



General Assembly

January Session, 2023

**Raised Bill No. 6639**

LCO No. 3894



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

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

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

1 Section 1. Section 46b-83 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) At any time after the return day of a complaint under section 46b-  
4 45 or 46b-56 or after filing an application under section 46b-61, and after  
5 hearing, alimony and support pendente lite may be awarded to either  
6 of the parties from the date of the filing of an application therefor with  
7 the Superior Court. Upon the filing of a motion requesting alimony or  
8 support pendente lite that is accompanied, or later supplemented, by an  
9 affidavit by the moving party attesting that (1) the moving party has  
10 insufficient funds to meet his or her reasonable needs or the reasonable  
11 needs of the minor children of the parties, (2) the other party is not  
12 providing sufficient funds to the moving party to meet such reasonable  
13 needs, and (3) the moving party reasonably believes that the other party  
14 has sufficient means or earning capacity to so provide, then such

15 hearing shall be held by the court not later than sixty days after the date  
16 on which such motion requesting alimony or support pendente lite and  
17 accompanying affidavit was filed. No such hearing date shall be  
18 extended, whether by agreement of the parties or by the court, more  
19 than ninety days after the date of filing of such motion and affidavit  
20 absent a written agreement that provides for such alimony or support  
21 pendente lite. In the event of a delay necessitated by a court closure or  
22 emergency experienced by a party, such hearing shall be rescheduled to  
23 a date that is not later than fourteen days after the date of the originally  
24 scheduled hearing date. Full credit shall be given for all sums paid to  
25 one party by the other from the date of the filing of such a motion to the  
26 date of rendition of such order. In making an order for alimony  
27 pendente lite, the court shall consider all factors enumerated in section  
28 46b-82, except the grounds for the complaint or cross complaint, to be  
29 considered with respect to a permanent award of alimony. In making  
30 an order for support pendente lite, the court shall consider all factors  
31 enumerated in section 46b-84. The court may also award exclusive use  
32 of the family home or any other dwelling unit which is available for use  
33 as a residence pendente lite to either of the parties as is just and equitable  
34 without regard to the respective interests of the parties in the property.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	46b-83

**Statement of Purpose:**

To ensure timely scheduling of temporary financial support hearings in divorce and custody proceedings.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*