

Legislative History for Connecticut Act

SBC19	<PA 230>	1978
Judiciary	1427-1430, 1557-1633	83p.
House	3486-3488	3p.
Senate	1656-1659	4p.
		7 p.
		90p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 4
1354-1800

1978

REP. BERMAN: As I understand it, the Supreme Court has the power to prescribe amendments to the federal rules of evidence but they don't take effect until after they have been reported to Congress by the Chief Justice and after 180 days. As I read it, to give more power with respect to the rules of evidence to the Supreme Court than the -- to the Congress than the civil rules. The civil rules...

RICHARD KAY: My understanding, Representative, and I may be incorrect in that the rules of evidence were promulgated under the statute that you indicated as rules of procedure. Now, I am not entirely certain but, indeed, of course, the same -- I'm absolutely certain the same is true of rules of civil procedure. That they could be revised and changed by Congress course Congress could repeal that statute.

REP. BERMAN: And that would be the process that you feel is preferable to what Connecticut now has?

RICHARD KAY: Absolutely.

REP. ABATE: Thank you very much, sir.

SEN. DE PIANO: Angela Grant.

ANGELA GRANT: My name is Angela Grant and I'm on the staff of the Connecticut Law Revision Commission. We are here to speak in favor of Senate Bill 619, which contains the technical revision of Title 46 Husband and Wife. The Law Revision Commission has been charged by the General Assembly with completing a revision of the Connecticut general statutes and this is our first work product to be submitted for approval to the General Assembly. I have with me a complete draft of the revision which contains changes not reflected in the bill as well as corrections to the bill and a memo explaining the general approach taken in the revision. I would like to hand these to the Chairman and to the clerk and I'll give copies to the rest of you in a minute and Professor Francis Cady who is the Chairman of the Commission and at the University of Connecticut School of Law would like to make a few brief remarks as well as William a member of the Connecticut Bar and a member of the Commission who worked closely with me in the revision of Title 46.

FRANCIS CADY: Mr. Chairman, Members of the Committee, I'm Francis Cady, the Chairman of the Connecticut Bar Revision Commission. I am here to speak in favor of Senate Bill 619 an act concerning implementation of the recommendations of the Law Revision Commission. At the last session of the General Assembly, the Law Revision Commission was directed

FRANCIS CADY (Continued): to make a revision of the general statutes. This is the first product of our efforts, we have revised Title 46 dealing with the law pertaining to husband and wife. More revised titles will be on the way as we continue with our revision work. Since this is the first revision of the general statutes in 20 years, I think one or two explanatory remarks are in order.

This revision that you have before you today was not prepared in an ivory tower or in a vacuum. We have had consultations with the Probate Court Administrator, Judge Knierim, we have consulted with the probate section on the family law sections of the Connecticut Bar Association, we conducted a closed circuit television program with outlets at all the University of Connecticut branches giving an opportunity to all members of the bar to comment on our proposed revision. So that we feel this has been exposed to the bar and to the -- those particularly concerned with a law pertaining to husband and wife which is also carrying out the statutory duties that are charged upon the Commission. We have also had the assistance and cooperation of the Legislature Commissioner's Office particularly Marsha Smith who has worked with us on this revision and has been very helpful and I'm sure will continue to be so. What we are distributing to you today are three documents and I would like to explain just briefly one, correct certain typographical errors in Senate Bill 619. The other is a set of revisors comments which explains just exactly what we are doing with each particular section of Title 46 so that you will understand that we are not intending substantive changes in the statutes. This is a technical amendment in each case although we may be changing the language, deleting anachronisms, clearing up ambiguities, harmonizing conflicting provisions. We hope that this will provide at least a part of the legislative record to establish this as a technical revision, and there are no substantive changes intended.

Also filed with you today is a statement by our Staff Attorney, Angela Grant, giving you a case authority and our statement that this is a technical amendment and not a substantive change in the law. We feel that it is important that this be done in case any question later arises due to the change in language that we are suggesting as to whether we are actually changing the substantive law or really clarifying and rearranging existing statutes. We hope that with the commentary concerning this Title 46 that the Legislative Commissioner's Office can then proceed to carry out further recommendations that you find in this -- these revisors' comments so that there is a great deal behind this bill although it appears to be just changes in language, it has been carefully studied and it does

FRANCIS CADY (Continued): have the approval at least so far as we have been able to obtain it of the members of the Connecticut Bar who were concerned with this particular Title. Particularly the probate section and the family law section. Another purpose of our revision is to try to make these statutes pertaining to husband and wife more clear -- clearer, more meaningful and better organized so that a layman can pick up this particular Title, read it, and make more sense out of it than perhaps they had been able to in the past.

I have here with me today Attorney William a member of the Law Revision Commission who worked on a sub-committee revising this particular Title. Also, Angela Grant, our Staff Attorney. If the commission -- if the Committee has any questions they would be very glad to answer them or any later date after reading these documents that we have filed with you; if we can be of any further assistance we hope you will call on us.

REP. ABATE: Just one comment. I know that the Revision Committee (inaudible) I would appreciate it and I am sure Senator De Piano would appreciate it. I know you (inaudible)

FRANCIS CADY: Yes, at the last session of the General Assembly we did file, I think it was about five bills that were recommended by various agency personnel throughout the state where they and also judges had told us that they had had difficulty in interpreting certain of the statutes. We did file bills concerning those. We feel it is important to keep the technical revision separate from the substantive so there is no question in the minds of the legislature that we are not trying to make law, we are merely trying to revise and clarify it. We do have other suggestions that have been made, questions that have arisen in the revision of the Title 46 and we have in mind offering proposals for substantive amendment in that particular Title. Those will be forth coming. I believe there is one bill already raised by this committee, if I'm not mistaken that we submitted concerning inheritance rights of illegitimate children. That is something that was suggested to us and we have made that. We do want to keep the two operations separate so there is no question that we are trying to make law.

SEN. DE PIANO: I've just cursoried reviewed what you have submitted here, it's yeoman's work and you should be congratulated. It really looks like you did some job with it and I know I speak on behalf of this committee in appreciating your task and effort.

FRANCIS CADY: Thank you and there will be more on the way. We are in the process of revising others, land titles, and the probate law so at this time with cooperation with the probate court administrator.

SEN. DE PIANO: Thank you very much. Thomas Clark. You have some other members of the commission with you and I think they can all come up and we can hear.

THOMAS CLARK: They do have prepared remarks but I've forgotten them all. Actually we have some we have prepared for you and we will try not to repeat ourselves. Mr. Thompson will be in shortly. I believe he is trying to postpone an appointment which he had for 2:30. Well, while we are rounding up the rest of the members who -- I'm sorry to have to present this to you at this time, in this particular manner. We attempted to it at an earlier time, yes? Unfortunately, for one reason or another, there were no members of the assembly who could make it.

I think it's important from the start to indicate how we -- how the commission was established. It was established in 1976 by the General Assembly to look into the problems surrounding sentencing. To find out what the strengths and weaknesses of the present system are, to examine alternate sentencing proposals and to recommend changes. We started this process in December of 1976 and we met weekly, commencing with two hour meetings and quickly moving into three hour meetings from 1976, December of 1976 through September of 1977 when we held two and a half days of meetings and arrived virtually unanimous consensus which are the recommendations that you see before you today. Many of the issues which I have heard spoken of here today and others which I heard raised as I traveled around the state talking to the Bar Association and many other people concerning our proposals we discussed at length. The commission determined immediately to be a working commission and I in my lawyer's practice is to keep track of hours and I have got over 300 hours in this myself so and I know the others members of the commission have the same amounts of time. So we did not take the task lightly. I would like to introduce some of the members that are here, some are not here and couldn't make it today. Charlie Cochran is one, to my left is Brian Hollander, Bill Lawless who you well know was also a member of the commission and an active participant along with P.J. Donahue, who served as his support staff when Bill was unable to make it. Commissioner Manson, who is here, Judge Henry J. Narick.....

Clerk

TESTIMONY TO THE JOINT STANDING COMMITTEE ON THE JUDICIARY
BY
ANGELA C. GRANT, STAFF, LAW REVISION COMMISSION
CONCERNING THE TECHNICAL REVISION OF TITLE 46
OF THE GENERAL STATUTES

March 27, 1978

I. THE TECHNICAL REVISION OF TITLE 46 "HUSBAND AND WIFE"

Title 46 contains most of the basic statutory law concerning marriage and dissolution of marriage in the state of Connecticut. It is a part of the general statutes which is important to virtually all our citizens at some time during their lives, and which should not be unnecessarily obscure or intimidating. As the statement of purpose of Senate Bill 619 indicates, the technical revision of Title 46 is intended to make the sections contained in it clearer, more readable and therefore more accessible to the non-lawyer. To accomplish this, most sections have been redrafted to some extent, long sections have been divided into subsections (S.B. 619, Sections 7, 26 and 36), a definitional section has been added (S.B. 619, Section 1), sections have been rearranged in a more logical order, some sections have been moved to another Title (former sections 46-11 and 46-12), and section headings have been rewritten to more accurately reflect the subject matter contained in them. (See Proposed Revision, attached).

The revision follows the principles of legal drafting and English grammar set forth in the working draft of the bill drafting manual of the Legislative Commissioner's Office and in the Fundamentals of Legal Drafting,* written

* Published by the American Bar Foundation by Little, Brown, and Company, 1965.

by the noted authority Reed Dickerson. Words like "such" have been replaced with a less formal but equally specific substitute (see Dickerson, p. 131, and Sections 6 and 11 of S.B. 619). Other "objectionable" words like "hereinafter," "therefor" and "said" have also been replaced where this is possible without changing the meaning of the law (see Dickerson, p. 125 and S.B. 619, Sections 7, 5 and 50). The proposed revision changes "no person shall" to "no person may," which is both the stronger and the more correct prohibition (see Dickerson, pp. 130-131 and S.B. 619, Sections 3, 5 and 6). References to section numbers are changed from "Section 46-00 to 46-04, inclusive," to "Sections 46-00 through 46-04" (see Dickerson, p. 128 and Section 8). Sections which have been repealed have been removed. As well as improving the clarity of the statutes, the net effect of the proposed revision, when complete, will be a substantial saving in space and printing costs.

Senate Bill 619 contains only changes in language and does not reflect other equally important facets of the proposed revision. A draft of the entire revision has been distributed to committee members and contains all the changes recommended by the Law Revision Commission. With the continued cooperation of Attorney Marcia Smith and others in the Legislative Commissioners' Office, all aspects of the revision can be implemented and will appear in the 1979 edition of the general statutes.

II. THE LEGAL EFFECT OF A TECHNICAL REVISION

Under Connecticut law "there is a presumption that a general revision of the statutes does not change the law." State ex rel. Willow Monument Works, Inc. v. Mountain Grove Cemetary Association, 168 Conn. 447, 452 (1975); Miller v. Phoenix State Bank and Trust Co., 138 Conn. 12, 16 (1951). This presumption attaches to a technical revision such as the proposed revision of Title 46. Accordingly, "in the absence of anything evincing a contrary intent, the meaning and the effect" of a revised statute is held to be unchanged by the revision, although the form of the statement is changed. Mountain Grove Cemetary Association, at 452; Southington v. Francis, 159 Conn. 64, 70 (1970); State ex rel. Rundbaken v. Watrous, 135 Conn. 638, 648 (1949); Bassett v. City Bank and Trust Co., 115 Conn. 393, 400 (1932).

The case law on statutory changes enacted as part of a technical revision is contrary to the general rule of statutory construction which presumes that a change in a law was made to accomplish some substantive purpose. Hartford Electric Light Co. v. Sullivan, 161 Conn. 145, 152 (1971). For example, in cases in which revisors have deleted words or phrases from certain statutes, the Connecticut Supreme Court has held that, in the absence of an expression of a contrary intent, the meaning of these statutes has not changed. State v. Reed, 157 Conn. 464, 467 (1969); State v. Fahy, 149 Conn. 577, 581 (1962),

City of Norwalk v. Daniele, 143 Conn. 85, 87 (1955). This principle would apply to S.B. 619, Section 18, which shows some words deleted, but without intent to change the meaning of the law. The Connecticut Supreme Court has also held that a change in punctuation in the course of a technical revision, like the changes made by S.B. 619 Section 20, does not change the original intent or meaning of a statute, in the absence of any indication of a contrary intent, Paquin, Ltd. v. Westevelt, 93 Conn. 513, 515 (1919). Placement of a section in a certain chapter, like the movement of Sections 46-9 and 46-10 from "Husband and Wife Property Rights" to "Marriage*," which is a part of the reorganization recommended by revisors, has been held not to change the meaning or intent of the statute, in the absence of a contrary intent, Southington v. Francis, 159 Conn. 64, 70 (1970). The combination by revisors of two separate laws into one statute, like the merger of sections 46-5f "Persons under sixteen" and 46-5g "Marriage of other minors," shown in S.B. 619, Section 10, does not change the meaning of either section, State ex rel. Willow Monument Works, Inc. v. Mountain Grove Cemetary Association, 168 Conn. 447, 452 (1975).

* See "Proposed Revision," attached.

III. THE WORK OF THE LAW REVISION COMMISSION

The technical revision of Title 46 is the first work product submitted by the Law Revision Commission for action by the general assembly. The Executive Director, William Plouffe, recently completed a study entitled "Alternatives to the Courts for Disposition of Minor Criminal and Civil Cases" which was partially funded by the Law Enforcement Assistance Administration and which has been distributed to the general assembly and to members of the Connecticut bench. The executive director and the two staff members, Doreen E. Dennis and Angela C. Grant are at work on the Technical revision of Titles 45 "Probate Courts and Procedure," 47 "Land and Land Titles" and 47a "Landlord and Tenant," and in the process of completing a search for sections of the general statutes which have been declared unconstitutional by federal and Connecticut state courts.

The work of the revision would not be possible without the encouragement and support of the Commission members, William R. Breetz, Jr., Martin B. Burke, Sanford Cloud, Anne C. Dranginis, Joseph I. Koletsky, Robert C. Leuba, Neal Ossen, John F. Pickett, Richard D. Tulisano, and the Chairman, Professor Francis C. Cady. The staff have also received the close cooperation of many groups and individuals concerned with law revision in Connecticut, including the Connecticut Bar Association, particularly the Family Law, Probate and Real Property Sections, judges,

state agencies and the faculty of the University of Connecticut School of Law. Staff members have also participated in a liason capacity in groups considering substantive changes in the banking, education and probate laws.

The thrust of the Commission's activities to date indicate that it is serving the state in a dual capacity. First, it has begun a long overdue technical revision of the general statutes, last completed in 1958. Second, it has begun to function as a clearing house for both substantive and technical changes in the law initiated by other individuals and organizations.

The staff and members of the Law Revision Commission feel that the technical revision of Title 46 represents an important first step toward a complete revision of the general statutes, and we look forward to working with the members of the Judiciary Committee in the future.

Corrections
STATE OF CONNECTICUT

Clear

Raised Committee Bill No. *619* Page 1 *830* 4
 Referred to Committee on *Justice* 7
 LCO No. 3123 8
 Introduced by (JUD) 9
 General Assembly, 10
 February Session, A.D., 1978 11

AN ACT CONCERNING IMPLEMENTING THE RECOMMENDATIONS OF THE LAW REVISION COMMISSION. 14

Be it enacted by the Senate and House of Representatives in General Assembly convened: 17

Section 1. (NEW) As used in this chapter, (a) "registrar" means the registrar of vital statistics; (b) "applicant" means applicant for a marriage license; (c) "license" means marriage license. 19

Sec. 2. (NEW) The defenses of recrimination and condonation to any action for dissolution of marriage or legal separation are abolished. 22

Sec. 3. Section 46-1 of the general statutes is repealed and the following is substituted in lieu thereof: 24

No man [shall] MAY marry his mother, grandmother, daughter, granddaughter, sister, aunt, niece, stepmother or stepdaughter, and no woman [shall] MAY marry her father, grandfather, son, grandson, brother, uncle, nephew, ^{stepfather or} stepson; [; and, if any man or woman marries] ANY MARRIAGE within [the] THESE degrees [aforesaid, such marriage shall be] IS void. 26

Sec. 4. Section 46-3 of the general statutes is repealed and the following is substituted in lieu thereof: 31

(a) All judges and justices of the peace may join persons in marriage in any town [and county] in the state, and all ordained or licensed clergymen, belonging to this state or any other state, so long as they continue in the work of the ministry, may join persons in marriage, [and all marriages attempted to be] 33

celebrated by any other person shall be void; but all] ALL
marriages solemnized according to the forms and usages of any 38
religious denomination in this state, including marriages 39
witnessed by a duly constituted Spiritual Assembly of the 40
Baha'is, [shall be] ARE valid. ALL MARRIAGES ATTEMPTED TO BE 41
CELEBRATED BY ANY OTHER PERSON ARE VOID.

