-215a- 3 (a). Any such finding shall include the amount required under the guidelines and the court’s justification for the deviation, which must be based on the guidelines’ “[c]riteria for deviation....” *Id.*, at § 46b-215a-3 (b).’ *Maturo v. Maturo*, *supra*, 296 Conn. at 92. ‘The deviation criteria are narrowly defined and require the court to make a finding on the record as to why the guidelines are inequitable or inappropriate.’ (Emphasis added.) *Id.*, at 100.”
- [Mingo v. Blake](#), Superior Court, Judicial District of Hartford at Hartford, No. HHD-FA15-4077658-S (January 22, 2016) (61 Conn. L. Rptr. 714, 717) (2016 WL 572028) (2016 Conn. Super. LEXIS 149). “The FSM then entered an order of weekly support based upon a valid deviation from the child support guidelines. General Statutes § 46b-215e and the relevant Regulations of Connecticut State Agencies permit a court to deviate from a presumptive order of support upon an adequate finding that the presumptive order would be inequitable or inappropriate. The record presently before the court indicates that the FSM made such a finding. See, e.g., *Syragakis v. Syragakis*, 79 Conn. App. 170, 177 (2003) (court found that defendant had ‘substantial assets’ and that ‘such amount would be inequitable or inappropriate in this particular case’). Because *Rousseau v. Perricone*, *supra*, 148 Conn. App. at 837, and other relevant cases hold that a chose in action is property and because an obligor’s substantial assets, including income-producing and nonincome- producing property, can justify a deviation from

a presumptive order of support; Regs. Conn. State Agencies § 46b-215a-3(b)(1)(A), the defendant's pending civil actions in the present case are substantial assets under the applicable deviation criteria and pursuant to General Statutes § 46b-215e." *Incarcerated obligor.*

- [Berger v. Finkel](#), 161 Conn. App. 416, 427, 128 A.3d 508 (2015). "What especially is telling in this matter is what the dissolution court did not do. The court did not detail the necessary elements that are required of a court relying on earning capacity rather than actual or purported income to determine child support.

As we previously have stated: '[a] party's earning capacity is a deviation criterion under the guidelines, and, therefore, a court must specifically invoke the criterion and specifically explain its justification for calculating a party's child support obligation by virtue of the criterion instead of by virtue of the procedures outlined in the guidelines.' *Fox v. Fox*, 152 Conn.App. 611, 633, 99 A.3d 1206, cert. denied, 314 Conn. 945, 103 A.3d 977 (2014). The dissolution court in this case did not cite both the actual (or projected) 2011 earnings of the defendant and his earning capacity, it did not set forth a different presumptive support amount calculated with the defendant's actual net income and find that this amount was inequitable, and it did not specifically invoke the defendant's earning capacity as a deviation criterion in calculating the defendant's child support obligation. See footnote 2 of this opinion; see also *Barcelo v. Barcelo*, 158 Conn.App. 201, 215, 118 A.3d 657, cert. denied, 319 Conn. 910, --- A.3d --- (2015). Had the court used the defendant's earning capacity rather than his actual projected income, the court would have been required to justify the use of such a criterion in calculating child support."

- [Fox v. Fox](#), 152 Conn. App. 611, 633, 99 A.3d 1206 (2014). "A party's earning capacity is a deviation criterion under the guidelines, and, therefore, a court must specifically invoke the criterion and specifically explain its justification for calculating a party's child support obligation by virtue of the criterion instead of by virtue of the procedures outlined in the guidelines. The court in the present case did not invoke the defendant's earning capacity as a deviation criterion in calculating the defendant's modified child support obligation, and it did not explain why an obligation calculated in accordance with the defendant's actual income, pursuant to the guidelines, would be inequitable or inappropriate, thus warranting an obligation calculated in accordance with the defendant's earning capacity instead."
- [Dowling v. Szymczak](#), 309 Conn. 390, 404, 72 A.3d 1 (2013). "But while the guidelines do not indicate that the percentage of income dedicated to child related expenditures will presumptively remain static at income levels exceeding

those provided by the schedule, neither do they offer any indication that the percentage will decline at any particular rate in exceptionally high income cases. The legislature and the commission established to oversee the guidelines are the appropriate bodies from which particular standards must originate. See *Battersby v. Battersby*, *supra*, 218 Conn. at 471; see also *Maturo v. Maturo*, *supra*, at 90, (observing that legislature 'has thrown its full support behind the guidelines')."

- [Kavanah v. Kavanah](#), 142 Conn. App. 775, 782, 66 A. 3d 922 (2013). "In this case, the only criterion stated for the deviation from the child support guidelines was the travel expenses of the defendant. To the extent that the court referenced 'family obligations' we note that such a vague and generalized statement would not support a deviation on its own. See *Baker v. Baker*, 47 Conn. App. 672, 676-77, 707 A.2d 300 (1998) (failure of trial court specifically to identify criteria justifying deviation from child support guidelines warranted reversal and remand for new hearing). The court failed to identify why the defendant's travel costs did not fall into the 'ordinary' category, but rather were 'extraordinary' so as to warrant a deviation from the child support guidelines."
- [Wallbeoff v. Wallbeoff](#), 113 Conn. App. 107, 112, 965 A.2d 571 (2009). "Indeed, our Supreme Court has expressly held that with respect to a related regulation requiring identical findings of fact in cases involving child support arrearage, it is an abuse of discretion for a court to deviate from the guidelines without making these findings. *Unkelbach v. McNary*, 244 Conn. 350, 367, 710 A.2d 717 (1998)."
- [Utz v. Utz](#), 112 Conn. App. 631, 637, 963 A.2d 1049 (2009). "'The guidelines are used by the court to determine a presumptive child support payment, which is to be deviated from only under extraordinary circumstances.' . . . *Golden v. Mandel*, 110 Conn. App. 376, 386, 955 A.2d 115 (2008)."
- [Brent v. Lebowitz](#), 67 Conn. App. 527, 532, 787 A.2d 621 (2002) [cert. granted, 260 Conn. 902 but limited to the issue "Did the Appellate Court properly conclude that the trial court improperly applied the child support and arrearage guidelines under General Statutes 46b-215b to the arrearage owed by the plaintiff?"]. "Accordingly, support agreements that are not in accordance with the financial dictates of the guidelines are not enforceable unless one of the guidelines' deviation criteria is present, such as when the terms of the agreement are in the best interest of the child. See Regs., Conn. State Agencies § 46b-215a-3(b)(6)(B)."

**DIGESTS:**

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2024.
  - Chapter 10. Child Support
    - § 10.03. Child Support Guidelines
    - [3] Deviation from Child Support Guidelines
- Family Support Magistrate Decisions and Digest
  - Deviation from Child Support Guidelines

**WEST KEY NUMBERS:***Child Support*

- IV. Amount and incidents of award, #140-165
  - #148. Exceptions and deviations from guidelines in general

**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*, 3rd ed., by Arnold H. Rutkin et al., 2010, Thomson West, with 2022-2023 supplement (also available on Westlaw).

*Chapter 38. Child Support*

- § 38:19. Guidelines and formulas for support
- § 38:22. -Guideline criteria for deviation
- § 38:23. -- Other financial resources
- § 38:24. -- Extraordinary expenses of the child
- § 38:25. -- Extraordinary expenses of the parent
- § 38:26. -- Needs of other dependents
- § 38:27. -- Coordination of total family support
- § 38:28. -- Special circumstances
- § 38:29. --Deviation based on agreement
- § 38:30. --Income beyond the Guideline schedule

- *LexisNexis Practice Guide: Connecticut Family Law*, by Louise Truax, editor, 2023 ed., Matthew Bender.

*Chapter 7. Child Support*

- Part V: Using the Child Support Guidelines
  - § 7.32 Determining Deviation Criteria Under the Child Support Guidelines

- *A Practical Guide to Divorce in Connecticut*, Hon. Barry F. Armata and Campbell D. Barrett, editors, Massachusetts Continuing Legal Education, 2013, with 2018 supplement.

*Chapter 7. Child Support Basics*

- § 7.5. Deviations from the Guidelines

**LAW REVIEWS:**

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

- Charles J. Meyer, Justin W. Soulen, & Ellen Goldberg Weiner, *Child Support Determinations in High Income Families – A Survey of the Fifty States*, 28 J. Am. Acad. Matrimonial Lawyers 483 (2015-2016).