(b) No public official legally authorized to issue marriage 43
licenses [shall] MAY join persons in marriage under authority of 44
a license issued by himself, or his assistant or deputy; nor 45
[shall] MAY any such assistant or deputy join persons in marriage 46
under authority of a license issued by such public official. 47

(c) Any person violating any provision of this section shall 48
be fined not more than fifty dollars. 49

Sec. 5. Section 46-5a of the general statutes is repealed 50
and the following is substituted in lieu thereof: 51

(a) No persons [shall] MAY be joined in marriage in this 52
state until both have complied with the provisions of sections 53
46-5a [to] ^{THROUGH} 46-5j [inclusive] AS AMENDED BY SECTIONS ^{THROUGH 13} 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, INCLUSIVE, OF THIS ACT, and have been issued a [marriage] license 55
by the registrar [of vital statistics] for the town in which 56
[such] THE marriage is to be celebrated, which [license shall 57
bear] BEARS the certification of the registrar that the persons
named therein have complied with the provisions of said sections. 58

(b) [such] THE license, when [so] certified by [such] THE 60
registrar, [shall be] IS sufficient authority for any person 61
authorized to perform a marriage ceremony in this state to join 62
such persons in marriage, provided [such] THE ceremony [shall ^{be} 63
IS performed within the town where the license was issued and
within a period of not more than sixty-five days after the date 64
of application [therefor]. 65

(c) ANYONE WHO JOINS ANY PERSONS IN MARRIAGE WITHOUT HAVING 66
RECEIVED SUCH LICENSE FROM THEM SHALL BE FINED NOT MORE THAN ONE 67
HUNDRED DOLLARS. 68

Sec. 6. Section 46-5b of the general statutes is repealed 68
and the following is substituted in lieu thereof: 69

No. [marriage] license [shall] MAY be issued by [such] THE 70
 registrar until both persons have appeared before him and made 71
 application for [such] ~~THE~~ license, [which] THE application 72 ✓
 shall be dated, signed and sworn to by each [of the applicants] 73
 APPLICANT and shall state [, as to] each [applicant, the] 74
 APPLICANT'S name, age, color, occupation, birthplace, residence, 74
 whether single, widowed or divorced and whether under the 75
 supervision or control of a conservator or guardian. If [such] 77
 THE application is signed and sworn to by the applicants on 78
 different dates, the earlier date shall be deemed the date of 79
 application. All [such] applications, when so made, shall be 80
 kept separately and available for public examination until the 81
 [marriage] license is issued, and shall be filed as a part of the 82
 records of [such] ^{THE} registrar when the license certificate is 83 ✓
 returned as provided in section 46-7, AS AMENDED BY SECTION 15 OF 84
 THIS ACT.

Sec. 7. Section 46-5c of the general statutes is repealed 85
 and the following is substituted in lieu thereof: 86

(a) No [marriage] license [shall] MAY be issued by any 87
 registrar [of vital statistics] until there has been filed with 88
 him, for each [of the applicants] APPLICANT, a statement signed 89
 by a physician licensed to practice medicine or osteopathy in any 90
 state or territory of the United States, the District of 91
 Columbia, or any province of Canada, or by a commissioned medical 92
 officer in the armed forces or the public health service of the 93
 United States, that the applicant has submitted to a standard 94
 laboratory blood test, that, if the test was positive, the person 95
 has submitted to a physical examination of the skin and 96
 appropriate mucous membranes, and that, in the opinion of such 97
 physician, the person is not infected with syphilis or in a stage 98
 of that disease that is communicable.

(b) Except as [hereinafter] provided IN THIS SECTION, the 99
 statement of any such physician or medical officer shall be 100
 accompanied by a statement by the person in charge of an approved 101
 laboratory or his representative giving the name of the standard 102

laboratory blood test made, [which statement shall contain] AND
 the exact name of [such] THE applicant but [shall] not [contain] 103
 the results of the test. A standard laboratory blood test shall 105
 be a laboratory test for syphilis approved by the state 106
 department of health and shall be performed by said department on 107
 request of a licensed physician or at a laboratory approved by 108
 it. No [marriage] license [shall] MAY be issued if the date of 110
 the blood test for either applicant is more than thirty-five days 111
 [prior to] BEFORE the date of application [therefor].

(c) Nothing in this section shall prohibit any [such] 113
 registrar from accepting a statement executed on a form 114
 officially used for the same purpose in any other state or
 territory of the United States or in any province of Canada, 115
 provided [such] THE other state, territory or province requires a 116
 premarital blood test, AND the date of [which] THAT test, or the 117
 date of the physician's statement when the date of [such] THE 118
 test is not a part of the official blood test form of such other 119
 state, territory or province, [to be] IS not more than thirty- 120
 five days before the date of application for the [marriage]
 license. 121

(d) With the approval of the administrative head of the 122
 municipality and the public records administrator, as provided in 123
 section 7-109, the statements filed with the registrar [of vital 124
 statistics] in compliance with the provisions of this section may 125
 be destroyed [after] one year [from] AFTER the date of filing. 126

Sec. 8. Section 46-5d of the general statutes is repealed 127
 and the following is substituted in lieu thereof: 128

(a) No [marriage] license [shall] MAY be issued prior to the 129
 fourth day following the date of the application [therefor], 130
 unless IT IS THE OPINION OF the judge of probate for the district 131
 [wherein] IN WHICH the marriage is to be celebrated, after 132
 hearing [such] evidence, [as is presented, shall render a 133
 decision in writing, when in his opinion] THAT public policy or 134
 the physical condition of either applicant requires the marriage 135
 to be celebrated without delay, AND THE JUDGE RENDERS A WRITTEN 135

DECISION that the provisions of either this section, or of section 46-5c, AS AMENDED BY SECTION 7 OF THIS ACT, or both, SHOULD be waived.

(b) [Upon receipt of such] THE decision [, the same] shall be filed as a part of the records of the office of [such] THE registrar, who shall immediately issue the [marriage] license after all other requirements of sections 46-5a [to] 46-5j inclusive AS AMENDED BY SECTIONS 5 THROUGH 13, EXCLUSIVE, OF THIS ACT, have been satisfied.

Sec. 9. Section 46-5e of the general statutes, as amended by public act 77-14, is repealed and the following is substituted in lieu thereof:

(a) No marriage license [shall] MAY be issued to [applicants either of whom is] ANY APPLICANT under the supervision or control of a conservator [,] appointed in accordance with chapter 779, or A guardian [,] appointed in accordance with chapter 779a, unless the written consent of [such] THE conservator or guardian signed and acknowledged before a person authorized to take acknowledgments of conveyances under the provisions of section 47-5, or authorized to take acknowledgments in any other state or country, is filed with [such] THE registrar. [and any]

(b) ANY person married without the consent [herein] provided for IN SUBSECTION (a) OF THIS SECTION shall acquire no rights by such marriage in the property of any person who [, at the time of such marriage,] was under such control or supervision AT THE TIME OF THE MARRIAGE.

Sec. 10. Section 46-5f of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No [marriage] license [shall] MAY be issued to [applicants either of whom is] ANY APPLICANT under sixteen years of age, unless the judge of probate for the district [wherein] IN WHICH [such] THE minor resides endorses HIS WRITTEN CONSENT on [such] license [his written consent].

(b) NO MARRIAGE LICENSE MAY BE ISSUED TO ANY APPLICANT UNDER EIGHTEEN YEARS OF AGE, UNLESS THE WRITTEN CONSENT OF A PARENT OR

GUARDIAN OF THE PERSON OF SUCH MINOR, SIGNED AND ACKNOWLEDGED 170
 BEFORE A PERSON AUTHORIZED TO TAKE ACKNOWLEDGMENTS OF CONVEYANCES 171
 UNDER THE PROVISIONS OF SECTION 47-5, OR AUTHORIZED TO TAKE 172
 ACKNOWLEDGMENTS IN ANY OTHER STATE OR COUNTRY, IS FILED WITH THE 173
 REGISTRAR. IF NO PARENT OR GUARDIAN OF THE PERSON OF SUCH MINOR 174
 IS A RESIDENT OF THE UNITED STATES, THE CONSENT OF THE JUDGE OF 175
 PROBATE FOR THE DISTRICT IN WHICH THE MINOR RESIDES, ENDORSED ON 176
 THE LICENSE, SHALL BE SUFFICIENT.

Sec. 11. Section 46-5h of the general statutes is repealed 176
 and the following is substituted in lieu thereof: 177

If THE PREVIOUS MARRIAGE OF either applicant [has been 178
 previously married and the last previous marriage of such 180
 applicant] was terminated by divorce or dissolution, no marriage 181
 license [shall] MAY be issued unless [such] THE applicant 182
 presents to [such] THE registrar a certified copy of the decree 183
 of [such] divorce or dissolution or a certificate, signed by the 184
 clerk of the court that issued the decree, that a divorce or 185
 dissolution has been granted; except that, if [such] THE 186
 applicant has been divorced or his marriage has been dissolved in 187
 any foreign country and he certifies in writing before [such] THE 188
 registrar that a copy of the decree of [such] divorce or 189
 dissolution cannot reasonably be obtained, [such] THE registrar 190
 may, in his discretion, waive the provisions of this section. 191
 The presentation of any such certified copy of [such] THE decree 192
 or the filing of any such certification shall be sufficient to 193
 satisfy the requirements of this section, and the registrar shall 194
 not be required to determine the validity or effect of [such] THE 195
 decree.

Sec. 12. Section 46-5i of the general statutes is repealed 195
 and the following is substituted in lieu thereof: 196

Any registrar [of vital statistics] who places on file any 197
 application for a [marriage] license, or issues any [marriage] 198
 license, except as provided in sections 46-5a ^{THROUGH} [to] 46-5j ^{THROUGH} 199
 inclusive, AS AMENDED BY SECTIONS 5 ^{THROUGH} 13, ~~INCLUSIVE~~, OF THIS 200
 ACT, or who conceals or refuses to make any [such] application 201

available to public examination while his office is open for 202
 business during the period until the [marriage] license is 203
 issued, shall be fined not more than one hundred dollars or
 imprisoned not more than thirty days or both [, and any person 204
 who joins any persons in marriage without having received such a 205
 license shall be fined not more than one hundred dollars]. 206

Sec. 13. Section 46-5j of the general statutes is repealed 207
 and the following is substituted in lieu thereof: 208

Each registrar [of vital statistics] shall issue a copy of 209
 sections 46-5a ^{THROUGH} [to] 46-5j ^{THROUGH} inclusive, AS AMENDED BY SECTIONS 5 ~~4a~~ 210 ✓
 13 ~~INCLUSIVE~~, OF THIS ACT, to any person making application for 211
 a [marriage] license. 212

Sec. 14. Section 46-6 of the general statutes is repealed 213
 and the following is substituted in lieu thereof: 214

All marriages [where] IN WHICH one or both parties are 215
 [citizens] RESIDENTS of this state, celebrated in a foreign 216
 country [in conformity with the law of that country], shall be 217
 valid, provided: (1) [each] EACH party would have legal capacity
 to contract such marriage in this state [and all marriages when 218
 one or both parties are citizens of this state, celebrated in a 219
 foreign country,] AND THE MARRIAGE IS CELEBRATED IN CONFORMITY 220
 WITH THE LAW OF THAT COUNTRY; OR (2) THE MARRIAGE IS CELEBRATED 221
 in the presence of the ambassador or minister to that country
 from the United States or in the presence of a consular officer 222
 of the United States accredited to such country [,] at a place 223
 within his consular jurisdiction, by any ordained or licensed 224
 clergyman engaged in the work of the ministry in any state of the 225
 United States or in any foreign country [, shall be valid]. 226

Sec. 15. Section 46-7 of the general statutes is repealed 227
 and the following is substituted in lieu thereof: 228

Each person who joins any persons in marriage shall certify 229
 upon the license certificate the fact, time and place of [such] 230
 THE marriage, and return it to the registrar of the town where it 231
 was issued, before or during the first week of the month [next 232
 succeeding such] FOLLOWING THE marriage, [, and upon failure 233

thereof,] ANY PERSON WHO FAILS TO DO SO shall be fined not more than ten dollars. 234

Sec. 16. Section 46-8 of the general statutes is repealed and the following is substituted in lieu thereof: 235 236

The certificates required by sections 46-5a [to] 46-5, inclusive, AS AMENDED BY SECTIONS 5 ^{THROUGH} 13, ~~INCLUSIVE~~, OF THIS ACT, and 46-7 shall be prima facie evidence of the facts [therein] stated IN THEM. 237 ✓ 238 ✓ 239

Sec. 17. Section 46-10 of the general statutes, as amended by public act 77-288, is repealed and the following is substituted in lieu thereof: 240 241

(a) [All purchases] ANY PURCHASE made by either ^A husband or wife in his or her own name shall be presumed, in the absence of notice to the contrary, to be [on his or her private account and liability]; but both shall be liable for the reasonable and necessary services of a physician or dentist and for hospital expenses rendered the husband or wife or their minor child while residing in the family of its parents, except if such physician or dentist or hospital expense is an expense of the last illness of either spouse, only the estate of the deceased spouse shall be liable for such expense unless it is not sufficient therefor, in which case both the estate and the surviving spouse shall be liable, and both shall be liable for the rental of any tenement or premises actually occupied by such husband and wife as a residence and reasonably necessary to them for such purpose; and both shall also be liable when any article purchased by either has in fact gone to the support of the family, or for the joint benefit of both, or for the reasonable apparel of the wife, or for her reasonable support while abandoned by her husband] MADE BY HIM OR HER AS AN INDIVIDUAL AND HE OR SHE SHALL BE LIABLE FOR THE PURCHASE. 242 ✓ 243 244 ✓ 245 ✓ 246 247 248 249 250 251 253 254 255 256 257 258 259

(b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (a) OF THIS SECTION, [It] IT shall be the joint duty of the husband to support his or her family, AND BOTH SHALL BE LIABLE FOR: (1) THE OF PH... R... DE... IST; (2) 260 261 262 263 ✓

HOSPITAL EXPENSES RENDERED THE HUSBAND OR WIFE OR MINOR CHILD 264
 WHILE RESIDING IN THE FAMILY OF ITS PARENTS; (3) THE RENTAL OF 265 ✓
 ANY DWELLING UNIT ACTUALLY OCCUPIED BY THE HUSBAND AND WIFE AS A
 RESIDENCE AND REASONABLY NECESSARY TO THEM FOR THAT PURPOSE; AND 266
 (4) ANY ARTICLE PURCHASED BY EITHER WHICH HAS IN FACT GONE TO THE 267
 SUPPORT OF THE FAMILY, OR FOR THE JOINT BENEFIT OF BOTH; (5) 268 ✓
 THE REASONABLE APPAREL OF THE WIFE; AND
 (6) HER REASONABLE SUPPORT WHILE
 ABANDONED BY HER HUSBAND.

(c) No action [shall] MAY be maintained against either 270
 spouse under the provisions of this section, either during or 271
 [subsequent to] AFTER any period of separation from the other
 spouse; for any liability incurred by [such] THE other spouse 272
 during [such period of] THE separation, if, during [such] THE 273 ✓
 [period,] SEPARATION the spouse who is liable for support of the
 other spouse has provided [such] THE other spouse with reasonable 275
 support.

Sec. 18. Section 46-32 of the general statutes is repealed 276
 and the following is substituted in lieu thereof: 277

(a) A marriage [shall be] ^{IS} dissolved only by (1) the death of 278 ✓
 one of the parties [thereto] or (2) a decree of [a court of 279
 competent jurisdiction annulling or decreeing] ANNULMENT OR [a] 280
 dissolution of the marriage BY A COURT OF COMPETENT JURISDICTION. 281

(b) An annulment shall be granted [whenever, from any 282
 cause,] IF the marriage is void or voidable under the laws of 283
 this state or of the state in which [such] THE marriage was 284
 performed.

(c) A decree of dissolution of a marriage or a decree of 285
 legal separation shall be granted upon a finding that one of the 286
 following causes has occurred: [The] (1) THE marriage has broken 287 ✓
 down irretrievably; (2) the ^{BY REASON OF INCOMPATIBILITY} parties have lived apart for a 288 ✓
 continuous period of at least the eighteen months immediately 289
 prior to the service of the complaint [by reason of 290
 incompatibility] and that there is no reasonable prospect that
 they will be reconciled; (3) adultery; (4) fraudulent contract; 291
 (5) wilful desertion for one year with total neglect of duty; (6) 292
 seven years' absence, during all of which period the absent party 293
 has not been heard from; (7) habitual intemperance; (8) 294

intolerable cruelty; (9) sentence to imprisonment for life or the 295
 commission of any infamous crime involving a violation of 296
 conjugal duty and punishable by imprisonment for a period in 296
 excess of one year; (10) legal confinement in a hospital or 297
 hospitals or other similar institution or institutions, because 298
 of mental illness, for at least an accumulated period totaling 299
 five years within the period of six years next preceding the date 300
 of the complaint [in such action].

(d) In [the case of] an action [claiming] ^{FOR} dissolution of a 302 ✓
 marriage or [a] legal separation on the ground of habitual 303
 intemperance, it shall be sufficient if the cause of action is 304
 proved to have existed until the time of the separation of the 305
 parties.

(e) In [the case of] an action [claiming] FOR dissolution of 306
 a marriage or a legal separation on the [grounds] GROUND of 307
 wilful desertion for one year, with total neglect of duty, the 308
 furnishing of financial support shall not [, in the absence of 309
 other evidence,] disprove total neglect of duty, IN THE ABSENCE 310
 OF OTHER EVIDENCE.

Sec. 19. Section 46-34 of the general statutes is repealed 311
 and the following is substituted in lieu thereof: 312

Any married minor may, in his own name, prosecute or defend 313
 to final judgment an action for annulment or dissolution of a 314
 marriage or for legal separation and MAY participate in all 315
 judicial proceedings with respect thereto. 316

Sec. 20. Section 46-35 of the general statutes is repealed 317
 and the following is substituted in lieu thereof: 318

[No decree dissolving a marriage or granting a legal 319
 separation shall be entered unless one of the parties to the 320
 marriage has been a resident of this state for at least the 321
 twelve months next preceding the date of the filing of the 322
 complaint or next preceding the date of the decree or unless one 323
 of the parties was domiciled in this state at the time of the 324
 marriage and before the filing of the complaint returned to this 324
 state with the intention of permanently remaining, or unless the 325

cause for the dissolution of the marriage arose subsequently to 326
the removal of either party into this state; provided nothing 327
herein shall be construed to prevent the filing of a complaint] 328

(a) A COMPLAINT FOR DISSOLUTION OF A MARRIAGE OR FOR LEGAL 329
SEPARATION MAY BE FILED at any time after either party has 330
established residence in this state, [or the granting of 331
temporary]

(b) TEMPORARY relief pursuant to [such] THE complaint MAY BE 333
GRANTED in accordance with sections 46-42 and 46-50, AS AMENDED 334
BY SECTIONS 27 ^{THROUGH} ~~TO~~ 35, ~~INCLUSIVE~~, OF THIS ACT/ AT ANY TIME AFTER
EITHER PARTY HAS ESTABLISHED RESIDENCE IN THIS STATE.

(c) A DECREEE DISSOLVING A MARRIAGE OR GRANTING A LEGAL 335
SEPARATION MAY BE ENTERED IF: (1) ONE OF THE PARTIES TO THE 336
MARRIAGE HAS BEEN A RESIDENT OF THIS STATE FOR AT LEAST THE 337
TWELVE MONTHS NEXT PRECEDING THE DATE OF THE FILING OF THE
COMPLAINT OR NEXT PRECEDING THE DATE OF THE DECREEE; OR (2) ONE 338
OF THE PARTIES WAS DOMICILED IN THIS STATE AT THE TIME OF THE 339
MARRIAGE AND RETURNED TO THIS STATE WITH THE INTENTION OF 340
PERMANENTLY REMAINING BEFORE THE FILING OF THE COMPLAINT; OR (3) 341
THE CAUSE FOR THE DISSOLUTION OF THE MARRIAGE AROSE AFTER EITHER 342
PARTY MOVED INTO THIS STATE. For the purposes of this section, 343
any person who has served or is serving with the armed forces, as 344
defined by section 27-103, or the merchant marine, and who was a 345
resident of this state at the time of his or her entry shall be 346
deemed to have continuously resided in this state during the time 347
he or she has served or is serving with [said] THE armed forces 348
or merchant marine.

Sec. 21. Section 46-36 of the general statutes is repealed 349
and the following is substituted in lieu thereof: 350

(a) A proceeding for annulment, [or] dissolution of [a] 351
marriage or for legal separation shall be commenced by the 352
service and filing of a complaint as in all other civil actions 353
in the superior court for the [county or] judicial district 354
[wherein] IN WHICH one of the parties resides, [, provided, in
the case of a proceeding for annulment of a void marriage, such] 355
THE complaint may also be made by the attorney general IN A 356

spouse has an interest. The notice shall contain the names of 392
 the spouses, the nature of the complaint, the court having 393
 jurisdiction [thereof], the date of the complaint and a 394
 description of the real property. Such notice shall, from the 396
 time of the recording only, be notice to any person thereafter
 acquiring any interest in such property of the pendency of the 397
 complaint and each ^{EACH} person whose conveyance or encumbrance is 398 ✓
 subsequently executed or subsequently recorded or whose interest 399
 is thereafter obtained by descent, or otherwise, shall be deemed 400
 to be a subsequent purchaser or encumbrancer, and shall be bound 401
 by all proceedings taken after the recording of such notice, to 402
 the same extent as if he were made a party to the complaint [, 403
 provided a] A notice of lis pendens RECORDED IN ACCORDANCE WITH 404 ✓
 THIS SECTION may be discharged by the court upon substitution of
 a bond with surety in an amount established by the court if the 405
 court finds that the claim of the spouse against property subject 406
 to the notice of lis pendens can be satisfied by money damages. 407

Sec. 24. Section 46-39 of the general statutes is repealed 408
 and the following is substituted in lieu thereof: 409

(a) On a complaint for dissolution, [or] annulment [of a 410 ✓
 marriage] or [for] legal separation, [when] IF the [adverse 411
 party] DEPENDANT resides out of or is absent from the state or 412
 the whereabouts of the [adverse party] DEPENDANT is unknown to
 the plaintiff, any judge or clerk of the supreme court or of the 413
 superior court may make such order of notice as he deems 414
 reasonable. [Such] AFTER notice [having] HAS been given and 416
 proved to the court, [such] THE court may hear [such] THE
 complaint if it finds that the defendant has actually received 417
 notice that the complaint is pending, [, and, if] IF it does not 418
 appear that the defendant has had [such] ~~THE~~ notice, the court 419 ✓
 may hear [such] ^{THE} case, or, if it sees cause, order such further 420 ✓
 notice to be given as it deems reasonable and continue the 421
 complaint until the order is complied with.

(b) [When the nonresident party has received actual notice 422
 pursuant to subsection (a) of this section, and the party 423

PROCEEDING FOR ANNULMENT OF A VOID MARRIAGE. [Such] THE 357 ✓
complaint shall be served on the other party. 358

(b) If any party is an inmate of a mental institution in 359
this state, a copy of the complaint shall be served on the 360
commissioner ~~of administrative services~~ of administrative 362 ✓
services personally or by registered or certified mail [, and, if 363
any such]. IF ANY party is confined in an institution in any
other state, a [like] copy shall be so served on the superintendent 364 ✓
of the institution in which [such] THE party is confined. 365

Sec. 22. Section 46-37 of the general statutes is repealed 366
and the following is substituted in lieu thereof: 367

When any married person has been convicted in any court of 368
an offense against chastity [,] which [offense] would be ground 369
for dissolution or annulment of the marriage, any person 370
aggrieved may petition the superior court within four months of 371
[such] THE conviction, and upon notice to the person [so] 372
convicted, the court may grant a dissolution or annulment of the 373
marriage or such other relief as [said] THE court [may determine]
DETERMINES. No provision of this section shall be construed [so 375
as] to affect the right of any aggrieved person to apply to the 376
civil side of [said] THE court for similar relief. 377

Sec. 23. Section 46-38 of the general statutes, as amended 378
by public act 77-392, is repealed and the following is 380
substituted in lieu thereof:

The following procedures shall be available to secure the 381
financial interests of either spouse in connection with any 382
complaint under section 46-36, 46-42 or 46-62, AS AMENDED BY 383
SECTIONS 21, ² 77 AND 47 OF THIS ACT: ~~concerning prejudgment~~ 384 ✓

~~remedies, whether or not a money demand is made in such~~
~~concerning prejudgment remedies, whether or not a money demand is made in such~~
~~complaint.~~ (1) Any remedy afforded by chapter 903a [,] and (2) at 386 ✓
any time after the service of such a complaint, [wherein a] IF 387
EITHER party claims an interest in real property in which the 388
other party has an interest, either spouse may cause a notice of
lis pendens to be recorded in the office of the town clerk of 389
each town in which is located real property in which the other 390

such complaint ✓

requesting alimony or support of children meets the residency 424
 requirement of section 46-35, and this state was the domicile of 425
 both parties immediately prior to or at the time of their 426
 separation, the] THE court may exercise personal jurisdiction 427
 over the nonresident party as to all matters concerning temporary 428
 or permanent alimony or support of children/; ONLY IF : (1) THE

NON RESIDENT PARTY HAS RECEIVED ACTUAL NOTICE UNDER
 SUBSECTION (a) OF THIS SECTION; AND (2) THE PARTY
 REQUESTING ALIMONY OR SUPPORT OF CHILDREN
 MEETS THE RESIDENCY REQUIREMENT OF SECTION
 46-35, AS AMENDED BY SECTION 20 OF THIS
 ACT; AND (3) THIS STATE WAS THE DOMICILE OF
 BOTH PARTIES IMMEDIATELY PRIOR TO OR AT
 THE TIME OF THEIR SEPARATION.

Sec. 25. Section 46-40 of the general statutes is repealed 429
 and the following is substituted in lieu thereof: 430

(a) A copy of the writ and complaint in an action or cross 431
 action for dissolution of [a] marriage or legal separation on the 432
 ground of CONFINEMENT FOR mental illness shall be served on the 433
 adverse party, [and] on the conservator, if any, [of such adverse 434 ✓
 party] and [a like copy shall also be served] on the commissioner 435
 of [social] ^{ADMINISTRATIVE} services at Hartford, [, provided service] SERVICE on ✓
 [such] THE conservator, if resident outside the state, and on 437
 [said] THE commissioner, may be made by registered or certified 438
 mail, [, and, if] IF the adverse party is confined in any other 439
 state, a [like] copy shall be served [upon] ON the superintendent 440
 of the institution in which the adverse party is confined, [, 441
 and, if such]

(b) IF THE conservator does not appear in court, or if the 442
 adverse party has no conservator, the court shall appoint a 443
 guardian ad litem for [such] THE adverse party. 444

(c) [The court shall, on] ON ^{motion} ~~motion~~ of either party, THE 446 ✓
 COURT SHALL appoint two or more psychiatrists who are diplomates
 of the American Board of Psychiatry and Neurology and who are not 447
 on the staff of any state hospital for mental illness, who shall 448
 investigate the mental status of such person. [Such 450
 psychiatrists, within] WITHIN a reasonable time thereafter, THE 451
 PSYCHIATRISTS shall report to the court the facts found by them 452
 TOGETHER/ with their opinion as to the probability of further 453 ✓
 indefinite prolonged hospitalization for the mental illness. The 455
 testimony of no psychiatrists other than those appointed by the 456
 court shall be received upon the trial of such action. 457

(d) The fees and expenses of [such] THE psychiatrists and of [such] THE guardian ad litem shall be fixed by the court and shall be paid by the plaintiff.

Sec. 26. Section 46-41 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) On or after the return day of a complaint seeking the dissolution of a marriage or a legal separation and prior to the expiration of the ninety-day period specified in section 46-44, AS AMENDED BY SECTION 29 OF THIS ACT, either spouse or the counsel for any minor children of the marriage may submit a request for conciliation to the clerk of the court, [who] THE CLERK shall forthwith enter an order that the parties meet with a conciliator mutually acceptable to them or, if the parties cannot agree as to a conciliator, with a conciliator named by the court. [Such] THE conciliator shall, in any case, be a clergyman, a physician, a domestic relations officer or a person experienced in marriage counseling.

(b) Within such ninety-day period within thirty days of [such] THE request, whichever is later, there shall be two mandatory consultations with the conciliator by each party to explore the possibility of reconciliation or of resolving the emotional problems which might lead to continuing conflicts following the dissolution of the marriage. Failure of the plaintiff or defendant to attend [such] THESE consultations except for good cause shall preclude further action on the complaint until the expiration of six months from the date of the return day; provided the court [, upon the motion of either party and for good cause shown,] order the termination of such stay. UPON THE MOTION OF EITHER PARTY AND FOR GOOD CAUSE SHOWN. Further consultations may be held with the consent of both parties.

(c) All communications during [such] THESE consultations shall be absolutely privileged, except that the conciliator shall report to the court whether or not the parties had attended the consultations.

(d) The reasonable fees of the conciliator shall be paid by 493
 one or both of the parties as the court [shall direct] DIRECTS. 494
 [except that no] NO fee shall be charged by a domestic relations 495
 officer for such services [,] [and in no event shall a person 496
 other than a domestic relations officer be named as the 497
 conciliator when] IF the parties are unable to pay the fees 498
 [which may be] charged by the conciliator, ONLY A DOMESTIC 498 ✓
 RELATIONS OFFICER MAY BE NAMED AS THE CONCILIATOR.

Sec. 27. Section 46-42. of the general statutes, as amended 499
 by section 2 of public act 77-488, is repealed and the following 501
 is substituted in lieu thereof:

(a) [At any time after the return day of any complaint 502
 under section 46-36 and in] IN any controversy before the 503
 superior court as to the custody or care of minor children, AND 504
 AT ANY TIME AFTER THE RETURN DAY OF ANY COMPLAINT UNDER SECTION 505
 46-36, AS AMENDED BY SECTION 21 OF THIS ACT, the court may at any 506
 time make or modify any proper order [relative to] REGARDING THE 507
 custody, care, education, visitation and support of [such] THE 508
 children. [and] THE COURT may assign the custody of any [of such 509
 children] CHILD to either parent, or to a third party, according 510
 to its best judgment upon the facts of the case and subject to 511
 such conditions and limitations as it deems equitable. The court 512
 may also make any order [relative to] granting the right of 513 ✓
 visitation of [such] ^{ANY} child to a third party including but not ✓
 limited to grandparents. 514

(b) In making or modifying any order with respect to custody 516
 or visitation, the court shall be guided by the best interests of 517
 the child, giving consideration to the wishes of the child if he 518
 is of sufficient age and capable of forming an intelligent 519
 preference, provided in making [such] THE initial order the court 520
 may take into consideration the causes for dissolution of the 521
 marriage or legal separation.

(c) In determining whether a child is in need of support 522
 and, if in need, the respective abilities of the parents to 523
 provide [such] support, the court shall take into consideration 524

all the factors enumerated in section 46-57, AS AMENDED BY SECTION 42 OF THIS ACT. 525

(d) When [said] THE court is not sitting, any judge [thereof] OF THE COURT may [, prior to any action in the premises by the court,] make any [such] order in the cause WHICH THE COURT MIGHT MAKE UNDER SUBSECTION (a) OF THIS SECTION, including orders of injunction, PRIOR TO ANY ACTION IN THE CAUSE BY THE COURT. 526 527 528 529

Sec. 28. Section 46-43 of the general statutes is repealed and the following is substituted in lieu thereof: 530 531

(a) [At any time after the return day of a complaint under section 46-36, if there is a minor child or minor children of the parties, or either of ^{them, the} ~~the~~ THE court may [, if the court deems it to be in the best interests of the child or children to] appoint counsel for [such] ANY MINOR child or children [,] OF EITHER OR BOTH PARTIES AT ANY TIME AFTER THE RETURN DAY OF A COMPLAINT UNDER SECTION 46-36, AS AMENDED BY SECTION 21 OF THIS ACT, IF THE COURT DEEMS IT TO BE IN THE BEST INTERESTS OF THE CHILD OR CHILDREN. THE COURT MAY APPOINT COUNSEL on its own motion, or at the request of either of the parties or of the legal guardian of any [such] child or at the request of any [such] child who is of sufficient age and pab e. o intelligent request [, appoint counsel for such child or children]. 532 533 534 ✓ 535 536 ✓ 537 538 ✓ 539 ✓ 540 541 542

(b) [Such counsel] COUNSEL FOR THE CHILD OR CHILDREN may also be appointed on the motion of the court or on the request of any [such] person [in any case before said court] ENUMERATED IN SUBSECTION (a) OF THIS SECTION IN ANY CASE, BEFORE THE COURT when the court finds that the custody, care, education, visitation or support of a minor child [or children] is in actual controversy, provided the court [shall not be precluded from making] MAY MAKE any order [relative to] REGARDING a matter in controversy prior to the appointment of counsel where it finds immediate action necessary in the best interests of any [such] child. 543 544 545 546 ✓ 547 548 549 550 551

(c) [Any such counsel] COUNSEL FOR THE CHILD OR CHILDREN 552
 shall be heard [upon] ON all matters pertaining to the interests 553
 of [such] ^{ANY} ~~THE~~ child [or children], including the custody, care, 554 ✓
 support, education and visitation of the child [or children], so 555 ✓
 long as the court deems such representation to be in the best 556
 interests of the child [or children].

Sec. 29. Section 46-44 of the general statutes is repealed 557
 and the following is substituted in lieu thereof: 558

(a) Following the expiration of ninety days after the day on 559
 which a complaint for dissolution or legal separation is made 560
 returnable, or after the expiration of six months, where 561 ✓
 proceedings have been stayed under section 46-41, AS AMENDED BY 562
 SECTION 26 OF THIS ACT, the court may proceed on the complaint or 563
 whenever dissolution is claimed under cross complaint, amended 564
 complaint or amended cross complaint, [such] THE case may be 565
 heard and a decree granted thereon after the expiration of [such] 566
 THE ninety days and twenty days after [such] THE cross complaint, 567
 amended complaint or amended cross complaint has been filed with 568
 [said] THE court, provided the requirement of [such] THE twenty- 569
 day delay shall not apply (1) whenever opposing counsel, having 570
 appeared, consents to [such] THE cross complaint, amended 571
 complaint or amended cross complaint, or (2) where the defendant 572
 has not appeared and the amendment does not set forth either a 573
 cause of action or a claim for relief not in the original 574
 complaint. Nothing [herein] IN THIS SECTION shall prevent any 575
 interlocutory proceedings within [such] THE ninety-day period.