# Section 2c: When Not Applicable

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to when the [Child Support and Arrearage Guidelines](#) (July 1, 2015) do not apply.

**STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2025)  
§ [46b-215b](#). Guidelines to be used in determination of amount of support and payment on arrearages and past due support.

**REGULATIONS:**

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- Conn. Agencies Regs. (7-15)  
§ [46b-215a-2c](#). [Child support guidelines](#)  
(a) Applicability  
(2) Income scope  
When the parents' combined net weekly income exceeds \$4,000, child support awards shall be determined on a case-by-case basis, consistent with statutory criteria, including that which is described in subsection (d) of section 46b-84 of the Connecticut General Statutes. The amount shown at the \$4,000 net weekly income level shall be the minimum presumptive support obligation. The maximum presumptive support obligation shall be determined by multiplying the combined net weekly income by the applicable percentage shown at the \$4,000 net income level."

**CASE LAW:**

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.

- [Ray v. Ray](#), 177 Conn. App. 544, 173 A. 3d 464 (2017). "In the present case, the court found that the parties' combined net weekly income from their respective base salaries was \$6000, well in excess of \$4000 per week, the highest combined income level promulgated in the schedule." (p. 567)

"It was therefore an appropriate exercise of the trial court's discretion to adhere to the guidelines schedule and to order the presumptive minimum child support amount of \$288 per week in the present case. The plaintiff presented limited evidence to the court that would have justified a higher amount. It was her burden to prove that the presumptive minimum child support amount would be inappropriate or inequitable and that an application of the deviation criteria in the guidelines and the statutory criteria contained in § 46b-84(d) was necessary. In fact, during the hearing on the defendant's motion for order, the plaintiff never argued that any deviation from the guidelines was justified, nor did she refer to the criteria in § 46b-84(d). She simply demanded, without any real justification, that the court order both the

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maximum presumptive amount under the guidelines, as well as a supplemental order based on the defendant's deferred compensation income." (p. 568)

- [Dowling v. Szymczak](#), 309 Conn. 390, 402-403, 72 A.3d 1 (2013). "It may be that the commission, which updates the guidelines every four years 'to ensure the appropriateness of criteria for the establishment of child support awards'; General Statutes § 46b-215a(a); see also *Maturo v. Maturo*, *supra*, at 90; will account for the exceptionally affluent families in this state in future revisions to the guidelines. Until that day, however, the uppermost multiplier will provide the presumptive ceiling that will guide the trial courts in determining an appropriate child support award 'on a case-by-case basis'; Regs., Conn. State Agencies § 46b-215a-2b(a)(2); without the need to resort to deviation criteria. We underscore, however, that, in exercising discretion in any given case, the magistrate or trial court should consider evidence submitted by the parties regarding actual past and projected child support expenditures to determine the appropriate award, with due regard for the principle that such expenditures generally decline as income rises."
- [Maturo v. Maturo](#), 296 Conn. 80, 95, 995 A.2d 1 (2010). "Although the guidelines grant courts discretion to make awards on a 'case-by-case' basis above the amount prescribed for a family at the upper limit of the schedule when the combined net weekly income of the parents exceeds that limit, which is presently \$4000; Regs., Conn. State Agencies § 46b-215a-2b (a) (2); the guidelines also indicate that such awards should follow the principle expressly acknowledged in the preamble and reflected in the schedule that the child support obligation as a percentage of the combined net weekly income should decline as the income level rises. Thus, an award of child support based on a combined net weekly income of \$8000 must be governed by the same *principles* that govern a child support award based on a combined net weekly income of \$4000, even though the former does not fall within the guidelines' *schedule*."
- [Benedetto v. Benedetto](#), 55 Conn. App. 350, 355, 738 A.2d 745 (1999). "The defendant next claims that the trial court improperly ordered child support without any reference to the child support guidelines. This claim is without merit. The court found that the defendant's income exceeded the maximum level in the guidelines and, therefore, the guidelines did not apply."
- [Carey v. Carey](#), 29 Conn. App. 436, 440, 615 A.2d 516 (1992). "Although the trial court correctly recognized that the guidelines generally are not applicable to parents with a

weekly net income below the self-support reserve of \$135, the trial court failed to consider the entire mandate of the guidelines. They state that '**[e]xcept as provided under the deviation criteria**, the guidelines do not apply to a parent whose net weekly income is less than \$135.' (Emphasis added.) Connecticut Child Support Guidelines § (b)(2). As a result, even where income does not exceed the self-support reserve, the guidelines are applicable and must be considered 'as provided under the deviation criteria.'"

**WEST KEY NUMBERS:**

*Child Support*

- IV. Amount and incidents of award, #140-165
  - #143. Applicability of guidelines
  - #145. Incomes outside guidelines range

**DIGESTS:**

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2021.
  - Chapter 10. Child Support
    - § 10.03. Child Support Guidelines
- *Family Support Magistrate Decisions and Digest*
  - IV. Child Support Guidelines
  - V. Support guidelines
- *8 Connecticut Practice Series: Family Law and Practice with Forms*, 3rd ed., by Arnold H. Rutkin et al., 2010, Thomson West, with 2022-2023 supplement (also available on Westlaw).
  - Chapter 38. Child Support
    - § 38:19. Guidelines and formulas for support
    - § 38:22. –Guideline criteria for deviation
    - § 38:30. –Income beyond the Guideline schedule

**TEXTS & TREATISES:**

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**LAW REVIEWS:**

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

- Lewis Becker, *Spousal and Child Support and The "Voluntary Reduction Of Income" Doctrine*, 29 Connecticut Law Review 647 (1997).

# Section 3: Child Support Pendente Lite

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to the awarding of temporary child support including modification and enforcement.

**DEFINITIONS:**

- "The function of an order for alimony and support pendente lite is to provide support for a spouse who the court determines requires financial assistance, and for any dependent children, until the court makes a final determination of the issues." *Trella v. Trella*, 24 Conn. App. 219, 222, 587 A.2d 162 (1991).

**STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website

- Conn. Gen. Stat. (2025)
  - § [46b-83](#). Alimony, support and use of family home or other residential dwelling unit awarded pendente lite. Voluntary leaving of family home by one parent.
  - § [46b-84](#)(d). Parents' obligation for maintenance of minor child. Order for health insurance coverage.
  - § [46b-86](#)(a). Modification of alimony or support orders and judgments.

**FORMS:**

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- **Official Forms**
  - [JD-FM-176](#). Motion For Orders Before Judgment (Pendente Lite) In Family Cases (Rev. 2-20)
  - [JD-FM-303](#). Affidavit in Support of Motion Requesting an Initial Order of Alimony or Support (New 1-24)
- *8 Connecticut Practice Series: Family Law and Practice with Forms*, 3rd ed., by Arnold H. Rutkin et al., 2010, Thomson West, with 2022-2023 supplement (also available on Westlaw).
  - § 37:5. Motion for temporary child support-Form
  - § 37:6. Motion to determine child support obligation-Form
- *Library of Connecticut Family Law Forms*, 2d ed., by Amy Calvo MacNamara, Aidan R. Welsh, and Cynthia Coulter George, Eds., 2014, Connecticut Law Tribune.
  - 5-008 Motion for Child Support (Pendente Lite)
  - 5-009 Motion for Alimony and Support (Pendente Lite)
  - 5-010 Motion for Orders Before Judgment in Family Cases (Court Form JD-FM-176)
  - 5-011 Claims for Relief Re: Alimony and Child Support (Pendente Lite)
  - 5-035 Motion for Contempt re: Unallocated Alimony and Support (Pendente Lite)

## 5-038 Motion for Modification of Unallocated Alimony and Support (Pendente Lite)

### **CASE LAW:**

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.