(b) A decree of annulment or dissolution shall give the 576
 parties the status of unmarried persons and they may marry again. 577
 A decree of legal separation shall have the effect of a decree 579
 dissolving the marriage except that neither party shall be free 580
 to marry a third person. Neither the ninety-day period specified 582
 in this section nor the six-month period referred to in section 583
 46-41, AS AMENDED BY SECTION 26 OF THIS ACT, shall apply in 584
 actions for annulment and the court may proceed on any cause of 585
 action for annulment in the manner generally applicable in civil 586

actions. THIS SECTION SHALL TAKE EFFECT OCTOBER 1, 1978, AND BE 587
EFFECTIVE TO DECEMBER 31, 1978, AS AMENDED BY SECTION 26 OF THIS 588
ACT.

Sec. 30. Section 46-45 of the general statutes is repealed 589
and the following is substituted in lieu thereof: 590

[The court, when] WHEN it considers it necessary in the 591
interests of justice and the persons involved, THE COURT shall, 592
upon the motion of either party or of counsel for any minor 593
children, direct the hearing of any matter under this chapter and 594
sections 17-323a, 17-323b, 17-351, 45-162, [46-5h,] 47-14g, 51- 595
182c, 51-182j, 52-362 and 54-27 to be private. [and] THE COURT 596
may exclude all persons except the officers of the court, a court 597
reporter, [and] the parties, their witnesses and their counsel. 597

Sec. 31. Section 46-46 of the general statutes is repealed 598
and the following is substituted in lieu thereof: 599

In any action under this chapter, where the complaint for 600
dissolution of marriage or separation is uncontested, the judge 601
in his sole discretion shall [, except as provided in subsection 602
(a) of section 46-48,] decide the number of witnesses required, 603
if any, in addition to the plaintiff or defendant on a cross 604
complaint. EXCEPT AS PROVIDED IN SUBSECTION (a) OF SECTION 46-48, 605
AS AMENDED BY SECTION 33 OF THIS ACT.

Sec. 32. Section 46-47 of the general statutes is repealed 606
and the following is substituted in lieu thereof: 607

[On any complaint under this chapter or section 51-182c or 608
54-27 if there is a minor child or minor children of the parties, 609
or either of them, and in] IN any controversy before the superior 610
court as to the custody of minor children, AND ON ANY COMPLAINT 611
UNDER THIS CHAPTER OR SECTION 51-182c OR 54-27, ^{IF} THERE IS ANY 612
MINOR CHILD OF EITHER OR BOTH PARTIES, the court may allow any 613
interested third party or parties to intervene upon motion. [and] 614
THE COURT may award full or partial custody, care, education and 615
visitation rights of any [of such children] CHILD to any such 616
third party upon such conditions and limitations as it deems 617
equitable. Before allowing any [such] intervention, the court 618

may appoint counsel for the child or children pursuant to the 619
 provisions of section 46-43, AS AMENDED BY SECTION 28 OF THIS 620
 ACT. In making any order [hereunder] UNDER THIS SECTION the 621
 court shall be guided by the best interests of the child, giving 622
 consideration to the wishes of the child if he is of sufficient 623
 age and capable of forming an intelligent preference. 624

Sec. 33. Section 46-48 of the general statutes is repealed 625
 and the following is substituted in lieu thereof: 626

(a) In any action for dissolution of marriage or legal 627
 separation [where the parties, and not their attorneys, execute a 628
 written stipulation that their marriage has broken down 629
 irretrievably or where both parties are physically present in 630
 court and stipulate that their marriage has broken down 631
 irretrievably and have submitted an agreement concerning the 632
 custody, care, education, visitation, maintenance or support of 633
 their children, if any, and concerning alimony and the 634
 disposition of property, the testimony of either party in support 635
 of that conclusion, uncorroborated by other evidence, shall be 636
 sufficient and] the court shall make a finding that [such] A 637
 marriage breakdown has occurred ⁽¹⁾ WHERE THE PARTIES, AND NOT THEIR 638 ✓
 ATTORNEYS, EXECUTE A WRITTEN STIPULATION THAT THEIR MARRIAGE HAS 638
 BROKEN DOWN IRRETRIEVABLY, OR ⁽²⁾ ~~WHERE~~ BOTH PARTIES ARE PHYSICALLY 639 ✓
 PRESENT IN COURT AND STIPULATE THAT THEIR MARRIAGE HAS BROKEN 640
 DOWN IRRETRIEVABLY AND HAVE SUBMITTED AN AGREEMENT CONCERNING THE 641
 CUSTODY, CARE, EDUCATION, VISITATION, MAINTENANCE OR SUPPORT OF 642
 THEIR CHILDREN, IF ANY, AND CONCERNING ALIMONY AND THE 643
 DISPOSITION OF PROPERTY. THE TESTIMONY OF EITHER PARTY IN 643
 SUPPORT OF THAT CONCLUSION SHALL BE SUFFICIENT.

(b) In any case in which the court finds, after hearing, 644
 that a cause enumerated in subsection (c) of section 46-32, AS 645
 AMENDED BY SECTION 18 OF THIS ACT, exists, the court shall enter 647
 a decree dissolving the marriage or granting a legal separation, 648
 [, and the court, in] IN entering [such] THE decree, THE COURT
 may either set forth the cause of action on which [such] THE 649
 decree is based or dissolve the marriage or grant a legal 650

separation on the basis of irretrievable breakdown. In no case shall the decree be [granted to] IN FAVOR OF either party.

GRANTED

[(c) The defenses of recrimination and condonation to any action for dissolution of marriage or legal separation are abolished.]

Sec. 34. Section 46-49 of the general statutes, as amended by section 1 of public act 77-488, is repealed and the following is substituted in lieu thereof:

In any case under this chapter where the parties have submitted to the court an agreement concerning the custody, care, education, visitation, maintenance or support of any of their children or concerning alimony or the disposition of property, [said] THE court shall inquire into the financial resources and actual needs of the spouses and their respective fitness to have physical custody of, and visitation with any child, in order to determine whether [such] THE agreement of the spouses is fair and equitable under all the circumstances. If the court finds [such] THE agreement fair and equitable, it shall become part of the court file, and if [such] THE agreement is in writing, it shall be incorporated by reference [in] INTO the order or decree of the court. If the court finds [such] THE agreement is not fair and equitable, it shall make such orders as to finances and custody as the circumstances require. If [such an] THE agreement is in writing and [, notwithstanding the provisions of section 1-1d,] provides for THE care, education, maintenance or support of a child beyond the age of eighteen, it may also be incorporated or otherwise made a part of ANY such order and shall be enforceable to the same extent as any other provision of such order or decree. NOTWITHSTANDING THE PROVISIONS OF SECTION 1-1d.

Sec. 35. Section 46-50 of the general statutes is repealed and the following is substituted in lieu thereof:

At any time after the return day of a complaint under section 46-36, 46-42 or 46-62, AS AMENDED BY SECTION 42 OF THIS ACT, and after hearing, alimony and support pendente lite may be

awarded to either of the parties from the date of the filing of
 an application therefor with the superior court, [and full] FULL 684
 credit shall be given for all sums paid to one party by the other 685
 from the date of the filing of such an application to the date of 686
 rendition of such order. In making an order for alimony pendente 688
 lite the court shall consider all factors enumerated in section 689
 46-52, AS AMENDED BY SECTION 37 OF THIS ACT, except the grounds 690
 for the complaint or cross complaint, to be considered with 691
 respect to a permanent award of alimony. In making an order for 693
 support pendente lite the court shall consider all factors 694
 enumerated in section 46-57, AS AMENDED BY SECTIONS 21, 27 AND 47 695
 OF THIS ACT. The court may also award exclusive use of the 697
 family home pendente lite to either of the parties without regard 698
 to the respective interests of the parties in the premises. 699

Sec. 36. Section 46-51 of the general statutes is repealed 700
 and the following is substituted in lieu thereof: 701

(a) At the time of entering a decree annulling or dissolving 702
 a marriage or for legal separation pursuant to a complaint under 703
 section 46-36, AS AMENDED BY SECTION 21 OF THIS ACT, the superior 705
 court may assign to either the husband or wife all or any part of 706
 the estate of the other, [; and] THE COURT may pass title to real 707
 property [, without any act on the part of either the husband or 708
 the wife,] to [the other] EITHER party or to a third person or 709
 may order the sale of such real property, WITHOUT ANY ACT BY 710
 EITHER THE HUSBAND OR THE WIFE, when in the judgment of the court 711
 [,] it is the proper mode to carry [such] THE decree into effect. 712

(b) A conveyance made [in pursuance of such] PURSUANT TO THE 712
 decree shall vest title in the purchaser [thereof], and shall 713
 bind all persons entitled to life estates and remainder interests 714
 in the same manner as a sale ordered by the court pursuant to the 715
 provisions of section 52-500. [Such] WHEN THE decree [having 717
 been] IS recorded on the land records in the town where [such 718
 estate] THE REAL PROPERTY is situated, IT shall effect the 719
 transfer of the title of such real property as if it were a deed 720
 of the party or parties.

(c) In fixing the nature and value of the property, if any, 722
to be [so] assigned, the court, after hearing the witnesses, if 723
any, of each party, except as provided in subsection (a) of 724
section 46-48, AS AMENDED BY SECTION 33 OF THIS ACT, shall 725
consider the length of the marriage, the causes for the 726
annulment, dissolution of the marriage or legal separation, the 727
age, health, station, occupation, amount and sources of income, 728
vocational skills, employability, estate, liabilities and needs 729
of each of the parties and the opportunity of each for future 730
acquisition of capital assets and income. The court shall also 731
consider the contribution of each of the parties in the 732
acquisition, preservation or appreciation in value of their 733
respective estates.

Sec. 37. Section 46-52 of the general statutes is repealed 734
and the following is substituted in lieu thereof: 735

[The superior court, in addition to or in lieu of an award 736
pursuant to section 46-51, may, at] AT the time of entering the 737
decree THE SUPERIOR COURT MAY order either of the parties to pay 738
alimony to the other, IN ADDITION TO OR IN LIEU OF AN AWARD 739
PURSUANT TO SECTION 46-51, AS AMENDED BY SECTION 36 OF THIS ACT, 740
[which] THE order may direct that security be given therefor on 741
such terms as the court may deem desirable. In determining 742
whether alimony shall be awarded, and the duration and amount of 743
the award, the court [, after hearing] SHALL HEAR the witnesses, 744
if any, of each party, except as provided in subsection (a) of 745
section 46-48, AS AMENDED BY SECTION 33 OF THIS ACT, shall 746
consider the length of the marriage, the causes for the 747
annulment, dissolution of the marriage or legal separation, the 748
age, health, station, occupation, amount and sources of income, 749
vocational skills, employability, estate and needs of each of the 750
parties and the award, if any, which the court may make pursuant 751
to section 46-51, AS AMENDED BY SECTION 36 OF THIS ACT, 752
and, in the case of a parent to whom the custody 753
of minor children has been awarded, the desirability of such 754
[parent] PARENT'S securing employment. 755

Sec. 38. Section 46-53 of the general statutes is repealed 756
and the following is substituted in lieu thereof: 757

[The court may, at] AT the time of granting dissolution of a 758
marriage [one party] to which ONE PARTY is mentally ill or at any 759 ✓
time thereafter, on application of either party or of the 760
guardian or conservator of the mentally ill spouse, or of any 761
person, town or other municipality charged with the support of 762
the mentally ill spouse, or the commissioner of administrative 763
services if the state is [so] charged, THE COURT MAY make such 764
order requiring support of the mentally ill spouse, or security 765
for [such] support, as may be proper [,] [and] THE COURT MAY SET 766
ASIDE any such order, at any time thereafter, on application of 767
either party or of the guardian of the mentally ill spouse, or of 768
any person, town or other municipality charged with [such] 769
support, or the commissioner of administrative services if the 770
state is [so] charged [, may be set aside or altered by said 771
court]. Any order providing for the support of the mentally ill 772
party shall be enforceable in the same manner as orders relating 773
to alimony. 774

and P.A. 77 - 394 are
Sec. 39. Section 46-54 of the general statutes is repealed 773 ✓
and the following is substituted in lieu thereof: 774

(a) Unless and to the extent that the decree precludes 775 ✓
modification, any final order for the periodic payment of 776
permanent alimony or support or alimony or support pendente lite 777
may at any time thereafter be continued, set aside, altered or 778
modified by said court upon a showing of a substantial change in 779
the circumstances of either party. This section shall not apply 780
to assignments under section 46-51, AS AMENDED BY SECTION 36 OF 781
THIS ACT, or to any assignment of the estate or a portion thereof 782
of one party to the other party under prior law. 783 ✓
784

(b) [Where] IN an action for divorce, dissolution of marriage, legal separation or [for] annulment [is] brought by a husband or wife, [and] IN WHICH a final judgment has been entered [therein] providing for the payment of periodic alimony by one party to the other, the superior court may, in its discretion AND upon notice and hearing, modify such judgment and suspend, reduce or terminate the payment of periodic alimony upon a showing that the party receiving [such] THE periodic alimony is living with another person under circumstances which THE court finds should result in the modification, suspension, reduction or termination of alimony because [such] THE living arrangements [result in] CAUSE such a change of circumstances as to alter the financial needs of [such] THAT party.

Sec. 40. Section 46-55 of the general statutes is repealed 785
 and the following is substituted in lieu thereof: 786
 In connection with any petition for annulment under this 787
 chapter, the superior court may make such order [in relation to] 788
 REGARDING any child of the marriage and concerning alimony as it 789

might make in an action for dissolution of marriage, [and the] 790
 THE issue of any void or voidable marriage shall be deemed 791
 legitimate. Any child born before, on or after October 1, 1976, 793
 whose birth occurred prior to the marriage of his parents shall
 be deemed a child of the marriage. 794

Sec. 41. Section 46-56 of the general statutes is repealed 795
 and the following is substituted in lieu thereof: 796

When any person is found in contempt of an order of the 797
 superior court entered under section 46-50, 46-51, 46-52, 46-54, 798
 46-55, 46-59 or 46-62, AS AMENDED BY SECTIONS 35, 36, 39, 40, 44 799
 AND 47 OF THIS ACT, [said] THE court may award to the petitioner 800
 the fees of the officer serving the contempt citation, [such sum] 801
 to be paid by the person [so] found in contempt. The costs of 803
 commitment of any person imprisoned for contempt of court by 804
 reason of failure to comply with such an order shall be paid by 805
 the state as in criminal cases.

Sec. 42. Section 46-57 of the general statutes is repealed 806
 and the following is substituted in lieu thereof: 807

(a) Upon or subsequent to the annulment or dissolution of any 808 ✓
 marriage or the entry of a decree of legal separation [,] or 809
 divorce, the parents of a minor child of the marriage, [which 810
 child is in need of maintenance,] shall maintain [such] THE child 811
 according to their respective abilities, IF THE CHILD IS IN NEED 812
 OF MAINTENANCE.

(b) In determining whether a child is in need of maintenance 814
 and, if in need, the respective abilities of the parents to 815
 provide such maintenance and the amount thereof, the court shall 816
 consider the age, health, station, occupation, learning capacity, 817
 amount and sources of income, estate, vocational skills and 818
 employability of each of the parents, and the age, health, 819 ✓
 station, occupation, educational status and expectation, amount
 and sources of income, vocational skills, employability, estate or 820
 and needs of the child. 821

(c) [Upon complaint or motion with order and summons made to 823
 the superior court in any such case by either parent or by the 824

commissioner of finance and control subsequent] AFTER to the 824
 granting of a decree annulling or dissolving the marriage or 825
 ordering a legal separation, AND UPON COMPLAINT OR MOTION WITH 826
 ORDER AND SUMMONS MADE TO THE SUPERIOR COURT BY EITHER PARENT OR 827
 BY THE COMMISSIONER OF ADMINISTRATIVE SERVICES IN ANY CASE
 ARISING UNDER SUBSECTION (a) OF THIS SECTION, the court shall 828
 inquire into the child's need of maintenance and the respective 829
 abilities of the parents to supply [such] maintenance, [and] THE 830
 COURT SHALL make and enforce [such] THE decree for the
 maintenance of [such] THE child as it considers just, and may 832
 direct security to be given therefor.

Sec. 43. Section 46-58 of the general statutes is repealed 833
 and the following is substituted in lieu thereof: 834

The authority of the superior court to make and enforce 835
 orders and decrees as to the custody, maintenance and education 836
 of minor children in any controversy before [said] THE court 837
 between husband and wife brought under the provisions of this 838
 chapter [and section 46-5h,] is extended to children adopted by 839
 both parties and any natural child of one of the parties who has 840
 been adopted by the other.