- [Grabe v. Hokin](#), 341 Conn. 360, 363, 267 A.3d 145 (2021). "Shortly before the parties' marriage in 2010, they executed a prenuptial agreement in which each party agreed, in the event of a dissolution action, to waive any claim to the other's separate property, as defined in the agreement, or to any form of support from the other, including alimony. The agreement also provided that a party who unsuccessfully challenged the enforceability of the agreement would pay the attorney's fees of the other party. In 2016, the plaintiff brought this action seeking dissolution of the marriage and enforcement of the prenuptial agreement. The defendant filed a cross complaint in which he claimed, *inter alia*, that the agreement was unenforceable because it was unconscionable at the time of the dissolution under General Statutes § 46b-36g (a) (2). After a trial to the court, the court concluded that, with the exception of the attorney's fees provision, enforcement of the terms of the prenuptial agreement that the parties entered into was not unconscionable, even in light of certain events that had occurred during the marriage. Accordingly, the trial court rendered judgment dissolving the marriage and enforcing the terms of the prenuptial agreement, with the exception of the provision requiring the party who unsuccessfully challenged the enforceability of the agreement to pay the attorney's fees of the other party. On appeal, the defendant con[1]tends that the trial court incorrectly determined that the occurrence of the unforeseen events found by the trial court did not render the enforcement of the entire agreement unconscionable at the time of the dissolution. We affirm the judgment of the trial court."
- [Thunelius v. Posacki](#), 193 Conn. App. 666, 220 A. 3d 194 (2019). "[T]he defendant filed a motion seeking to hold the plaintiff in contempt for violating the pendente lite financial orders." (p. 671)

"The court did not, however, rule on the defendant's [...] motion for contempt. Nor did the court make any findings or issue any orders regarding any claimed arrearages. This appeal followed." (p. 674)

"Unlike the present custody and support action, in a marital dissolution case, pendente lite orders merge with the judgment and, therefore, have no vitality postjudgment. *Parrotta v. Parrotta*, 119 Conn. App. 472, 479, 988 A.2d 383 (2010). The present case, however, is not one for a marital dissolution; rather, it is a series of orders made by the court in response to multiple filings regarding a range of issues in an ongoing dispute between

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these parents. Because the court did not rule on the defendant's motion for contempt, and it made no findings or orders in regard to what the defendant alleged the plaintiff owed, there is no retroactive modification from which to appeal. In short, absent a decision on the motion from the court or an explanation for its failure to rule on the defendant's motion, we have no basis for reviewing the court's silence. In addition, although we are mindful of the court's responsibility to timely respond to the parties' filings in pending matters, the avalanche of filings in this matter renders it nearly impossible for the court to keep pace without a singular dedication to this matter." (p. 696-697)

- [Dumbauld v. Dumbauld](#), 163 Conn. App. 517, 533, 136 A.3d 669 (2016). "Section 46b-56c provides in relevant part: . . . '(b) . . . (2) On motion or petition of a parent, the court may enter an educational support order at the time of entry of an order for support pendente lite pursuant to section 46b-83.... (f) The educational support order may include support for any necessary educational expense, including room, board, dues, tuition, fees, registration and application costs, *but such expenses shall not be more than the amount charged by The University of Connecticut for a full-time in-state student* at the time the child for whom educational support is being ordered matriculates, except this limit may be exceeded by agreement of the parents....'" (Emphasis added.)"
- [Peterson v. Peterson](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST-FA09-4015636-S (Sept. 21, 2011) (2011 WL 4908846) (2011 Conn. Super. LEXIS 2415). "The court finds that Gen. Stat. §§ 46b-83 and 46b-84 are silent as to the requirement of the parties living separate and apart. Nowhere in these statutes does there exist any requirement that the parties live separate and apart as a condition of a pendente lite alimony order. The court finds that the older decisions citing 'abandoned' and 'living apart' have been rejected by the current decisions that consistently do not mention either phrase. The court finds that there is no current statutory authority or case law authority for the parties living apart as a condition for pendente lite alimony or child support. The court finds that the Superior Court has the authority to enter pendente lite alimony and child support orders when the two parties continue to reside together. *Boyce v. Boyce*, Superior Court, judicial district of Fairfield at Bridgeport, Docket Number FA01-0387600S (January 3, 2002, Bassick, JTR) [31 Conn. L. Rptr. 177]."
- [Misthopoulos v. Misthopoulos](#), 297 Conn. 358, 373, 999 A.2d 721 (2010). "It is well established that the prohibition against retroactive modification of support orders applies

to pendente lite support orders. See, e.g., *Trella v. Trella*, supra, 24 Conn.App. at 222 ('in the absence of express legislative authorization for retroactive modification of unallocated alimony and support pendente lite, the trial court has no authority to order such modification'); see also *Evans v. Taylor*, 67 Conn.App. 108, 117-18, 786 A.2d 525 (2001) (failure to include arrearage of pendente lite support in final order of dissolution constitutes impermissible retroactive modification of pendente lite orders in violation of § 46b-86); *Elliott v. Elliott*, 14 Conn. App. 541, 546, 541 A.2d 905 (1988) (trial court's order of dissolution forgiving arrearage of pendente lite alimony constituted improper retroactive modification)."

- [Friezo v. Friezo](#), 84 Conn. App. 727, 732, 854 A.2d 1119 (2004). "Awards of pendente lite alimony and child support are modifiable on the court's determination of a substantial change in the circumstances of the parties. See General Statutes § 46b-86(a)."
- [Evans v. Taylor](#), 67 Conn. App. 108, 118, 786 A.2d 525 (2001). "It was improper for the court to omit the pendente lite arrearage in its final judgment of dissolution even though the defendant may not have specifically requested that in her claims for relief."
- [Prial v. Prial](#), 67 Conn. App. 7, 13, 787 A.2d 50 (2001). "General Statutes § 46b-86 (a) provides that a court may modify an order for alimony or support pendente lite 'upon a showing that the final order for the child support substantially deviates from the child support guidelines established pursuant to section 46b-215 (a).'"
- [Wolk v. Wolk](#), 191 Conn. 328, 331, 464 A.2d 780 (1983). "Since the purposes of pendente lite awards and final orders are different, there is no requirement that the court give any reason for changing the pendente lite orders."
- [Fitzgerald v. Fitzgerald](#), 169 Conn. 147, 152-153, 362 A.2d 889 (1975). "In deciding the motions for temporary orders, the court could rely on the primary duty of the defendant to support his minor children pending the disposition of the first count of the plaintiff's complaint upon a trial on the merits."
- [Beaulieu v. Beaulieu](#), 18 Conn. Supp. 497, 498, Conn. Super. LEXIS 78 (1954). "There should be no distinction between permanent and temporary alimony as respects collection."
- [England v. England](#), 138 Conn. 410, 414, 85 A.2d 483 (1951). "It is within the sound discretion of the trial court whether such an allowance should be made and, if so, in

what amount. Its decision will not be disturbed unless it clearly appears that it involves an abuse of discretion."

**DIGESTS:**

- Dowling's Digest: *Parent and Child*  
§ 5 Liability of Parent  
Support
- *Connecticut Family Law Citations*: A Reference Guide to Connecticut Family Law Decisions, by Monika D. Young, LexisNexis, 2021.  
Chapter 10. Child Support  
§ 10.02. Pendente lite child support
- Family Support Magistrate Decisions and Digest  
Words and phrases—Pendente lite

**ENCYCLOPEDIAS:**

- 24A *Am Jur 2d* Divorce and Separation, 2018 (also available on Westlaw).  
§§ 913-916. Temporary support

**TEXTS &  
TREATISES:**

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References to online databases refer to in-library use of these databases.

- *8 Connecticut Practice Series: Family Law and Practice with Forms*, 3rd ed., by Arnold H. Rutkin et al., 2010, Thomson West, with 2022-2023 supplement (also available on Westlaw).  
Chapter 37. Temporary Child Support  
§ 37:2. Comparison with temporary alimony  
§ 37:3. Time and method for raising claim  
§ 37:4. Preparation of pendente lite claim  
§ 37:7. Hearing  
§ 37:8. Amount of order; factors to be considered  
§ 37:9. Order, stipulation or voluntary compliance  
§ 37:10. Enforcement  
§ 37:11. Modification  
§ 37:12. Effect of prenuptial or other agreements relating to child support
- *LexisNexis Practice Guide: Connecticut Family Law*, by Louise Truax, editor, 2023 ed., Matthew Bender.  
Chapter 7. Child Support.  
Part VI: Establishing Temporary Child Support Orders

# Section 4: Duration and Termination

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the duration of child support obligations including post majority support and educational support orders

## **DEFINITIONS:**

- **Age of Majority:** "shall be deemed to be eighteen years." Conn. Gen. Stat. § [1-1d](#) (2025).
- **Educational Support Order:** "an order entered by a court requiring a parent to provide support for a child or children to attend for up to a total of four full academic years an institution of higher education or a private occupational school for the purpose of attaining a bachelor's or other undergraduate degree, or other appropriate vocational instruction. An educational support order may be entered with respect to any child who has not attained twenty-three years of age and shall terminate not later than the date on which the child attains twenty-three years of age." Conn. Gen. Stat. § [46b-56c](#)(a) (2025).