Sec. 44. Section 46-59 of the general statutes is repealed 841
 and the following is substituted in lieu thereof: 842

In any proceeding seeking relief under the provisions of 843
 this chapter and sections 17-323a, 17-323b, 17-351, 45-162, [46- 844
 5h,] 47-14g, 51-182c, 51-182j, 52-362 and 54-27, the court may 845
 order either spouse to pay the reasonable attorney's fees of the 846
 other in accordance with their respective financial abilities and 847
 the criteria set forth in section 46-52, AS AMENDED BY SECTION 37 848
 OF THIS ACT. If, in any proceeding under this chapter and said 849
 sections, the court appoints an attorney for a minor child, the 850
 court may order the father or mother, or both, [of such child] to 851
 pay the reasonable fees of [such] THE attorney or may order the 852
 payment of [such] THE attorney's fees in whole or in part from 853
 the estate of [such] THE child, [, provided, if any such] IF THE
 child is receiving or has received state aid or care, the 854

reasonable fees of [such] THE attorney, as determined by the court, not exceeding one hundred dollars, and any costs incurred which have been approved by [said] ^{THE} court may be paid [out of] FROM the appropriation of the judicial department.

Sec. 45. Section 46-60 of the general statutes is repealed and the following is substituted in lieu thereof:

At the time of entering a decree dissolving a marriage, the court, in its discretion, may restore the maiden name of the wife or the name under which [she] EITHER SPOUSE was married.

Sec. 46. Section 46-61 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) [The] IF THE parties to a decree of legal separation [may] at any time resume marital relations [upon filing] ^{AND} FILE THEIR WRITTEN DECLARATION OF RESUMPTION, SIGNED, ACKNOWLEDGED AND WITNESSED, with the clerk of the superior court for the county or judicial district in which the separation was decreed, [their] written declaration of such resumption, signed, acknowledged and witnessed. Such] ^{THE} declaration shall be entered upon the docket, under the entries relating to the complaint, and [shall vacate] such] THE decree SHALL BE VACATED and the complaint shall be deemed dismissed.

(b) [At any time after entry of a decree of legal separation, if] IF no declaration has been filed under subsection (a) of this section, THEN AT ANY TIME AFTER THE ENTRY OF A DECREE OF LEGAL SEPARATION, either party may petition the superior court for [county or] judicial district [therein] IN WHICH [such] THE decree was entered for a decree dissolving the marriage and the court shall enter [such] THE decree in the presence of the party seeking the dissolution.

Sec. 47. Section 46-62 of the general statutes is repealed and the following is substituted in lieu thereof:

In all cases in which the parents of a minor child [or minor children] live separately, the superior court for the [county or] judicial district where the parties or one of them resides may, on the complaint of either party and after notice given to the

other, make any order as to the custody, care, education, 887
visitation and support of any minor child of the parties, subject 888
to the provisions of sections 46-42, 46-43, 46-47 and 46-49, AS 889
AMENDED BY SECTIONS 27, 28, 32 AND 34 OF THIS ACT.

Sec. 48. Section 46-63 of the 1977 court reorganization 890
supplement to the general statutes is repealed and the following 891
is substituted in lieu thereof:

(a) The attorney general shall be and remain a party to any 892
action for dissolution of marriage, legal separation or 893
annulment, and to any proceedings after judgment in such action, 894
if any party [thereto,] TO THE ACTION or any child of any [such] 895
party, is receiving or has received aid or care from the state. 896

(b) If any child born [to a woman] during a marriage, [is 897
found not to be issue of such marriage] WHICH IS terminated by a 898
divorce decree or decree of dissolution of marriage, IS FOUND NOT 899
BE BE ISSUE OF SUCH MARRIAGE, [such] THE child or his 900
representative may bring an action in the superior court to 901
establish the paternity of [such] THE child within one year after 902
the date of the judgment of divorce or decree of dissolution of 903
the marriage of his natural mother, notwithstanding the 904
provisions of section 52-435a.

Sec. 49. Section 46-64 of the general statutes is repealed 905
and the following is substituted in lieu thereof: 906

(a) The clerks of the superior court shall, on or before the 907
fifteenth day of each month, file a report with the state 908
department of health of each dissolution of marriage granted and 909
each marriage annulled in the month preceding in their respective 910
courts. [Such] THESE reports shall be on forms supplied by 911
[said] THE department OF HEALTH and shall state the names of (the 912
parties to the marriage, the date of granting of the dissolution 913
or annulment and such additional information as [said] THE 914
department may require. The state department of health shall 915
give due consideration to national uniformity in vital statistics 916
in prescribing the form and content of [such] THE report. 917

Sec. 53. Section 46-5g of the general statutes is repealed.

1592

Sec. 54. This act shall take effect October 1, 1978, except section _____ shall take effect January 1, 1978.

STATEMENT OF PURPOSE: To make technical corrections to title 46 952
so that the sections in the title will be more readable and 953
clearer to the average person.

[Proposed deletions are enclosed in brackets. Proposed 955
additions are all capitalized or underlined where appropriate, 956
except that when the entire text of a bill or section of a bill 957
is new, it is not capitalized or underlined.] 958

Sec. 51. Section 46-64c of the general statutes is repealed 942
 and the following is substituted in lieu thereof: 943
 Any provision in this chapter that the court may make any 944
 order after the return day of a complaint shall not preclude the 945
 court from making ~~[any]~~ ~~[such]~~ order prior to the return day, upon 946 ✓
 the filing of a motion and the issuance of an order to show 947
 cause, if the court deems it necessary or appropriate. 948

Sec. 52. Section 1 of public act 77-
 336 is repealed and the following is substituted
 in lieu thereof :

(a) Any adult person who has been sub-
 jected to a threat of present physical pain or
 physical injury by his or her ~~spouse~~, may make
 an application to THE superior court for relief
 under this section.

(b) The application shall be accompanied by an
 affidavit made under oath which [shall include]
 INCLUDES a brief statement of the conditions from
 which relief is sought. Upon receipt of the appli-
 cation the court shall order THAT a hearing on the
 application, [which shall] be held not later than
 fourteen days from the date of [such] THE order.
 Service shall be made upon the respondent not less
 than five days [prior to] BEFORE the date of the
 hearing. The court, in its discretion, may make
 such orders as it deems appropriate for the pro-
 tection of the applicant and such dependent
 children or other persons as the court [may deem
 appropriate] SEES FIT. Such relief may include
 but is not limited to an order enjoining the re-
 spondent from (1) imposing any restraint upon the
 person or liberty of the applicant; (2) assaulting,
 molesting, sexually assaulting or attacking the
 applicant or (3) entering the family dwelling or
 the dwelling of the applicant. [Where] IF an appli-
 cation alleges an immediate and present physical
 danger to the applicant, the court may issue an ex
 parte order granting such relief as it deems appro-
 priate. The court shall cause notice of [such]
 THE ex parte order to be served upon the
 respondent along with a copy of the application and
 notice to the respondent of the date set for hearing
 [such] THE application pursuant to provisions of this
 subsection.

(c) No order of the court shall exceed ninety days unless
 an action for legal separation or dissolution has been commenced
 by either party within [such] THE ninety day period. If [such]
 THE action has commenced within [such] THE NINETY DAY period, such
 relief shall continue less modified by the court or modified by
 the parties by a written agreement filed with the court.

(d) Upon the granting of an application, the court shall, upon
 request, provide a certified copy of [such] THE order to the applicant.

(e) An action under this section shall not preclude the applicant
 from seeking any other civil or criminal relief

(b) Before a final decree of dissolution or annulment of 919
marriage is entered, the parties concerned or their attorneys 920
shall supply [such] THE clerk OF THE SUPERIOR COURT with such 921
information as is necessary to complete [such] THE report. 922 ✓

Sec. 50. Section 46-64b of the general
statutes is repealed and the following is
substituted in lieu thereof :

The provisions of this
chapter and sections 17-323a, 17-323b, 17-351, 45-162,
[46-5h,] 47-14g, 51-182c, 51-182j, 52-362 and 54-27 shall
apply to all actions for dissolution of marriage,
annulment and legal separation filed after May 13, 1974,
to all actions for annulment, legal separation or
dissolution of marriage commenced prior to said date
and to appeals from, and motions for modification of,
any alimony, support or custody order entered pur-
suant to a decree of dissolution of a marriage, divorce,
legal separation or annulment rendered prior to said
date. The provisions of this chapter and sections
17-323a, 17-323b, 17-351, 45-162, [46-5h,] 47-14g, 51-182c
51-182j, 52-362 and 54-27 in effect on
October 1, 1973, shall continue to apply to any action
for dissolution of marriage, annulment or legal
separation in which a decree of the superior court
has been rendered after October 1, 1973, in which an
appeal is pending or in which the date of taking an
appeal has not expired on May 13, 1974, except an
appeal from any order of alimony or custody. Sections
46-13 to 46-30, inclusive, of the general statutes of
Connecticut, revision of 1958, revised to 1972, shall
continue to apply to any action for divorce, dis-
solution of a marriage, annulment or legal separation
in which a decree has been rendered and in which an appeal
is pending or in which the time for taking an appeal
has not expired on October 1, 1973, except an appeal
from any order of alimony, support or custody.

PROPOSED TECHNICAL REVISION
OF THE
CONNECTICUT GENERAL STATUTES

TITLE 46 (HUSBAND AND WIFE)

Submitted to the
Joint Standing Committee on the Judiciary
by the
Connecticut Law Revision Commission
March 27, 1978

TITLE 46b

HUSBAND AND WIFE

CHAPTER 815

MARRIAGE

Sec. 46b-1, (NEW) Definitions. As used in this chapter, (a) "registrar" means the registrar of vital statistics; (b) "applicant" means applicant for a marriage license; (c) "license" means marriage license.

Sec. 46b-2. (Formerly Sec. 46-1). Kindred who [shall] MAY not marry. No man [shall] MAY marry his mother, grandmother, daughter, granddaughter, sister, aunt, niece, stepmother or stepdaughter, and no woman [shall] MAY marry her father, grandfather, son, grandson, brother, uncle, nephew, stepfather or stepson. [; and, if any man or woman marries] ANY MARRIAGE within [the] THESE degrees [aforesaid, such marriage shall be] IS void.

Sec. 46b-3, (Formerly Sec. 46-3). Who may join persons in marriage. PENALTY.

(a) All judges and justices of the peace may join persons in marriage in any town [and county] in the state, and all ordained or licensed clergymen, belonging to this state or any other state, so long as they continue in the work of the ministry, may join persons in marriage. [and all marriages attempted to be celebrated by any other person shall be void; but all] ALL marriages solemnized according to the forms and usages of any religious denomination in this state, including marriages witnessed by a duly constituted Spiritual Assembly of the Baha'is, [shall be] ARE valid. ALL MARRIAGES ATTEMPTED TO BE CELEBRATED BY ANY OTHER PERSON ARE VOID.

Revisors' Comments

For clarification and simplification of language and to save space.

For clarification and simplification of language.

For clarification and simplification of language. "County" deleted because anachronistic.

(b) No public official legally authorized to issue marriage licenses [shall] MAY join persons in marriage under authority of a license issued by himself, or his assistant or deputy; nor [shall] MAY any such assistant or deputy join persons in marriage under authority of a license issued by such public official.

(c) Any person violating any provision of this section shall be fined not more than fifty dollars.

Sec. 46b-4. (Formerly Sec. 46-4). Joining persons in marriage without authority. Any person who undertakes to join persons in marriage, knowing that he is not authorized to do so, shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

No change.

Sec. 46b-5. (Formerly Sec. 46-5a). License required. Period of validity. PENALTY.

(a) No persons [shall] MAY be joined in marriage in this state until both have complied with the provisions of sections [46-5a to 46-5j, inclusive,] 46b-5 THROUGH 46b-8 AND 46b-10 THROUGH 46b-14, and have been issued a [marriage] license by the registrar [of vital statistics] for the town in which [such] THE marriage is to be celebrated, which [license shall bear] BEARS the certification of the registrar that the persons named therein have complied with the provisions of said sections.

(b) [Such] THE license, when [so] certified by [such] THE registrar, [shall be] IS sufficient authority for any person authorized to perform a marriage ceremony in this state to join such persons in marriage, provided [such] THE ceremony [shall be] IS performed within the town where the license was issued and within a period of not more than sixty-five days after the date of application [therefor].

(c) ANYONE WHO JOINS ANY PERSONS IN MARRIAGE WITHOUT HAVING RECEIVED SUCH LICENSE FROM THEM SHALL BE FINED NOT MORE THAN ONE HUNDRED DOLLARS.

Subsection (c) of §46b-5 transferred from §46-5i (now 46b-13). Other changes for clarification and simplification of language.

Sec. 46b-6. (Formerly Sec. 46-5b). Application FOR LICENSE. No [marriage] license [shall] MAY BE issued by [such] THE registrar until both persons have appeared before him and made application for [such] A license. [,which] AN application shall be dated, signed and sworn to by each [of the applicants] APPLICANT and shall state [, as to] each [applicant, the] APPLICANT'S name, age, color, occupation, birthplace, residence, whether single, widowed or divorced and whether under the supervision or control of a conservator or guardian. If [such] THE application is signed and sworn to by the applicants on different dates, the earlier date shall be deemed the date of application. All [such] applications , when so made, shall be kept separately and available for public examination until the [marriage] license is issued, and shall be filed as a part of the records of [such] THE registrar when the license certificate is returned as provided in section [46-7] 46b-15.

For clarification and simplification of language.

Sec. 46b-7. (Formerly Sec. 46-5c). Test for venereal disease prerequisite.

For clarification and simplification of language.

(a) No [marriage] license [shall] MAY be issued by any registrar [of vital statistics] until there has been filed with him, for each [of the applicants] APPLICANT, a statement signed by a physician licensed to practice medicine or osteopathy in any state or territory of the United States, the District of Columbia, or any province of Canada, or by a commissioned medical officer in the armed forces or the public health service of the United States, that the applicant has submitted to a standard laboratory blood test, that, if the test was positive, the person has submitted to a physical examination of the skin and appropriate mucous membranes, and that, in the opinion of such physician, the person is not infected with syphilis or in a stage of that disease that is communicable.

(b) Except as [hereinafter] provided IN THIS SECTION, the statement of any such physician or medical officer shall be accompanied by a statement

by a person in charge of an approved laboratory or his representative giving the name of the standard laboratory blood test made, [which statement shall contain] AND the exact name of [such] THE applicant but [shall] not [contain] the results of the test. A standard laboratory test shall be a laboratory test for syphilis approved by the state department of health and shall be performed by said department on request of a licensed physician or at a laboratory approved by it. No [marriage] license [shall] MAY be issued if the date of the blood test for either applicant is more than thirty-five days [prior to] BEFORE the date of the blood test [therefor].

(c) Nothing in this section shall prohibit any [such] registrar from accepting a statement executed on a form officially used for the same purpose in any other state or territory of the United States or in any province of Canada, provided [such] THE other state, territory or province requires a pre-marital blood test, AND the date of [which] THAT test, or the date of the physician's statement when the date of [such] THE test is not a part of the official blood test form of such other state, territory or province, [to be] IS not more than thirty-five days before the date of the application for the [marriage] license.

[d] With the approval of the administrative head of the municipality and the public records administrator, as provided in section 7-109, the statements filed with the registrar [of vital statistics] in compliance with the provisions of this section may be destroyed [after] one year AFTER [from] the date of filing.

Sec. 46b-8. (Formerly Sec. 46-5d). Issuance of license.

(a) No [marriage] license [shall] MAY be issued prior to the fourth day following the date of the application [therefor], unless IT IS THE OPINION OF the judge of probate for the district [wherein] IN WHICH the marriage is to be celebrated, after hearing [such] evidence, [as is presented, shall render a decision in writing, when in his opinion] THAT public

For clarification and simplification of language.

poll or the physical condition of either applicant requires the marriage to be celebrated without delay, AND THE JUDGE RENDERS A WRITTEN DECISION that the provisions of either this section or [of] section [46-5c] 46b-7, or both, SHOULD BE waived.

(b) [Upon receipt of such] THE decision [, the same] shall be filed as part of the records of the office of [such] THE registrar, who shall immediately issue the [marriage] license after all other requirements of sections [46a to 46-5j] 46b-5 THROUGH 46b-8 AND 46b-10 THROUGH 46b-14 [, inclusive,] have been satisfied.

Sec. 46b-9. (Formerly Sec. 46-6). When marriages in foreign country are valid. All marriages [where] IN WHICH one or both parties are [citizens] RESIDENTS of this state, celebrated in a foreign country [in conformity with the law of that country], shall be valid, provided: (1) each party would have legal capacity to contract such marriage in this state [and all marriages when one or both parties are citizens of this state, celebrated in a foreign country,] AND THE MARRIAGE IS CELEBRATED IN CONFORMITY WITH THE LAW OF THAT COUNTRY; OR (2) THE MARRIAGE IS CELEBRATED in the presence of the ambassador or minister to that country from the United States or in the presence of a consular officer of the United States accredited to such country[,] at a place within his consular jurisdiction, by any ordained or licensed clergyman engaged in the work of the ministry in any state of the United States or in any foreign country[, shall be valid].

Sec. 46b-10. [Formerly Sec. 46-53). Marriage of persons under conservatorship OR GUARDIANSHIP.

(a) No marriage license [shall] MAY be issued to [applicants either of whom is] ANY APPLICANT under the supervision or control of a conservator[,] appointed in accordance with Chapter 779, or A guardian[,] appointed in accordance with Chapter 779a, unless the

For clarification and simplification of language.