## **CT STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- 2002 Conn. Acts 128 (Reg. Sess.). [An act concerning Educational Support Orders](#) [eff. October 1, 2002].
- Conn. Gen. Stat. (2025)
  - § [46b-56c](#). Educational support orders.
  - § [46b-84](#). Parents' obligation for maintenance of minor child. Order of health insurance coverage.
  - § [46b-66](#). Review of agreement; incorporation into decree. Arbitration.

## **LEGISLATIVE:**

- [Summary for Public Act No. 23-137 \(§ 64\)](#): "Existing law allows the court to make appropriate support orders for children up to age 21 who (1) have an intellectual disability or a mental disability or are physically disabled and (2) live with a parent on whom they are primarily dependent for support. Starting October 1, 2023, the act increases the age limit for these support orders to up to age 26. The act's age limit increase applies to support orders entered on or after October 1, 2023, as (1) part of a divorce, legal separation, or annulment decree or (2) an initial support order not claiming one of these decrees. In cases entered before this date, the court may make the support orders only until the child attains age 21, as allowed under existing law. Under the act, as under existing law, the child support guidelines do not apply to these support orders."

## **LEGISLATIVE HISTORIES:**

- [Legislative History of Public Act No. 23-137: an act concerning resources and support services for persons with intellectual or developmental disability](#)
- [Legislative History of Public Act No. 02-128: an act concerning educational support orders](#)
- [Legislative history of Public Act No. 94-61: an act concerning post majority support \(high school and certain post secondary education\)](#)
- [Legislative history of Public Act No. 97-321: an act concerning post majority child support \(dependent disabled child\)](#)

## **OLR REPORTS:**

[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.

- Michelle Kirby, *Child and Education Support Age Limits*, OLR Research Report No. [2016-R-0234](#) (November 1, 2016).
- Susan Price-Livingston, *Post-Majority Child Support Laws*, OLR Research Report No. [2002-R-0101](#) (January 23, 2002).
- Susan Price-Livingston, *Educational Support Orders*, OLR Research Report No, [2004-R-0093](#) (January 23, 2004).

## **CASE LAW:**

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.

- [L. K. v. K. K.](#), 226 Conn. App. 279, 300-01, 318 A.3d 243, 260 (2024). "To the extent that the defendant suggests he is entitled to a reduction because one of his children has turned eighteen years old, regardless of whether the claim was made in the motion that was before the court, we do not agree. This court has stated previously that the fact that a child has attained the age of majority does not automatically entitle the [parent] to a reduction in his alimony and support obligation but, rather, provides a basis for the [parent] to seek a modification. *Hughes v. Hughes*, *supra*, 95 Conn. App. at 209, 895 A.2d 274. Specifically, [w]hen, as part of a divorce decree, a parent is ordered to pay a specified amount periodically for the benefit of more than one child, the emancipation of one child does not automatically affect the liability of the parent for the full amount. ... The proper remedy ... is to seek a modification of the decree." (Internal quotation marks omitted.)
- [Keusch v. Keusch](#), 184 Conn. App. 822, 195 A. 3d 1136 (2018). "In the present case, the court ordered the defendant to pay \$12,500 to the plaintiff each month as unallocated alimony and support. The court further ordered that the duration and amount of the payment were to be nonmodifiable by either party. Because the parties have three children, the result of this order is that the defendant

will be unable to seek modification as each child attains the age of majority; the defendant, rather, will be required to pay the same amount of child support for three minor children, two minor children and one minor child. We, therefore, conclude that the court abused its discretion in making the unallocated alimony and child support order nonmodifiable as to term or amount."

- [LeSueur v. LeSueur](#), 186 Conn. App. 431, 199 A.3d 1082 (2018). "[T]he son had been living with the defendant since the time the motion to modify custody and child support was filed and that the defendant continued to pay the plaintiff child support pursuant to the court's July 31, 2015 orders." (p. 454)

"On the basis of our review of the record, the court's orders, and the briefs of the parties, we conclude that the court did not abuse its discretion by granting the defendant's motion for modification and terminating the defendant's child support obligation to pay the plaintiff retroactively, as the plaintiff failed to demonstrate that she required child support in order to provide for the son's necessary expenses." (p. 455)

- [Baio v. Baio](#), Superior Court, Judicial District of Hartford at Hartford, No. HHD-FA12-4062465 (August 29, 2017) (65 Conn. L. Rptr. 105, 105-106) (2017 WL 4427175) (2017 Conn. Super. LEXIS 4294). "The defendant claims that he has overpaid his support obligation for the weeks after the child's twenty-first birthday until the withholding order was terminated and delivered to his employer. . . The ability to terminate the withholding order was available to the plaintiff and the failure to file for such relief rests with him. He, and he alone, neglected to take the necessary action to effectuate the termination. Any overpayment was a voluntary act on his part. It may have been an unconscious voluntary act, but it was voluntary all the same."

The plaintiff does have an obligation to refund those funds paid to her after the termination order was approved but still paid to her due to the time necessary for the order to be actually processed and served on the defendant's employer."

- [Dumbauld v. Dumbauld](#), 163 Conn. App. 517, 533, 136 A.3d 669 (2016). "Section 46b-56c provides in relevant part: . . . '(b) . . . (2) On motion or petition of a parent, the court may enter an educational support order at the time of entry of an order for support pendente lite pursuant to section 46b-83. . . . (f) The educational support order may include support for any necessary educational expense, including room, board, dues, tuition, fees, registration and application costs, *but such expenses shall not be more*

*than the amount charged by The University of Connecticut for a full-time in-state student at the time the child for whom educational support is being ordered matriculates, except this limit may be exceeded by agreement of the parents....' (Emphasis added.)*

- Rosner v. Rosner, Superior Court, Judicial District of New Haven at New Haven, No. FA06-4019316 (September 20, 2016) (63 Conn. L. Rptr. 131, 131) (2016 WL 6128098) (2016 Conn. Super. LEXIS 2446). "The question presented is whether the court can enter an order compelling a parent to pay for post-majority educational support expenses which have already occurred or stated another way, whether a post-majority educational support order pursuant to General Statutes § 46b-56c can be rendered retroactively? The short answer is no."
- Keegan v. Keegan, Superior Court, Judicial District of Hartford at Hartford, No. FA10-4053507-S (April 20, 2016) (62 Conn. L. Rptr. 178, 179) (2016 WL 2728336) (2016 Conn. Super. LEXIS 827). "Although the defendant testified credibly that he believed he could simply reduce the original child support figure by 25% each time a child reached the age of majority, this approach and method of calculation was clearly erroneous. Two recent 2016 decisions of our appellate court are dispositive on this issue. In *Nuzzi v. Nuzzi* (AC 36496) 'The court noted that "[o]ur Supreme Court repeatedly has advised parties against engaging in self-help and has stressed that an order must be obeyed until it has been modified or successfully challenged." (Internal quotation marks omitted.) *Culver v. Culver*, 127 Conn.App. 236, 242, 17 A.3d 1048, cert. denied, 301 Conn. 929, 23 A.3d 724 (2011).'"
- Stallings v. Stallings, Superior Court, Judicial District of Waterbury at Waterbury, No. UWY-FA06-4010011-S (February 17, 2016) (61 Conn. L. Rptr. 783, 784-785) (2016 WL 1099014) (2016 Conn. Super. LEXIS 388). "Pursuant to § 46b-56c, this court must make a reasonable finding of Shariya's college expenses before issuing an educational support order. Specifically, § 46b-56c(c) requires the court— after making the appropriate preliminary findings—to determine whether to enter an educational support order by considering 'all relevant circumstances, including: ... (2) the child's need for support to attend an institution of higher education or private occupational school considering the child's assets and the child's ability to earn income; (3) the availability of financial aid from other sources, including grants and loans ...' The court cannot consider those factors solely by reference to a report card. The court must have access to Shariya's college financial records, including the cost of

tuition, loans, grants, or scholarships received or available, to determine the total amount of her college expenses and the resources available to her to meet those expenses.