"[o]r guardianship" added to reflect change made by P.A. 77-14. Other changes for clarification and simplification of language.

written consent of [such] THE conservator or guardian, signed and acknowledged before a person authorized to take acknowledgments of conveyances under the provisions of section 47-5, or authorized to take acknowledgments in any other state or country, is filed with [such] THE registrar. [and any]

(b) ANY person married without the consent [herein] provided for IN SUBSECTION (a) OF THIS SECTION shall acquire no rights by such marriage in the property of any person who [, at the time of such marriage,] was under such control or supervision AT THE TIME OF THE MARRIAGE.

Sec. 46b-11. (Formerly Secs. 46-5f and 46-5g).
MARRIAGE OF MINORS.

(a) No [marriage] license [shall] MAY be issued to [applicants either of whom is] ANY APPLICANT under sixteen years of age, unless the judge of probate for the district [wherein] IN WHICH [such] THE minor resides endorses HIS WRITTEN CONSENT on [such] THE license [his written consent].

(b) No marriage license [shall] MAY be issued to [applicants either of whom is] ANY APPLICANT under eighteen years of age, unless the written consent of a parent or guardian of the person of such minor, signed and acknowledged before a person authorized to take acknowledgments of conveyances under the provisions of section 47-5, or authorized to take acknowledgments in any other state or country, is filed with [such] THE registrar [; except that, if] . IF no parent or guardian of the person of [any] such minor is a resident of the United States, the written consent of the judge of probate for the district [wherein] IN WHICH [such] THE minor resides, endorsed on [such] THE license, shall be sufficient.

Sections combined for cohesiveness.
Other changes for clarification and simplification of language.

Sec. 46b-12. (Formerly Sec. 46-5h). Marriage of person whose previous marriage was terminated by divorce or dissolution. If THE PREVIOUS MARRIAGE OF either applicant [has been previously married and the last previous marriage of such applicant] was terminated by divorce or dissolution, no marriage license [shall] MAY be issued unless [such] THE applicant presents to [such] THE registrar a certified copy of a decree of [such] divorce or dissolution or a certificate, signed by the clerk of the court that issued the decree, that a divorce or dissolution has been granted; except that, if [such] THE applicant has been divorced or his marriage has been dissolved in any foreign country and he certifies in writing before [such] THE registrar that a copy of the decree of [such] divorce or dissolution cannot reasonably be obtained, [such] THE registrar may, in his discretion, waive the provisions of this section. The presentation of any certified copy of [such] THE decree or the filing of any such certification shall be sufficient to satisfy the requirements of this section, and the registrar shall not be required to determine the validity or effect of [such] THE decree.

For clarification and simplification of language.

Sec. 46b-13. (Formerly Sec. 46-5i). Penalty. Any registrar [of vital statistics] who places on file any application for a [marriage] license, or issues any [marriage] license, except as provided in sections [46-5a to 46-5j] 46b-5 THROUGH 46b-8, 46b-10 THROUGH 46b-12 AND 46b-14 [,inclusive], or who conceals or refuses to make any [such] application available to public examination while his office is open for business during the period until the [marriage] license is issued, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both. [, and any person who joins any persons in marriage without having received such a license shall be fined not more than one hundred dollars.]

Final portion transferred to § 46b-5. Other changes for clarification and simplification of language.

Sec. 46b-14, (Formerly Sec. 46-5j). Copy of law to applicants. Each registrar [of vital statistics] shall issue a copy of sections [46-5a to 46-5j] 46b-5 THROUGH 46b-8 AND 46b-10 THROUGH 46b-14 [inclusive,] to any person making application for a [marriage] license.

For clarification and simplification of language.

Sec. 46b-15, (Formerly Sec. 46-7). Certificate of marriage. Each person who joins any persons in marriage shall certify upon the license certificate the fact, time and place of [such] THE marriage, and return it to the registrar of the town where it was issued, before or during the first week of the month [next succeeding such] FOLLOWING THE marriage. [, and, upon failure thereof,] ANY PERSON WHO FAILS TO DO SO shall be fined not more than ten dollars.

For clarification and simplification of language.

Sec. 46b-16. (Formerly Sec. 46-8). Certificates prima facie evidence. The certificates required by sections [46-5a to 46-5j] 46b-5 THROUGH 46b-8 AND 46b-10 THROUGH 46b-14 [, inclusive, and 46-7] shall be prima facie evidence of the facts [therein] stated IN THEM.

For clarification and simplification of language.

Sec. 46b-17. (Formerly Sec. 46-9). HUSBAND AND WIFE PROPERTY RIGHTS [Not] NOT affected by marriage. Neither husband nor wife shall acquire by the marriage any right to or interest in any property held by the other before or acquired after such marriage, except as to the share of the survivor in the property as provided by section [46-12] 45-____. The separate earnings of the wife shall be her sole property. She shall have power to make contracts with her husband or with third persons, to convey to her husband or to third persons her real and personal estate and to receive conveyances of real and personal estate from her husband or from third persons as if unmarried. She may bring suit in her own name upon contracts or for torts and she may be sued for a breach of contract or for a tort; and her property, except such as is exempt by law, may be taken on attachment and execution, but shall not be taken for the debts of her husband, except as provided in section [46-10] 46b-18. The husband shall not be liable for her debts contracted before marriage, nor upon her contracts made after marriage, except as provided in said section.

Section 46-12 moved to Title 45. Otherwise no change.

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Sec. 46b-18. (Formerly Sec. 46-10. JOINT DUTY OF SPOUSES TO SUPPORT FAMILY. Liability for purchases and certain expenses.

(a) [All purchases] ANY PURCHASE made by either husband or wife in his or her own name shall be presumed in the absence of notice to the contrary to be [on his or her private account and liability]; but both shall be liable for the reasonable and necessary services of a physician or dentist and for hospital expenses rendered the husband or wife or their minor child while residing in the family of its parents, except if such physician or dentist or hospital expense is an expense of the last illness of either spouse, only the estate of the deceased spouse shall be liable for such expense unless it is not sufficient therefor, in which case both the estate and the surviving spouse shall be liable and both shall be liable for the rental of any tenement or premises actually occupied by such husband and wife as a residence and reasonably necessary to them for such purpose; and both shall also be liable when any article purchased by either has in fact gone to the support of the family, or for the joint benefit of both, or for the reasonable apparel of the wife, or for her reasonable support while abandoned by her husband] MADE BY HIM OR HER AS AN INDIVIDUAL AND HE OR SHE SHALL BE LIABLE FOR THE PURCHASE.

(b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (a) OF THIS SECTION, [It] IT shall be the joint duty of each spouse to support his or her family, AND BOTH SHALL BE LIABLE FOR: (1) THE REASONABLE AND NECESSARY SERVICES OF A PHYSICIAN OR DENTIST; (2) HOSPITAL EXPENSES RENDERED THE HUSBAND OR WIFE OR MINOR CHILD WHILE RESIDING IN THE FAMILY OF ITS PARENTS; (3) THE RENTAL OF ANY DWELLING UNIT ACTUALLY OCCUPIED BY THE HUSBAND AND WIFE AS A RESIDENCE AND REASONABLY NECESSARY TO THEM FOR THAT PURPOSE; (4) ANY ARTICLE PURCHASED BY EITHER WHICH HAS IN FACT GONE TO THE SUPPORT OF THE FAMILY, OR FOR THE JOINT BENEFIT OF BOTH; (5) THE REASONABLE APPAREL OF THE WIFE; AND (6) HER REASONABLE SUPPORT WHILE ABANDONED BY HER HUSBAND.

Portion regarding expenses of the last illness deleted because §46-11, to be transferred to Title 45, will incorporate this language. Other changes for clarification and simplification of language.

(c) No action [shall] MAY be maintained against either spouse under the provisions of this section, either during or [subsequent to] AFTER any period of separation from the other spouse, for any liability incurred by [such] THE other spouse during [such period of] THE separation, if, during [such] THE [period,] SEPARATION the spouse who is liable for support of the other spouse has provided [such] THE other spouse with reasonable support.

DISSOLUTION OF MARRIAGE.
LEGAL SEPARATION.
ANNULMENT.

Sec. 46b-19. (formerly Sec. 46-32). [Dissolution. Annulment.] GROUNDS FOR DISSOLUTION, LEGAL SEPARATION AND ANNULMENT.

(a) A marriage shall be dissolved only by (1) the death of one of the parties [thereto] or (2) a decree of [a court of competent jurisdiction annulling or decreeing] ANNULMENT OR [a] dissolution of the marriage BY A COURT OF COMPETENT JURISDICTION.

(b) An annulment shall be granted [whenever, from any cause,] IF the marriage is void or voidable under the laws of this state or of the state in which [such] THE marriage was performed.

(c) A decree of dissolution of a marriage or a decree of legal separation shall be granted upon a finding that one of the following causes has occurred: [The] (1) THE marriage has broken down irretrievably; (2) the parties have lived apart BY REASON OF INCOMPATIBILITY for a continuous period of at least the eighteen months immediately prior to the service of the complaint [by reason of incompatibility] and that there is no reasonable prospect that they will be reconciled; (3) adultery; (4) fraudulent contract; (5) willful desertion for one year with total neglect of duty; (6) seven years' absence, during all of which period the absent party has not been heard from; (7) habitual intemperance; (8) intolerable cruelty; (9) sentence to imprisonment for life or the commission of any infamous crime involving a violation of conjugal duty and punishable by imprisonment for a period in excess of one year; (10) legal confinement in a hospital or hospitals or other similar institution or institutions, because of mental illness, for at least an accumulated period totaling five years within the period of six years next preceding the date of the complaint [in such action].

(d) In [the case of] an action [claiming] FOR dissolution of a marriage or [a] legal separation on the ground of habitual intemperance, it shall be sufficient if the cause of action is proved to have existed until

For clarification and simplification of language.

the time of the separation of the parties.

(e) In [the case of] an action [claiming] FOR dissolution of a marriage or legal separation on the ground[s] of willful desertion for one year, with total neglect of duty, the furnishing of financial support shall not [, in the absence of other evidence,] disprove total neglect of duty, IN THE ABSENCE OF OTHER EVIDENCE.

Sec. 46b-20. (Formerly Sec. 46-3 6a). Complaint includes cross-complaints or cross actions. Whenever the word "complaint" is used in this chapter or section 51-182c or 54-27, it shall include cross-complaints or cross actions where appropriate.

No change.

Sec. 46b-21. (Formerly Sec. 46-33). Jurisdiction. The superior court shall have exclusive jurisdiction of all complaints seeking a decree of annulment, dissolution of a marriage or legal separation.

No change.

Sec. 46b-22. (Formerly Sec. 46-34). Capacity of minor to prosecute or defend. Any married minor may, in his own name, prosecute or defend to final judgment an action for annulment or dissolution of a marriage or for legal separation and MAY participate in all judicial proceedings with respect thereto.

For clarification and simplification of language.

Sec. 46b-23. (Formerly Sec. 46-35). Residency Requirement.

[No decree dissolving a marriage or granting a legal separation shall be entered unless one of the parties to the marriage has been a resident of this state for at least the twelve months next preceding the date of the filing of the complaint or next preceding the date of the decree or unless one of the parties was domiciled in this state at the time of the marriage and before the filing of the complaint returned to this state with the intention of permanently remaining, or unless the cause for the dissolution of the marriage arose subsequently to the removal of either party into this state; provided nothing herein shall be construed to prevent the filing of a complaint].

For clarification and simplification of language.

(a) A COMPLAINT FOR DISSOLUTION OF A MARRIAGE OR FOR LEGAL SEPARATION MAY BE FILED at any time after either party has established residence in this state. [or the granting of temporary]

(b) TEMPORARY relief pursuant to [such] THE complaint MAY BE GRANTED in accordance with sections [46-42 and 46-50] 46b-33 AND 46b-44 AT ANY TIME AFTER EITHER PARTY HAS ESTABLISHED RESIDENCE IN THIS STATE.

(c) A DECREE DISSOLVING A MARRIAGE OR GRANTING A LEGAL SEPARATION MAY BE ENTERED IF: (1) ONE OF THE PARTIES TO THE MARRIAGE HAS BEEN A RESIDENT OF THIS STATE FOR AT LEAST THE TWELVE MONTHS NEXT PRECEDING THE DATE OF THE FILING OF THE COMPLAINT OR NEXT PRECEDING THE DATE OF THE DECREE; OR (2) ONE OF THE PARTIES WAS DOMICILED IN THIS STATE AT THE TIME OF THE MARRIAGE AND RETURNED TO THIS STATE WITH THE INTENTION OF PERMANENTLY REMAINING BEFORE THE FILING OF THE COMPLAINT; OR (3) THE CAUSE FOR THE DISSOLUTION OF THE MARRIAGE AROSE AFTER EITHER PARTY MOVED INTO THIS STATE.

(d) For the purposes of this section, any person who has served or is serving in the armed forces, as defined by section 27-103, or the merchant marine, and who was a resident of this state at the time of his or her entry shall be deemed to have continuously resided in this state during the time he or she has served or is serving with [said] THE armed forces or merchant marine.

Sec. 46b-24. (Formerly Sec. 46-36). Service and filing of complaint.

(a) A proceeding for annulment, [or] dissolution of [a] marriage or [for] legal separation shall be commenced by the service and filing of a complaint as in all other civil actions in the superior court for the county or judicial district [wherein] IN WHICH one of the parties resides. [, provided, in the case of a proceeding for annulment of a void marriage, such complaint may also be made by the attorney general] IN A PROCEEDING FOR ANNULMENT OF A VOID MARRIAGE. THE COMPLAINT MAY ALSO BE MADE BY THE ATTORNEY GENERAL [Such] THE complaint shall be served on the other party.

(b) If any party is an inmate of a mental institution in this state, a copy of the complaint shall be served on the commissioner of [finance and control] ADMINISTRATIVE SERVICES personally or by registered or certified mail, [, and, if any such] IF ANY party is confined in an institution in any other state, a [like] copy shall be so served on the superintendent of the institution in which [such] THE party is confined.

"[C]ommissioner of finance and control" changed to "commissioner of administrative services to comply with P.A.77-614. Other changes for clarification and simplification of language.

Sec. 46b-25. (Formerly Sec. 46-39). Notice to nonresident party. Jurisdiction over nonresident for alimony and support.

For clarification and simplification of language.

(a) On a complaint for dissolution, [or] annulment [of a marriage] or [for] legal separation, [when] IF the [adverse party] DEFENDANT resides out of or is absent from the state or the whereabouts of the [adverse party] DEFENDANT is unknown to the plaintiff, any judge or clerk of the supreme court or of the superior court may make such order of notice as he deems reasonable. [Such] AFTER notice [having] HAS been given and proved to the court, [such] THE court may hear [such] THE complaint if it finds that the defendant has actually received notice that the complaint is pending. [, and, if] IF it does not appear that the defendant has had such notice, the court may hear [such] THE case, or, if it sees cause, order such further notice to be given as it deems reasonable and continue the complaint until the order is complied with.

(b) [When the nonresident party has received actual notice pursuant to subsection (a) of this section, and the party requesting alimony or support of children meets the residency requirement of section 46-35, and this state was the domicile of both parties immediately prior to or at the time of their separation, the] THE court may exercise personal jurisdiction over the nonresident party as to all matters concerning temporary or permanent alimony or support of children, ONLY IF:

(1) THE NONRESIDENT PARTY HAS RECEIVED ACTUAL NOTICE UNDER SUBSECTION (a) OF THIS SECTION; AND (2) THE PARTY REQUESTING ALIMONY OR SUPPORT OF CHILDREN MEETS THE RESIDENCY REQUIREMENT OF SECTION 46b-23; AND (3) THIS STATE WAS THE DOMICILE OF BOTH PARTIES IMMEDIATELY PRIOR TO OR AT THE TIME OF THEIR SEPARATION.

Sec. 46b-26, (Formerly Sec. 46-40). Complaint for dissolution on ground of CONFINEMENT FOR mental illness; procedure.

(a) A copy of the writ and complaint in an action or cross action for dissolution of [a] marriage or legal separation on the ground of CONFINEMENT FOR mental illness shall be served on the adverse party, [and] on the conservator, if any, [of such adverse party] and [a like copy shall also be served] on the commissioner of [social] ADMINISTRATIVE services at Hartford. [, provided service] SERVICE on [such] THE conservator, if resident outside the state, and on [said] THE commissioner, may be made by registered or certified mail. [, and, if] IF the adverse party is confined in any other state, a [like] copy shall be served [upon] ON the superintendent of the institution in which the adverse party is confined. [; and, if such]

(b) IF THE conservator does not appear in court, or if the adverse party has no conservator, the court shall appoint a guardian ad litem for [such] THE adverse party.

(c) [The court shall, on] ON motion of either party, THE COURT SHALL appoint two or more psychiatrists who are diplomates of the American Board of Psychiatry and Neurology and who are not on the staff of any state hospital for mental illness, who shall investigate the mental status of such person. [Such psychiatrists, within] WITHIN a reasonable time thereafter, THE PSYCHIATRISTS shall report to the court the facts found by them TOGETHER with their opinion as to the probability of further indefinite prolonged hospitalization for the mental illness. The testimony of no psychiatrists other than those appointed by the court shall be received upon the trial of such action.

(d) The fees and expenses of [such] THE psychiatrists and of [such] THE guardian ad litem shall be fixed by the court and shall be paid by the plaintiff.

"[C]ommissioner of social services" changed to "commissioner of administrative services" to comply with P.A. 77-614. Other changes for clarification and simplification of language.

Sec. 46b-27. (Formerly Sec. 46-37). Dissolution or annulment upon conviction of crime against chastity; procedure. When any married person has been convicted in any court of an offense against chastity [,] which [offense] would be ground for dissolution or annulment of the marriage, any person aggrieved may petition the superior court within four months of [such] THE conviction, and upon notice to the person [so] convicted, the court may grant a dissolution or annulment of the marriage or such other relief as [said] THE court [may determine] DETERMINES. No provision of this section shall be construed [so as] to affect the right of any aggrieved person to apply to the civil side of [said] THE court for similar relief.

For clarification and simplification of language.

Sec. 46b-28. (Formerly Sec. 46-45). Private hearing. [The court, when] WHEN it considers it necessary in the interests of justice and the persons involved, THE COURT shall, upon the motion of either party or of counsel for any minor children, direct the hearing of any matter under this chapter and sections 17-323a, 17-323b, 17-351, 45-162, [46-5h] 47-14g, 51-182c, 51-182j, 52-362 and 54-27 to be private. [and] THE COURT may exclude all persons except the officers of the court, a court reporter, [and] the parties, their witnesses and their counsel.

For the purposes of this section, reference to §46-5h is inapplicable and is deleted. Other changes for clarification and simplification of language.

Sec. 46b-29. (formerly Sec. 46-46). Number of witnesses in uncontested action. In any action under this chapter, where the complaint for dissolution of marriage or separation is uncontested, the judge in his sole discretion shall [, except as provided in subsection (a) of section 46-48,] decide the number of witnesses required, if any, in addition to the plaintiff or defendant on a cross complaint, EXCEPT AS PROVIDED IN SUBSECTION (a) OF SECTION 46b-30.

For clarification and simplification of language.

Sec. 46b-30. (Formerly Sec. 46-48).
Stipulation of parties and finding of
irretrievable breakdown. Decree in other
cases. [Recrimination and condonation
abolished.]

Subsection (c) transferred to section
46b-31. Other changes for clarification
and simplification of language.

(a) In any action for dissolution of
marriage or legal separation [where the parties,
and not their attorneys, execute a written stip-
ulation that their marriage has broken down
irretrievably or where both parties are physic-
ially present in court and stipulate that
their marriage has broken down irretrievably
and have submitted an agreement concerning the
custody, care, education, visitation, maintenance
or support of their children, if any, and con-
cerning alimony and the disposition of property,
the testimony of either party in support of that
conclusion, uncorroborated by other evidence, shall
be sufficient and] the court shall make a finding
that [such] A marriage breakdown has occurred WHERE
(1) THE PARTIES AND NOT THEIR ATTORNEYS, EXECUTE
A WRITTEN STIPULATION THAT THEIR MARRIAGE HAS BROKEN
DOWN IRRETRIEVABLY, OR (2) BOTH PARTIES ARE PHYSICALLY
PRESENT IN COURT AND STIPULATE THAT THEIR MARRIAGE
HAS BROKEN DOWN IRRETRIEVABLY AND HAVE SUBMITTED AN
AGREEMENT CONCERNING THE CUSTODY, CARE, EDUCATION,
VISITATION, MAINTENANCE OR SUPPORT OF THEIR CHILDREN,
IF ANY, AND CONCERNING ALIMONY AND THE DISPOSITION
OF PROPERTY. THE TESTIMONY OF EITHER PARTY IN SUPPORT
OF THAT CONCLUSION SHALL BE SUFFICIENT.

(b) In any cases in which the court finds, after
hearing, that a cause enumerated in subsection (c) of
section [46-32] 46b-19 exists, the court shall enter
a decree dissolving the marriage or granting a legal
separation. [, and the court, in] IN entering [such]
THE decree, THE COURT may either set forth the cause
of action on which [such] THE decree is based or dissolve
the marriage or grant a legal separation on the basis
of irretrievable breakdown. In no case shall the decree
[be] granted BE IN FAVOR OF [to] either party.

[(c) The defenses of recrimination and condonation to
any action for dissolution of marriage or legal separation
are abolished.]

Sec. 46b-31. (NEW) Recrimination and condonation abolished.
The defenses of recrimination and condonation to any action for
dissolution of marriage or legal separation are abolished.

Sec. 46b-32. (Formerly Sec. 46-41). Conciliation procedures. Privileged communications.

For clarification and simplification of language.

(a) On or after the return day of a complaint seeking the dissolution of a marriage or a legal separation, and prior to the expiration of the ninety-day period specified in section [46-44] 46b-53, either spouse or the counsel for any minor children of the marriage may submit a request for conciliation to the clerk of the court. [who] THE CLERK shall forthwith enter an order that the parties meet with a conciliator mutually acceptable to them or, if the parties cannot agree as to a conciliator, with a conciliator named by the court. [Such] THE conciliator shall, in any case, be a clergyman, a physician, a domestic relations officer or a person experienced in marriage counseling.

(b) Within such ninety-day period or within thirty days of [such] THE request, whichever is later, there shall be two mandatory consultations with the conciliator by each party to explore the possibility of reconciliation or of resolving the emotional problems which might lead to continuing conflicts following the dissolution of the marriage. Failure of the plaintiff or defendant to attend [such] THESE consultations except for good cause shall preclude further action on the complaint until the expiration of six months from the date of the return day; provided the court [, upon the motion of either party and for good cause shown,] may order the termination of such stay, UPON THE MOTION OF EITHER PARTY AND FOR GOOD CAUSE SHOWN. Further consultations may be held with the consent of both parties.

(c) All communications during [such] THESE consultations shall be absolutely privileged, except that the conciliator shall report to the court whether or not the parties [had] attended the consultations.

(d) The reasonable fees of the conciliator shall be paid by one or both of the parties as the court [shall direct] DIRECTS. [except that no] NO fee shall be charged by a domestic relations officer for such services[.,]. [and in no event shall a person other than a domestic relations officer be named as the conciliator when] IF the parties are unable to pay the

fees [which may be] charged by the conciliator
ONLY A DOMESTIC RELATIONS OFFICER MAY BE NAMED AS
THE CONCILIATOR.

Sec. 46b-33. (Formerly Sec. 46-42). Superior court
orders [re] REGARDING custody and care of minor
children IN ACTIONS FOR DISSOLUTION, LEGAL
SEPARATION AND ANNULMENT.

(a) [At any time after the return day of any
complaint under section 46-36 and in] 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-24, the court
may at any time make or modify any proper order
[relative to] REGARDING THE custody, care, education,
visitation and support of [such] THE children.
THE COURT [and] may assign the custody of any [of
such children] CHILD to either parent, or to a third
party, according to its best judgment upon the facts
of the case and subject to such conditions and
limitations as it deems equitable. The court may
also make any order [relative to] granting the right of
visitation of [such] ANY child to a third party in-
cluding but not limited to grandparents.

(b) In making or modifying any order with respect
to custody or visitation, the court shall be guided
by the best interests of the child, giving con-
sideration to the wishes of the child if he is of
sufficient age and capable of forming an intelligent
preference, provided in making [such] THE initial
order the court may take into consideration the causes
for dissolution of the marriage or legal separation.

(c) In determining whether a child is in need of
support and, if in need, the respective abilities
of the parents to provide [such] support, the court
shall take into consideration all the factors enumerated
in section [46-57] 46b-37.

(d) When [said] THE court is not sitting, any judge
[thereof] OF THE COURT may [, prior to any action in
the premises by the court,] make any [such] order in
the cause WHICH THE COURT MIGHT MAKE UNDER SUBSECTION
(a) OF THIS SECTION, including orders of injunction,
PRIOR TO ANY ACTION IN THE CAUSE BY THE COURT.

For clarification and simplification
of language.

Sec. 46b-34. (Formerly Sec. 46-58). SUPERIOR COURT ORDERS REGARDING [Custody] CUSTODY, maintenance and education of adopted children. 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 [said] THE court between husband and wife brought under the provisions of this chapter [and section 46-5h,] is extended to children adopted by both parties and TO ANY natural child of one of the parties who has been adopted by the other.

For the purposes of this section, reference to § 46-5h is inapplicable and is deleted. Other changes for clarification and simplification of language.

Sec. 46b-35. (Formerly Sec. 46-43). Counsel for minor children. Duties.

For clarification and simplification of language.

(a) [At any time after the return day of a complaint under section 46-36, if there is a minor child or minor children of the parties, or either of them, the] THE court may [, if the court deems it to be in the best interests of the child or children to] appoint counsel for [such] ANY MINOR child or children of EITHER OR BOTH PARTIES AT ANY TIME AFTER THE RETURN DAY OF A COMPLAINT UNDER SECTION 46b-24, IF THE COURT DEEMS IT TO BE IN THE BEST INTERESTS OF THE CHILD. THE COURT MAY APPOINT COUNSEL on its own motion, or at the request of either of the parties or of the legal guardian of any [such] child or at the request of any [such] child who is of sufficient age and capable of making an intelligent request [, appoint counsel for such child or children].

(b) [Such counsel] COUNSEL FOR THE CHILD OR CHILDREN may also be appointed on the motion of the court or on the request of any [such] person [in any case before said court] ENUMERATED IN SUBSECTION (a) OF THIS SECTION IN ANY CASE BEFORE THE COURT when the court finds that the custody, care, education, visitation or support of a minor child or children is in actual controversy, provided the court [shall not be precluded from making] MAY MAKE any order [relative to] REGARDING a matter in controversy prior to the appointment of counsel where it finds immediate action necessary in the best interests of any [such] child.

(c) [Any such counsel] COUNSEL shall be heard [upon] ON all matters pertaining to the interests of [such] ANY child [or children], including the custody, care, support, education and visitation of the child [or children], so long as the court deems such representation to be in the best interests of the child [or children].

Sec. 46b-36. (Formerly Sec. 46-47.) Third party intervention [re] REGARDING custody of minor children. Preference of child. [On any complaint under this chapter or section 51-182c or 54-27 if there is a minor child or minor children of the parties, or either of them and in] IN any controversy before the superior court as to the custody of minor children, AND ON ANY COMPLAINT UNDER THIS CHAPTER OR SECTION 51-182c or 54-27 IF THERE IS ANY MINOR CHILD OF EITHER OR BOTH PARTIES, the court may allow any interested third party or parties to intervene upon motion. [and] THE COURT may award full or partial custody, care, education and visitation rights of any [of such children] CHILD to any such third party upon such conditions and limitations as it deems equitable. Before allowing any [such] intervention, the court may appoint counsel for the child [or children] pursuant to the provisions of section [46-43] 46b-35. In making any order [hereunder] UNDER THIS SECTION the court shall be guided by the best interests of the child, giving consideration to the wishes of the child if he is of sufficient age and capable of forming an intelligent preference.

For clarification and simplification of language.

Sec. 46b-37. (Formerly Sec. 46-57). Parents' obligation for maintenance of minor child.

(a) 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, [which child is in need of maintenance,] shall maintain [such] THE child according to their respective abilities, IF THE CHILD IS IN NEED OF MAINTENANCE.

(b) In determining whether a child is in need of maintenance and, if in need, the respective abilities of the parents to provide [such] maintenance and the amount thereof, the court shall consider the age, health, station, occupation, earning capacity, amount and sources of income, estate, vocational skills and employability of each of the parents, and the age, health, station, occupation, educational status and expectation, amount and sources of income, vocational skills, employability, estate and needs of the child.

(c) [Upon complaint or motion with order and summons made to the superior court in any such case by either parent or by the commissioner of finance and control subsequent to] AFTER the granting of a decree annulling or dissolving the marriage or ordering a legal separation, AND UPON COMPLAINT OR MOTION WITH ORDER AND SUMMONS MADE TO THE SUPERIOR COURT BY EITHER PARENT OR BY THE COMMISSIONER OF ADMINISTRATIVE SERVICES IN ANY CASE ARISING UNDER SUBSECTION (a) OF THIS SECTION, the court shall inquire into the child's need of maintenance and the respective abilities of the parents to supply [such] maintenance. [and] THE COURT SHALL make and enforce such decree for the maintenance of [such] THE child as it considers just, and may direct security to be given therefor.

"[C]ommissioner of finance and control" changed to "commissioner of administrative services" to comply with P.A. 77-614. Other changes for clarification and simplification of language.

Sec. 46b-38. (Formerly Sec. 46-62). Orders [re] REGARDING children IN ALL CASES where parents live separately. In all cases in which the parents of a minor child [or minor children] live separately, the superior court for the county or judicial district where the parties or one of them resides may, on the complaint of either party and after notice given to the other, make any order as to the custody, care, education, visitation and support of any minor child of the parties, subject to the provisions of sections [46-42, 46-43, 46-47 and 46-49] 46b-33, 46b-35, 46b-36 and 46b-40.

For clarification and simplification of language.

Sec. 46b-39. (Formerly Sec. 46-63). Attorney general as party. Paternity establishment.

For clarification and simplification of language.

(a) The attorney general shall be and remain a party to any action for dissolution of marriage, legal separation or annulment, and to any proceedings after judgment in such action, if any party [thereto,] TO THE ACTION or any child of any [such] party, is receiving or has received aid or care from the state.

(b) If any child born [to a woman] during A marriage, [is found not to be issue of such marriage] WHICH IS terminated by a divorce decree or decree of dissolution of marriage, IS FOUND NOT TO BE ISSUE OF SUCH MARRIAGE, [such] THE child or his representative may bring an action in the court of common pleas to establish the paternity of [such] THE child within one year after the date of the judgment of divorce or decree of dissolution of the marriage of his natural mother, notwithstanding the provisions of section 52-435a.

Sec. 46b-40. (Formerly Sec. 46-49). Review of agreements. For clarification and simplification of language.

In any case under this chapter where the parties have submitted to the court an agreement concerning the custody, care, education, visitation, maintenance or support of any of their children or concerning alimony or the disposition of property, [said] THE court shall inquire into the financial resources and actual needs of the spouses and their respective fitness to have physical custody of or rights of visitation with any minor child, in order to determine whether [such] THE agreement of the spouses is fair and equitable under all the circumstances. If the court finds [such] THE agreement fair and equitable, it shall become part of the court file, and if [such] THE agreement is in writing, it shall be incorporated by reference [in] INTO the order or decree of the court. If the court finds [such] THE agreement is not fair and equitable, it shall make such orders as to finances and custody as the circumstances require. If [such an] THE agreement is in writing and [, notwithstanding the provisions of section 1-1d,] provides for THE care, education, maintenance or support of a child beyond the age of eighteen, it may also be incorporated or otherwise made a part of ANY such order and shall be enforceable to the SAME extent as any other provision of such order or decree, NOTWITHSTANDING THE PROVISIONS OF SECTION 1-1d.

Sec. 46b-41. (Formerly Sec. 46-38). Pre-judgment remedies available. Lis pendens, notice, effect. The following procedures shall be available to secure the financial interests of either spouse in connection with any complaint under section [46-36, 46-42 or 46-62] 46b-24, 46b-33 OR 46b-38:

(1) Any remedy afforded by chapter 903a [,] concerning pre-judgment remedies, whether or not a money demand is made in such complaint; and
 (2) at any time after the service of such a complaint, [wherein a] IF EITHER party claims an interest in real property in which the other party has an interest, either spouse may cause a notice of lis pendens to be recorded in the office of the town clerk of each town in which is located real property in which the other spouse has an interest. The notice shall contain the names of the spouses, the nature of the complaint, the court having jurisdiction [thereof], the date of the complaint and a description of the real property. Such notice shall, from the time of the recording only, be notice to any person thereafter acquiring any interest in such property of the pendency of the complaint. [; and each] EACH person whose conveyance or encumbrance is subsequently executed or subsequently recorded or whose interest is thereafter obtained by descent, or otherwise, shall be deemed to be a subsequent purchaser or encumbrancer, and shall be bound by all proceedings taken after the recording of such notice, to the same extent as if he were made a party to the complaint [, provided, a]. A notice of lis pendens RECORDED IN ACCORDANCE WITH THIS SECTION may be discharged by the court upon substitution of a bond with surety in an amount established by the court if the court finds that the claim of the spouse against property subject to the notice of lis pendens can be satisfied by money damages.

For clarification and simplification of language.

Sec. 46b-4.2, (Formerly Sec. 46-51). Assignment of property and transfer of title.

For clarification and simplification of language.

(a) At the time of entering a decree annulling or dissolving a marriage or for legal separation pursuant to a complaint under section [46-36] 46b-24, the superior court may assign to either the husband or wife all or any part of the estate of the other. [; and] THE COURT may pass title to real property [, without any act on the part of either the husband or the wife,] to [the other] EITHER party or to a third person or may order the sale of such real property, WITHOUT ANY ACT BY EITHER THE HUSBAND OR WIFE, when in the judgment of the court [,] it is the proper mode to carry [such] THE decree into effect.