Accordingly, the court finds that the term 'academic records' as used in § 46b-56c(e) encompasses financial information kept by the university and imposes upon Shariya the obligation to provide both parents with full access to all information regarding her college expenses and the financial resources available to her. If Shariya does not make the relevant financial information available to her father, she does not 'qualify for payments under an educational support order' pursuant to § 46b-56c(e)."

- Barbour v. Barbour, 156 Conn. App. 383, 400-01, 113 A.3d 77, 87 (2015). "To the extent that the scope of necessary educational expenses could be considered ambiguous, our conclusion that expenses for restaurant meals, lodging and transportation are not within the scope of § 46b-56c is consistent with the statute's legislative history and purpose. Section 46b-56c was enacted by the legislature in 2002 and became effective on October 1, 2002. See Public Acts 2002, No. 02-128. Prior to its enactment, the law with respect to postmajority support was well established. 'As a general matter, [t]he obligation of a parent to support a child terminates when the child attains the age of majority, which, in this state, is eighteen. General Statutes § 1-1d....' (Internal quotation marks omitted.) *Crews v. Crews*, 107 Conn.App. 279, 301, 945 A.2d 502 (2008), aff'd, 295 Conn. 153, 989 A.2d 1060 (2010). This rule was modified by the provisions of § 46b-56c, allowing the issuance of an educational support order upon motion of a party and after the making of certain subsidiary findings by a court. *Id.*, at 302. 'In the absence of a statute or agreement providing for postmajority assistance, however, a parent ordinarily is under no legal obligation to support an adult child.' (Internal quotation marks omitted.) *Id.*"
- Pelczar v. Pelczar, Superior Court, Judicial District of Waterbury at Waterbury, No. UWY-FA12-4027204-S (October 20, 2015) (61 Conn. L. Rptr. 156, 156) (2015 WL 7269650) (2015 Conn. Super. LEXIS 2650). "It is axiomatic that one who graduates from high school receives a high school diploma, just as Jacob will when he earns his GED. Our courts have consistently viewed graduation from high school and receipt of a general equivalency diploma as separate and distinct. . . . Consequently, the court finds that the defendant's obligation to pay child support for his eldest child terminated when Jacob withdrew from high school and did not re-enroll after turning eighteen." (Internal citations omitted) (Internal quotations omitted).

- [McKeon v. Lennon](#), 147 Conn. App. 366, 375-76, 83 A.3d 639, 644-45 (2013). "Stated another way, '[a] child support order may not extend beyond the child's age of majority unless the parties *expressly* agree to the contrary.' (Emphasis added.) *Passamano v. Passamano*, 228 Conn. 85, 88 n. 2, 634 A.2d 891 (1993). 'It is now axiomatic that support for a minor child extends to age eighteen only....' (Internal quotation marks omitted.) *Lowe v. Lowe*, 47 Conn. App. 354, 357, 704 A.2d 236 (1997). 'The legislature amended ... § 46b-66 ... in order to provide for the support of postmajority children only if there is an agreement to do so and if it is in writing.... The language of the statute is clear and unambiguous and we cannot by our construction substitute other words for the words in writing.... Absent ... a written agreement by the parties, the court does not have jurisdiction to order payment of child support beyond the age of majority and may not enforce such an order.' (Citations omitted; internal quotation marks omitted.) *Id.*; see also *Bock v. Bock*, 127 Conn. App. 553, 559-60, 14 A.3d 479 (2011) (rejecting argument that court had subject matter jurisdiction over written post-majority educational support agreements under § 46b-66, where there was 'no mention of § 46b-66' and no 'evidence that the agreements were entered into pursuant to § 46b-66')."
- [Sutherland v. Sutherland](#), 107 Conn. App. 1, 8-9, 944 A.2d 395 (2008). "We conclude that by crafting a child support order that provided a single dollar amount for the support of all children, and did not provide a mechanism for dividing the support between the children once the elder child reached the age of majority, the parties clearly and unambiguously provided only for the support of minor children, as required by § 46b-84(a), and did not enter into an agreement for postmajority support. Accordingly, at the time it rendered judgment, the dissolution court did not enter a postmajority support order pursuant to § 46b-66."
- [Hughes v. Hughes](#), 95 Conn. App. 200, 209-210, 895 A.2d 274 (2006). "Thus, although the attainment of majority by each child may not automatically entitle the plaintiff to a reduction in his alimony and support obligation, it provides a basis for the plaintiff to seek a modification. Because the order as framed by the court does not, by its own terms, require a payment of combined alimony and support beyond the dates on which the children reach the age of majority, and because the order is subject to modification as each child reaches the age of majority, it is does not violate the proscription against orders for the payment of support beyond the permissible age."

- [Eidson v. Eidson](#), Superior Court, Family Support Magistrate Division, Judicial District of Windham at Willimantic, No. 646-98-0060 (Mar. 13, 2002) (2002 WL 532401) (2002 Conn. Super. LEXIS 941). "For example, parents may provide for support of a child beyond the age of eighteen by written agreement which is enforceable by the court notwithstanding that such child is an adult. General Statutes § 46b-66. Child support orders pursuant to dissolution of marriage, legal separation or annulment after July 1, 1994 are extended by statute to age nineteen or completion of high school. General Statutes § 46b-84 (b). Support for a child who is disabled or mentally retarded may extend to age twenty-one. General Statutes § 46b-84 (c). Thus recognition of a foreign order with a duration that extends beyond the Connecticut age of majority is not violative of the public policy of this state since it is mandated by statute."
- [Keeyes v. Keeyes](#), 43 Conn. App. 575, 577, 684 A.2d 1214 (1996). "There was no written agreement in this case, and the plaintiff concedes that the court lacked jurisdiction to extend postmajority orders until age twenty-two."
- [Hirtle v. Hirtle](#), 217 Conn. 394, 401, 586 A.2d 578 (1991). "a written agreement is a jurisdictional prerequisite to be the valid modification of an order for postmajority support."
- [Van Wagner v. Van Wagner](#), 1 Conn. App. 578, 583-584, 474 A.2d 110 (1984). "Connecticut public policy does not prohibit the enforcement of a foreign contempt order, requiring a defendant to pay for support of a child beyond the age of eighteen years pursuant to an agreement which is incorporated in a dissolution decree executed in another state and which agreement, as to support payments, is consonant with the laws of that state both as of the date of the dissolution and as of the date of the contempt order."
- [Town v. Anonymous \(1983\)](#). 39 Conn. Supp. 35, 38, 467 A.2d 687 (1983). "While current law permits a minor to move out of her parents' home without legal sanction, it does not compel her parents to pay the bill for whatever lifestyle she may select. Parents who offer a home, food, shelter, medical care and other necessities of life to their minor child have adequately discharged their obligation of support under § 46b-215 and are not subject to orders of support."

**FAMILY SUPPORT  
MAGISTRATE  
DECISIONS:**

- [Family Support Magistrate Decisions](#) are available through the Law Libraries' website.

**WEST KEY  
NUMBERS:**

*Child Support*

- VII. Termination, #375-409
  - #375. In general
  - #376. Ability of non-obligor parent or custodian to support child
  - #379. Death of obligor
  - #380. Military service of obligor or custodian
  - #386. Emancipation of child in general
  - #387. Marriage of child
  - #388. Military service of child
  - #393. Education
  - #394. Deprivation of custody or visitation rights
  - #395. Abandonment of relation with non-obligor parent or custodian
  - #396. Assumption of custody by obligor
  - #397. Misconduct of non-obligor adult
  - #398. Life insurance

**DIGESTS:**

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2024.
  - Chapter 10. Child Support
    - § 10.09. Duration of support obligation
    - § 10.10. Educational support
      - [1] In general
      - [2] College expenses
      - [3] Private school

**ENCYCLOPEDIAS:**

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

- 24A *Am Jur 2d Divorce and Separation*, 2018 (also available on Westlaw).
  - § 901. Allowance for specific purpose - Child support allowance for college expenses
  - §§ 904-912. Duration and termination of award

**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*, 3rd ed., by Arnold H. Rutkin et al., 2010, Thomson West, with 2022-2023 supplement (also available on Westlaw).

Chapter 38 Child Support

- § 38:31. Duration of support obligation
- § 38:32. Postmajority payments- Agreements and special circumstances
- § 38:33 -Educational support order

- *LexisNexis Practice Guide: Connecticut Family Law*, by Louise Truax, editor, 2023 ed., Matthew Bender.

Chapter 7. Child Support

Part VII: Establishing Permanent Child Support Orders

- § 7.42 Determining the Duration of a Child Support Order

Part VIII: Providing for the Payment of College  
Education

- *A Practical Guide to Divorce in Connecticut*, Hon. Barry F. Armata and Campbell D. Barrett, editors, Massachusetts Continuing Legal Education, 2013, with 2018 supplement.  
Chapter 7. Child Support Basics  
    § 7.8. Postmajority Support and College Education  
        § 7.8.1. Educational Support Orders  
        § 7.8.2. Other Types of Postmajority Support

# Section 5: Child Support and Taxes

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to federal tax treatment of child support including dependency exemption, child care credit, child tax credit, and Hope and life-long learning credit.

**DEFINITIONS:**

- **Tax treatment of child support:** "A payment that is specifically designated as child support or treated as specifically designated as child support under your divorce or separation instrument isn't alimony. The amount of child support may vary over time. Child support payments aren't deductible by the payer and are not taxable to the payee." Internal Revenue Service [Publication 504](#) (Divorced or Separated Individuals) for use in preparing 2024 return (2024) .

**U.S. CODE:**

You can visit your local law library or [search the most recent U.S. Code](#) on the U.S. Code website to confirm that you are accessing the most up-to-date laws.

26 U.S.C. Internal Revenue Code

- § [1](#). Tax on individuals—Tax imposed
- § [21](#). Expenses for household and dependent care services necessary for gainful employment
- § [24](#). Child tax credit
- § [25A](#). American Opportunity and Lifetime Learning credits
- § [151\(c\)](#). Allowance of deductions for personal exemptions - Additional exemption for dependents
- § [152](#). Dependent defined
  - (a) In general
  - (b) Exceptions
  - (c) Qualifying child
  - (e) Special rule for divorced parents, etc.
  - (f) Other definitions and rules
- § [213](#). Medical, dental, etc., expenses
  - (d)(5) Special rule in the case of child of divorced parents, etc.
- § [2516](#). Certain property settlements
- § [6015](#). Relief from joint and several liability on joint return [Innocent spouse rule]

**C.F.R:**

You can search or browse the most recent C.F.R. on the [e-CFR website](#).

- 26 C.F.R. (2025)
  - § [1.152-4](#). Special rule for a child of divorced or separated parents or parents who live apart.

**FORMS:**

- Internal Revenue Service Form 8332 [Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent](#)

**OLR REPORTS:**

- Judith Lohman, *State Income Tax on Child Support Payments*, OLR Research Report No. [2011-R-0413](#) (December 2, 2011).

**CASE LAW:**

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.

- [Doyle v. Chaplen](#), 184 Conn. App. 278, 301, 194 A. 3d 1198 (2018). "...the court concluded that '[t]o the extent that Chaplen has been prejudiced ... that prejudice is limited to minimal payments of child support. ...' The court further concluded that those payments were off-set by the income tax refund that Chaplen received for 2013 when he claimed the child as a dependent."
- [Lavoie v. Lavoie](#), Superior Court, Judicial District of New London at New London, No. FA03-0565151, (Aug. 25, 2014) (2014 WL 4817831) (2014 Conn. Super. LEXIS 2092). "The plaintiff seeks an order from the court that allows plaintiff to claim the children for his 2012 taxes, and requires defendant to amend her 2012 tax returns without the children as claimed exemptions. '[W]hen confronted with the question of whether a court may allocate tax exemptions, actions for dissolution of marriage are inherently equitable proceedings ... The power to act equitably is the keystone to the court's ability to fashion relief in the infinite circumstances which arise out of the dissolution of a marriage.' *Boyne v. Boyne*, 112 Conn.App. 279, 288, 962 A.2d 818 (2009), citing *Fish v. Fish*, 90 Conn. App. 744, 763-64, 881 A.2d 342 (2005), rev'd in part on other grounds, 285 Conn. 24, 939 A.2d 1040 (2008). The court denies the plaintiff's request based on equitable considerations. The plaintiff was not current in his child support obligations during the 2012 tax year, therefore, fairness dictates that the defendant be allowed to claim the children for tax exemption purposes."
- [Teschendorf v. Teschendorf](#), Superior Court, Judicial District of New Haven at New Haven, No. FA10-4040704, (April 16, 2012) (2012 WL 1592201) (2012 Conn. Super. LEXIS 1027). "After a review of relevant Connecticut and other states' cases this court concludes the allocation of dependency exemptions is in the nature of support and therefore a proper subject for a postjudgment motion for modification. The *Serrano* court eloquently opined: 'As we have consistently reaffirmed, actions for dissolution of marriage are inherently equitable proceedings ... the [Serrano] trial court therefore did not commit error by exercising its equity jurisdiction in an attempt to fashion a just remedy under the circumstances of this case.' Id. at 12. That said however, any contemplated modification cannot contravene the intent of a separation agreement."
- [Ciolino v. Ciolino](#), Superior Court, Judicial District of Waterbury at Waterbury No. FA98-0147294, (Jan. 12, 2005) (38 Conn. L. Rptr. 525, 526) (2005 WL 407650)

(2005 Conn. Super. LEXIS 106). "Connecticut's appellate courts have not yet directly addressed whether the allocation of tax deductions is modifiable post-judgment; however, they have examined these deductions in the context of child support. Our Supreme Court has held that amendments to the Internal Revenue Code have not divested the state courts of their authority to allocate the deduction to a non-custodial parent. *Serrano v. Serrano*, 213 Conn. 1, 566 A.2d 413 (1989). Our Supreme Court has also held that the allocation of tax deductions is one factor to be considered in determining the applicability of the Child Support Guidelines. *Battersby v. Battersby*, 218 Conn. 467, 590 A.2d 427 (1991)."

- [\*Serrano v. Serrano\*](#), 213 Conn. 1, 566 A.2d 413 (1989). *Court ordered allocation of dependency exemption.*

**WEST KEY  
NUMBERS:**

*Child Support.*

IV. Amount and incidents of award, #140-165  
#141. Tax consequences

IX. Enforcement, #440-498  
#467. Tax withholding

**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.

- Jason B. Binimow and G. Knapp, Annotation, *Construction and application of 26 U.S.C.A. § 6015(b)(1)(C), Requiring that Spouse not know of Omission of Gross Income from Joint Tax Return to Obtain Innocent Spouse Exemption from Liability for Tax*, 161 A.L.R. Fed. 373 (2000).
- Jason B. Binimow and G. Knapp, Annotation, *Construction and Application of 26 U.S.C.A. § 6015(b)(1)(C) Requiring that Spouse not know of Understatement of Tax Arising from Erroneous Deduction, Credit, or Basis to Obtain Innocent Spouse Exemption from Liability for Tax*, 154 A.L.R. Fed. 233 (1999).
- *Divorced or Separated Individuals*, Internal Revenue Service [Publication 504](#) for use in preparing 2024 return (2024).
- *8A Connecticut Practice Series: Family Law and Practice with Forms*, 3rd ed., by Arnold H. Rutkin et al., 2010, Thomson West, with 2022-2023 supplement (also available on Westlaw).

Chapter 56. Federal law affecting Connecticut Domestic Relations Practice  
§ 56:9. The innocent spouse rule  
§ 56:10. The dependent child exemption under federal law  
§ 56:11. Federal taxes and child support

**PAMPHLETS:**

**TEXTS &  
TREATISES:**

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *LexisNexis Practice Guide: Connecticut Family Law*, by Louise Truax, editor, 2023 ed., Matthew Bender.
  - Chapter 7. Child Support
    - Part VII: Establishing Permanent Child Support Orders
      - § 7.49 Allocating Dependency Exemptions
    - Part IX: Preparing Motions for Modification
      - § 7.57 Modifying the Dependency Exemption Allocation
- *Tax Aspects of Marital Dissolution*, 2nd ed., by Leon Gabinet and Harold G. Wren, 2005, Thomson West, with 2024 supplement, (also available on Westlaw).
  - Chapter 7. Spousal and child support
    - § 7:8. Exception of child support
    - § 7:10. Child support arrearages; tax consequences to custodial parents
    - § 7:26. State-federal issues in alimony and child support
  - Chapter 10. Dependency exemptions
    - § 10:7. Planning strategies for dependency exemption
    - § 10:8. Deduction of child's medical expenses
    - § 10:9. Child and dependent care expenses
    - § 10:10. Earned income tax credit; head-of-household status

**LAW REVIEWS:**

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

- Martin J. McMahon, Jr., *Tax Aspects of Divorce and Separation*, 32 Family Law Quarterly 221 (1998).
  - Child support and dependency exemptions, pp. 234-238

# Section 6: Bankruptcy and Child Support

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic sources relating to the effect of bankruptcy on child support

**SEE ALSO:** • [Bankruptcy and the Family](#) (Research Guide)

**DEFINITIONS:** • **Domestic support obligation:** "means a debt that accrues before, on, or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is- (A) owed to or recoverable by- (i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or (ii) a governmental unit; (B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated; (C) established or subject to establishment before, on, or after the date of the order for relief in a case under this title, by reason of applicable provisions of- (i) a separation agreement, divorce decree, or property settlement agreement; (ii) an order of a court of record; or (iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and (D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative for the purpose of collecting the debt." [11 U.S.C. § 101\(14A\)](#).

**U.S. CODE:** • 11 U.S.C.  
    § [362](#). Automatic stay  
    § [507\(a\)\(1\)](#). Priorities  
    § [522](#). Exemptions  
    § [523\(a\)\(5\)](#). Exceptions to discharge—domestic support obligation  
    § [541](#). Property of the estate  
    § [1328](#). Discharge

**COURT RULES:** • Federal Rules of Bankruptcy Procedure  
    [Rule 4007](#) Determination of dischargeability of a debt

**FORMS:** • 4B Federal Procedural Forms, L.Ed, 2023, Thomson Reuters. (also available on Westlaw).

You can visit your local law library or [search the most recent U.S. Code](#) on the U.S. Code website to confirm that you are accessing the most up-to-date laws.

***§ 9B:1137. Complaint—By debtor—To determine dischargeability of domestic support obligation [11 U.S.C.A. § 523(a)(5); Fed. R. Bankr. P. 4007]***

**CASE LAW:**

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.

- [Boyne v. Boyne](#), 112 Conn. App. 279, 289, 962 A.2d 818 (2009). "Although the court does not have the authority to determine the nature of a debt in contravention of a determination by the federal Bankruptcy Court, it was well within its discretion to indicate in its judgment that it was intending all of the orders to be in the nature of support as guidance to the Bankruptcy Court because '[t]he main principle guiding bankruptcy courts in determining whether a debt is nondischargeable alimony, maintenance or support is the intent of the parties or the state court in creating the obligation and the purpose of the obligation in light of the parties' circumstances at the time.' 4 W. Collier, Bankruptcy (15th Ed. Rev. 2003) § 523.11 [6]."
- [In re Peterson](#), 410 B.R. 133, 135 (Bkrtcy.D.Conn. 2009) "BAPCPA was intended to strengthen the rights of a spouse and children by redefining their support as a 'domestic support obligation' regardless whether 'established or subject to establishment before, on, or after' bankruptcy § 101(14A)(C)."
- [Bettini v. Bettini](#), Superior Court, Judicial District of Waterbury at Waterbury, No. FA 94119494 (February 25, 1997) (19 Conn. L. Rptr. 7) (1997 Conn. Super. LEXIS 449) (1997 WL 112803). *Dischargeability of obligations to assign a portion of pension plan benefits.*
- [Matthews v. Matthews](#), 9 FSMD 33 (1995). Superior Court, Judicial District of Ansonia-Milford at Derby, Family Support Magistrate Division, No. FA80-006341 (Frankel, FSM) (March 20, 1995). *Dischargeability of medical and dental payments.*
- [Taylor v. Freeland & Kronz](#), 503 U.S. 638, 112 S. Ct. 1644, 118 L.Ed.2d 280 (1992). *Failure to object to debtor's claimed exemption within 30 days.*
- [In Re Sailsbury](#), 13 Kan. App. 2d 740, 779 P2d 878 (Kan. Ct. App. 1989). *Concurrent jurisdiction of state and federal court in determining whether or not an obligation is dischargeable.*
- [Lesser v. Lesser](#), 16 Conn. App. 513, 516-517, 548 A.2d 6 (1988). *Factors to determine nondischargeable duty.* "The basic issue here is whether the trial court correctly characterized the hold harmless provision as a nondischargeable debt under federal bankruptcy law as being alimony, maintenance or support. See *Oakley v. Oakley*, 39 Conn. Sup. 13, 17, 466 A.2d 1197 (1983)."

'Section 523(a)(5) of the Bankruptcy Code provides as follows: "A discharge . . . does not discharge an individual debtor from any debt – (5) to a . . . former spouse . . . for alimony to, maintenance for, or support of such spouse . . . in connection with a . . . divorce decree. . . ." In contrast, obligations assumed as part of property settlements are discharged. "If the debtor has assumed an obligation of the debtor's spouse to a third party in connection with a . . . divorce proceeding, such debt is dischargeable to the extent that [it] is not actually in the nature of alimony, maintenance, or support of debtor's spouse. . . ." 124 Cong. Rec. H 11, 095-96 (9/28/78); S 17, 412-13 (10/6/78).'*Matter of Ammirato*, 74 Bankr. 605, 607 (D. Conn. 1987). Courts have a list of factors to examine in determining whether a particular transaction constitutes a nondischargeable duty such as alimony, maintenance or support, or whether it is a property settlement and, therefore, dischargeable. See *Freyer v. Freyer*, 71 Bankr. 912, 918 (S.D.N.Y. 1987), and cases cited therein. The following factors are taken into account: (1) whether the obligation terminates on the death or remarriage of the debtor's spouse; (2) whether the payments appear to balance disparate income; (3) whether the payments are made to a third party or the ex-spouse; (4) whether the obligation terminates at the end of a specified event (i.e., children are out of school, debt is satisfied, etc.); and (5) what was the intent of the parties. . . An examination of the above factors leads us to the conclusion that the defendant's obligations were part of the property settlement and, therefore, dischargeable."

- [In Re Soderholm](#), 33 B.R. 83, 85 (1983). "Although the plaintiff's complaint failed to allege that the defendant's debt to the bank was actually in the nature of child maintenance or support, evidence was offered on that subject without objection . . . Accordingly, I conclude that the defendant's debt to the bank is actually in the nature of child maintenance and support."

**WEST KEY  
NUMBERS:**

*Child Support*

- V. Proceedings, #170-226
  - (D) Judgment, #220-226
    - #220. In general
- VI. Modification, #230-364
  - (B) Particular factors and grounds, #236-307
    - 2. Factors relating to obligors, #250-266
      - #254. Financial condition in general
- IX. Enforcement, #440-498
  - #444. Contempt—In general

*Bankruptcy*

- IV. Effect of bankruptcy relief; injunction and stay, #2361-2490

- (B) Automatic stay, #2391-2420  
#2401. Domestic relations claims and proceedings
- X. Discharge, #3251-3440
  - (C) Debts and liabilities discharged, #3341-3394
    - 2. Debts arising from divorce or separation, #3363-3368
      - #3365(13). Child support
      - #3366. Effect of state law
  - (D) Determination of dischargeability, #3395-3410
    - #3400. Parties; standing

#### **ENCYCLOPEDIAS:**

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

- 9D *Am Jur 2d Bankruptcy*, Thomson West, 2016 (also available on Westlaw).
  - §§ 3584-3598 Debts for Domestic-Support Obligations
- Joseph E. Edwards, Annotation, *Wife's Claim To Alimony Or Other Allowances In Divorce Or Separation Suit As Passing, or Exempt from Passing, To Trustee In Wife's Bankruptcy, Under §70(A) Of Bankruptcy Act*, 10 A.L.R. Fed. 881 (1972).

#### **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.

- 8A *Connecticut Practice Series: Family Law and Practice with Forms*, 3rd ed., by Arnold H. Rutkin et al., 2010, Thomson West, with 2022-2023 supplement (also available on Westlaw).
  - Chapter 56. Federal law affecting Connecticut Domestic Relations Practice
    - § 56:4. The impact of federal bankruptcy policy on state divorce practice
    - § 56:5. —State court measures to remedy the effect of bankruptcy
- 4 *Family Law and Practice*, by Arnold H. Rutkin et al., 1985, Matthew Bender, with 2024 supplement (also available on Lexis).
  - Chapter 44. The effect of bankruptcy laws on marital dissolutions, agreements and property
    - § 44.03. The automatic stay
    - § 44.06. Determining the dischargeability of obligations for alimony, support and maintenance
- *LexisNexis Practice Guide: Connecticut Family Law*, by Louise Truax, editor, 2023 ed., Matthew Bender.
  - Chapter 17. Enforcement of orders
    - Part III: Asserting defenses to a motion for contempt
      - § 17.16. Seeking a discharge of obligations through bankruptcy

- *Collier on Bankruptcy*, 16th ed., by Alan N. Resnick and Henry J. Sommer, Eds., 2009, Matthew Bender, with 2014 supplement.
  - Chapter 362. Automatic stay
    - § 362.05[2]. Exceptions to the stay—Family Law Proceedings; § 362(b)(2)
  - Chapter 522. Exemptions
    - § 522.09[10][a]. Categories of exempt property—Federal exemptions; § 522(d)—Benefits akin to future earnings—The scope of the Section 522(d)(10) exemption
    - § 522.11[5]. Avoidance of judicial liens on exempt property and nonpossessory nonpurchase-money security interests in certain categories of exempt property; § 522(f)—Special rule for domestic support obligation liens
  - Chapter 1328. Discharge
    - § 1328.02[3][g]. Chapter 13's full-compliance discharge; § 1328(a)—Effect of a full-compliance Chapter 13 discharge—Discharge exception for debts for domestic support obligations; §§ 523(a)(5) and 1328(a)(2)
- *Collier Family Law and the Bankruptcy Code*, by Henry J. Sommer and Margaret Dee McGarity, 1991, Matthew Bender, with 2015 supplement.
  - Chapter 5. Jurisdiction of the bankruptcy court in domestic relations matters and the applicability of the automatic stay
  - Chapter 6. The dischargeability of marital obligations in bankruptcy
  - Chapter 7. Lien and transfer avoidance in connection with marital or family obligations
  - Chapter 8. Chapter 13 and the divorced or separated debtor

#### **LAW REVIEWS:**

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

- *Special Issue on Family Law and Bankruptcy*, 31 Family Law Quarterly no. 3 (Fall 1997).
- *Special Issue: The Impact of Bankruptcy on Divorce*, 14 Family Advocate no. 3 (Winter 1992). Includes:
  - Janet L. Chubb and Robert F. Holley, *Decoding The Code; A Guide To The Rules And Statutes Governing Bankruptcy*, p. 29.
  - Robert M. Welch, Jr., *Protecting The Rights Of The Creditor Spouse; Whether It Is Called Alimony, Maintenance, Or Support, You Must Master The Federal Criteria Used To Determine If Payments Are Dischargeable*, p. 36

# Section 7: Termination of Parental Rights and Child Support

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic sources relating to the effect of TPR (Termination of Parental Rights) on child support.

**SEE ALSO:** • [Termination of Parental Rights](#) (Research Guide)

**DEFINITIONS:**

- **Termination of Parental Rights (TPR):** "A judgment terminating a parent's rights not only severs the emotional and physical ties between parent and child, but also absolves that parent of all future support obligations." *In Re Bruce R.*, 234 Conn. 194, 200, 662 A.2d 107 (1995).
- **Best Interests of the Child:** "The principal issue in this certified appeal is whether the trial court properly granted the petitioner father's petitions to terminate his parental rights pursuant to General Statutes § 45a-715 et seq. without first considering his financial condition and the financial condition of his children's custodial parent. The trial court granted the petitions to terminate his parental rights pursuant to General Statutes § 45a-717 (f)." (p. 195).
- **State Policy:** "Connecticut child support enforcement legislation clearly evinces a strong state policy of ensuring that minor children receive the support to which they are entitled." (p. 209).
- **Nonconsensual Termination:** "We are persuaded that the combination of §§ 45a-717(e)(1) and 45a-706, and the overwhelming public policy of this state and our nation mandate that the financial condition of the parents be considered in determining the best interest of the child when terminating, pursuant to a consensual petition initiated by the parent, parental rights. As such, we do not reach the question of whether the parents' financial condition must be considered in nonconsensual termination proceedings." (footnote 16, pp. 215-216).

**CT 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. (2025)  
§ [45a-717](#)(f). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

**CASE LAW:**

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.

- [In re Mariana A.](#), 181 Conn. App. 415, 439-440, 186 A. 3d 83 (2018). "...[T]he evidence admitted and credited by the court shows that, after learning of Mariana's situation from the department, the father took some actions to establish a relationship with his daughter, including calling Mariana at her foster home on a regular basis, providing her with a photograph of himself, and providing financial support. Thus, over some period of time up to the relevant adjudicatory date, there was evidence from which the court reasonably could have concluded that the father had made an effort to foster a relationship with Mariana, a relationship that her attorney indicated to the court she enjoys and wants to continue. We simply are not persuaded on this record that the court's decision to reject the petition on the ground of abandonment constitutes reversible error."
- [In re Baciany R.](#), 169 Conn. App. 212, 221-222, 150 A.3d 744, 750-751 (2016). "If the respondent's parental rights were terminated, his financial responsibility also would be terminated. The court found that the department's recommendation not to terminate the respondent's parental rights was based on a financial consideration of the father's future ability to pay support. It was not predicated on the child's financial, physical, educational, medical, and social needs, which were being met by the petitioner and her family. The court stated that it had not discounted the department's reason for its recommendation, but had credited it. It found that the department's reason was solely financial in nature and did not justify, by itself, the recommendation not to terminate the respondent's parental rights."
- [In re Bruce R.](#), 234 Conn. 194, 213, 662 A.2d 107 (1995). "Legislative and judicial efforts to hold parents to their financial responsibility to support their children would be eviscerated if we were to allow an unfettered legal avenue through which a parent without regard to the best interest of the child could avoid *all* responsibility for future support. 'We must avoid a construction that fails to attain a rational and sensible result that bears directly on the purpose the legislature sought to achieve. *Peck v. Jacquemin*, 196 Conn. 53, 63-64, 491 A.2d 1043 (1985). [*Turner v. Turner*, *supra*, 219 Conn. at 713]. *Scrapchansky v. Plainfield*, 226 Conn. 446, 453, 627 A.2d 1329 (1993); see also *State v. Johnson*, [227 Conn. 534, 542, 630 A.2d 1059 (1993)]; *Fairfield Plumbing & Heating Supply Corp. v. Kosa*, 220 Conn. 643, 650-51, 600 A.2d 1 (1991).' (Internal quotation marks omitted.) *Concept Associates, Ltd. v. Board of Tax Review*, 229 Conn. 618, 624, 642 A.2d 1186 (1994). Surely the legislature did not intend that § 45a-717(f) be used as a means for a parent to avoid the obligation to support his or her children. To interpret the statutory scheme as such

would alter radically the parental support obligation which our laws consistently have reinforced."

### **LAW REVIEWS**

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

- John J. McGrath, Jr. *A Look at the State of the Law on Consensual Termination of Parental Rights in the Context of the Limitations Contained in In Re Bruce R. and the Evolving Composition of the American Family*, 26 Quinnipiac Prob. L.J. 22 (2012).