(b) A conveyance made [in pursuance of such] PURSUANT TO THE decree shall vest title in the purchaser [thereof], and shall bind all persons entitled to life estates and remainder interests in the same manner as a sale ordered by the court pursuant to the provisions of section 52-500.

[Such] WHEN THE decree [having been] IS recorded on the land records in the town where [such estate] THE REAL PROPERTY is situated, IT shall effect the transfer of the title of such real property as if it were a deed of the party or parties.

(c) In fixing the nature and value of the property, if any, to be [so] assigned, the court, after hearing the witnesses, if any, of each party, except as provided in subsection (a) of section [46-48] 46b-30, shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. The court shall also consider the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates.

Sec. 46-43, (Formerly Sec. 46-52). Alimony. [The superior court, in addition to or in lieu of an award pursuant to section 46-51, may, at] AT the time of entering the decree, THE SUPERIOR COURT MAY order either of the parties to pay alimony to the other, IN ADDITION TO OR IN LIEU OF AN AWARD PURSUANT TO SECTION 46-42. [which] THE order may direct that security be given therefor on such terms as the the court may deem desirable. In determining whether alimony shall be awarded, and the duration and amount of the award, the court [, after hearing] SHALL HEAR the witnesses, if any, of each party, except as provided in subsection (a) of section [46-48] 46b-30 . THE COURT shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties, and the award, if any, which the court may make pursuant to section [46-51] 46b-42 and, in the case of a parent to whom the custody of minor children has been awarded, the desirability of such [parent] PARENT'S securing employment.

For clarification and simplification of language.

Sec. 46b-44. (Formerly Sec. 46-50). Alimony and support pendente lite. Use of family home. At any time after the return day of a complaint under section [46-36, 46-42 or 46-62] 46b-24, 46b-33 OR 46b-38, and after hearing, alimony and support pendente lite may be awarded to either of the parties from the date of the filing of an application therefor with the superior court. [and full] FULL credit shall be given for all sums paid to one party by the other from the date of the filing of such an application to the date of rendition of such order. In making an order for alimony pendente lite the court shall consider all factors enumerated in section [46-52] 46b-43, except the grounds for the complaint or cross complaint, to be considered with respect to a permanent award of alimony. In making an order for support pendente lite the court shall consider all factors enumerated in section [46-57] 46b-37. The court may also award exclusive use of the family home pendente lite to either of the parties without regard to the respective interests of the parties in the premises.

For clarification and simplification of language.

Sec. 46b-45. (Formerly Sec. 46-54). Modification of alimony or support orders AND JUDGMENTS.

(a) Unless and to the extent that the decree precludes modification, any final order for the periodic payment of permanent alimony or support or alimony or support pendente lite may at any time thereafter be continued, set aside, altered or modified by said court upon a showing of a substantial change in the circumstances of either party. This section shall not apply to assignments under [46-51] 46b-42 or to any assignment of the estate or a portion thereof of one party to the other party under prior law.

(b) [Where] IN an action for divorce, dissolution of marriage, legal separation or [for] annulment [is] brought by a husband or wife, [and] IN WHICH a final judgment has been entered [therein] providing for the payment of periodic alimony by one party to the other, the superior court may, in its discretion AND upon notice and hearing, modify such judgment and suspend, reduce or terminate the payment of periodic alimony upon a showing that the party receiving [such] THE periodic alimony is living with another person under circumstances which THE court finds should result in the modification, suspension, reduction or termination of alimony because [such] THE living arrangements [result in] CAUSE such a change of circumstances as to alter the financial needs of [such] THAT party.

To incorporate P.A. 77-394. Other changes for clarification and simplification of language.

Sec. 46b-46. (Formerly Sec. 46-53). Order for support of mentally ill spouse. [The court may, at] AT the time of granting dissolution of a marriage [one party] to which ONE PARTY is mentally ill, or at any time thereafter, on application of either party or of the guardian or conservator of the mentally ill spouse, or of any person, town or other municipality charged with the support of the mentally ill spouse, or the commissioner of [finance and control] ADMINISTRATIVE SERVICES, if the state is [so] charged, THE COURT MAY make [such] ANY order requiring support of the mentally ill spouse, or security for [such] support, as may be proper[,]. [and] THE COURT MAY SET ASIDE any such order, at any time thereafter, on application of either party or of the guardian of the mentally ill spouse, or of any person, town or other municipality charged with such support, or the commissioner of [finance and control] ADMINISTRATIVE SERVICES if the state is [so] charged [, may set aside or altered by said court]. Any order providing for the support of the mentally ill party shall be enforceable in the same manner as orders relating to alimony.

"Commissioner of finance and control" changed to "commissioner of administrative services" to comply with P.A. 77-614
Other changes for clarification and simplification of language.

Sec. 46b-47. (Formerly Sec. 46-55). Orders [re] REGARDING children and alimony in annulment cases. In connection with any petition for annulment under this chapter, the superior court may make such order [in relation to] REGARDING any child of the marriage and concerning alimony as it might make in an action for dissolution of marriage. [and the] 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.

For clarification and simplification of language.

Sec. 46b-48. (Formerly Sec. 46-59). Orders [re] FOR payment of attorney's fees in certain actions. In any proceeding seeking relief under the provisions of this chapter and sections 17-323a, 17-323b, 17-351, 45-162, 47-14g, [46-5h], 51-182c, 51-182j, 52-362 and 54-27, the court may order either spouse to pay the reasonable attorney's fees of the other in accordance with their respective financial abilities and the criteria set forth in section [46-52] 46b-42. If, in any proceeding under this chapter and said sections, the court appoints an attorney for a minor child, the court may order the father or mother, or both, [of such child] to pay the reasonable fees of [such] THE attorney, or may order the payment of [such] THE attorney's fees in whole or in part from the estate of [such] THE child. [provided, if any such] IF THE child is receiving or has received state aid or care, the reasonable fees of [such] THE attorney, as determined by the court, not exceeding one hundred dollars, and any costs incurred which have been approved by [said] THE court may be paid [out of] FROM the appropriation of the judicial department.

For purposes of this section, reference to §46-5h is inapplicable and is deleted. Other changes for clarification and simplification of language.

Sec. 46b-49. (Formerly Sec. 46-60). Restoration of [wife's] SPOUSES' prior name. At the time of entering a decree dissolving a marriage, the court, in its discretion, may restore the maiden name of the wife or the name under which [she] EITHER SPOUSE was married.

For clarification and simplification of language.

Sec. 46b-50. (Formerly Sec. 46-64c). Order of court prior to return day of complaint. Any provision in this chapter that the court may make any order after the return day of a complaint shall not preclude the court from making ANY such order prior to the return day, upon the filing of a motion and the issuance of an order to show cause, if the court deems it necessary or appropriate.

For clarification and simplification of language.

Sec. 46b-51. (Formerly Sec. 46-61). FILING OF DECLARATION OF resumption of marital relations; dissolution after legal separation decree WHEN NO DECLARATION FILED.

For clarification and simplification of language.

(a) IF the parties to a decree of legal separation [may] at any time resume marital relations [upon filing] AND FILE THEIR WRITTEN DECLARATION OF RESUMPTION, SIGNED, ACKNOWLEDGED AND WITNESSED, with the clerk of the superior court for the county or judicial district in which the separation was decreed, [their written declaration of such resumption, signed, acknowledged and witnessed, such] THE declaration shall be entered upon the docket, under the entries relating to the complaint, and [shall vacate such] THE decree SHALL BE VACATED and the complaint shall be deemed dismissed.

(b) [At any time after entry of a decree of legal separation, if] IF no declaration has been filed under subsection (a) of this section, THEN AT ANY TIME AFTER THE ENTRY OF A DECREE OF LEGAL SEPARATION, either party may petition the superior court for the county or judicial district [wherein] IN WHICH [such] THE decree was entered for a decree dissolving the marriage and the court shall enter [such] THE decree in the presence of the party seeking the dissolution.

Sec. 46b-52. (Formerly Sec. 46-56). Contempt of orders. Where any person is found in contempt of an order of the superior court entered under section [46-50, 46-51, 46-52, 46-54, 46-55, 46-59 or 46-62] 46b-38, 46b-42, 46b-43, 46b-44, 46b-45, 46b-47 OR 46b-48, [said] THE court may award to the petitioner the fees of the officer serving the contempt citation, [such sum] to be paid by the person [so] found in contempt. The costs of commitment of any person imprisoned for contempt of court by reason of failure to comply with such an order shall be paid by the state as in criminal cases.

For clarification and simplification of language.

Sec. 46b-53. (Formerly Sec. 46-44). Waiting period. Effect of decree.

For clarification and simplification of language.

(a) Following the expiration of ninety days after the day on which a complaint for dissolution or legal separation is made returnable or after the expiration of six months where proceedings have been stayed under section [46-41], 46b-32, the court may proceed on the complaint, or whenever dissolution is claimed under cross complaint, amended complaint, or amended cross complaint, [such] THE case may be heard and decree granted thereon after the expiration of [such] THE ninety days and twenty days after [such] THE cross complaint, amended complaint or amended cross complaint has been filed with [said] THE court, provided the requirement of [such] THE twenty-day delay shall not apply (1) whenever opposing counsel, having appeared, consents to [such] THE cross complaint, amended complaint or amended cross complaint, or (2) where the defendant has not appeared and the amendment does not set forth either a cause of action or a claim for relief not in the original complaint. Nothing [herein] IN THIS SECTION shall prevent any interlocutory proceedings within [such] THE ninety-day period.

(b) A decree of annulment or dissolution shall give the parties the status of unmarried persons and they may marry again. A decree of legal separation shall have the effect of a decree dissolving the marriage except that neither party shall be free to marry a third

person]. Neither the ninety-day period specified in this section nor the six-month period referred to in section [46-41] 46b-32 shall apply in actions for annulment and the court may proceed on any cause of action for annulment in the manner generally applicable in civil actions.

Sec. 46b-54. (Formerly Sec. 46-64). Reports to state health department [re] REGARDING dissolutions and annulments.

For clarification and simplification of language.

(a) The clerks of the superior court shall, on or before the fifteenth day of each month, file a report with the state department of health of each dissolution of marriage granted and each marriage annulled in the month preceding in their respective courts. [Such] THESE reports shall be on forms supplied by [said] THE department OF HEALTH and shall state the names of the parties to the marriage, the date of granting of the dissolution or annulment and such additional information as [said] THE department may require. The state department of health shall give due consideration to national uniformity in vital statistics in prescribing the form and content of [such] THE report.

(b) Before a final decree of dissolution or annulment of marriage is entered, the parties concerned or their attorneys shall supply [such] THE clerk OF THE SUPERIOR COURT with such information as is necessary to complete [such] THE report.

Sec. 46b-55, (Formerly Sec. 46-64b). Statutes applicable to matrimonial actions. The provisions of this chapter and sections 17-323a, 17-323b, 17-351, 45-162, [46-5h,] 47-14g, 51-182c, 51-182j, 52-362 and 54-27 shall apply to all actions for dissolution of marriage, annulment and legal separation filed after May 13, 1974, to all actions for annulment, legal separation or dissolution of marriage commenced prior to said date and to appeals from, and motions for modification of, any alimony, support or custody order entered pursuant to a decree of dissolution of a marriage, divorce, legal separation or annulment rendered prior to said date. The provisions of this chapter and sections 17-323a, 17-323b, 17-351, 45-162, [46-5h,] 47-14g, 51-182c 51-182j, 52-362 and 54-27 in effect on October 1, 1973, shall continue to apply to any action for dissolution of marriage, annulment or legal separation in which a decree of the superior court has been rendered after October 1, 1973, in which an appeal is pending or in which the date of taking an appeal has not expired on May 13, 1974, except an appeal from any order of alimony or custody. Sections 46-13 to 46-30, inclusive, of the general statutes of Connecticut, revision of 1958, revised to 1972, shall continue to apply to any action for divorce, dissolution of a marriage, annulment or legal separation in which a decree has been rendered and in which an appeal is pending or in which the time for taking an appeal had not expired on October 1, 1973, except an appeal from any order of alimony, support or custody.

For purposes of this section, reference to §46-5h is inapplicable and is deleted. Other changes for clarification and simplification of language.

Sec. 46b-56.

(a) Any adult person who has been subjected to a threat of present physical pain or physical injury by his or her spouse may make an application to THE superior court for relief under this section.

(b) The application shall be accompanied by an affidavit made under oath which [shall include] INCLUDES a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order THAT a hearing on the application [which shall] be held not later than fourteen days from the date of [such] THE order. Service shall be made upon the respondent not less than five days [prior to] BEFORE the date of the hearing. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court [may deem appropriate] SEES FIT. Such relief may include but is not limited to an order enjoining the respondent from (1) imposing a restraint upon the person or liberty of the applicant; (2) assaulting, molesting, sexually assaulting or attacking the applicant or (3) entering the family dwelling or the dwelling of the applicant. [Where] IF an application alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. The court shall cause notice of [such] THE ex parte order to be served upon the respondent along with a copy of the application and notice to the respondent of the date set for hearing [such] THE application pursuant to provisions of this subsection.

(c) No order of the court shall exceed ninety days unless an action for legal separation or dissolution has been commenced by either party within [such] THE ninety day period. If [such] a THE action has commenced within [such] THE NINETY DAY period, such relief shall continue less modified by the court or modified by the parties by a written agreement filed with the court.

(d) Upon the granting of an application, the court shall, upon request, provide a certified copy of [such] THE order to the applicant.

(e) An action under this section shall not preclude the applicant from seeking any other civil or criminal relief.

To incorporate P.A. 77-336. Other changes for clarification and simplification of language.

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GEN. ASSEMBLY
HOUSE

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PART 8
3098-3565

Wednesday, April 26, 1978

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please.

MR. SPEAKER:

You've heard the motion. Any objection? So ordered.

THE CLERK:

Calendar 953, Substitute for S.B. 619, File 504, an Act implementing the recommendations of the Law Revision Commission. As amended by Senate Amendment Schedule "A". Favorable report of the Committee on Judiciary.

RICHARD D. TULISANO:

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

MR. SPEAKER:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate. Would you remark, sir?

RICHARD D. TULISANO:

Yes, Mr. Speaker. The Clerk has an amendment, Senate Amendment Schedule "A", L.C.O. No. 3331.

MR. SPEAKER:

The Clerk has in his possession L.C.O. 3331.

RICHARD D. TULISANO:

Permission to summarize, after he reads it.

MR. SPEAKER:

Senate Amendment Schedule "A". Would the Clerk please call Senate "A".

THE CLERK:

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Senate Amendment Schedule "A", L.C.O. 3331.

efr

MR. SPEAKER:

Is there any objection in the summary of this amendment by Representative Tulisano? Please proceed, sir.

RICHARD D. TULISANO:

Mr. Speaker, the bill itself is a technical amendment bill of sorts, and what the Senate Amendment "A" is additional technical amendments...technical corrections to the statutes dealing with husband and wife as they presently stand. They take into consideration many recommendations of the L.C.O.'s office when they went over the file copy of the bill. I move its adoption.

MR. SPEAKER:

The question is on adoption of Senate Amendment Schedule "A". All those in favor please indicate by saying "aye". Those opposed. Senate "A" is adopted and ruled technical. Would you remark further on the bill, sir?

RICHARD D. TULISANO:

Mr. Speaker, as I indicated in my preliminary remarks, this bill is a Technical Amendment's Act proposed by the Law Revision Commission, which is a statutory commission consisting of members of the General Assembly. Professor Cavey is the head of it, and a professional staff. All of them have worked very hard in developing these recommendations, changes in language. There are no substantive changes at all in this bill, and I move its adoption.

MR. SPEAKER:

Remark further on the bill as amended? If not, will

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all the members please take their seats; the staff and guests please come to the well of the House. The machine will be opened. The machine is still open. Have all the members voted? Have all the members voted? The machine will be locked. The Clerk please take a tally. The Clerk please announce the tally.

efr

The following is the result of the vote:

Total number voting	146
Necessary for passage	74
Those voting Yea.	146
Those voting Nay.	0
Those absent and not voting	5

The bill as amended is passed.

THE CLERK:

Page 5 of the Calendar, Calendar 972, Substitute for H.B. 5973, File 639, an Act concerning property assessment for purposes of property tax in a year of revaluation. Favorable report of the Committee on Finance.

THE SPEAKER IN THE CHAIR

GARDNER WRIGHT, JR.:

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

MR. SPEAKER:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill, and will you remark, sir?

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SENATOR HANNON OF THE 3rd
IN THE CHAIR

THE CLERK:

Page seventeen, bottom item on the page, Cal. 588, File 504. Favorable report of the joint standing committee on Judiciary. Substitute for Senate Bill 619. AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LAW REVISION COMMISSION.

THE PRESIDENT:

Senator Cloud.

SENATOR CLOUD: (2nd)

Mr. President, I would like to absent myself pursuant to Rule 15.

THE PRESIDENT:

The Clerk will note that Senator Cloud from the 2nd district has absented himself under Rule 15. Senator DePiano.

SENATOR DEPIANO: (23rd)

Mr. President, I move for acceptance of the committee's joint favorable report and passage of the bill.

THE PRESIDENT:

The question is on acceptance and passage. Will you remark?

SENATOR DEPIANO:

There is an amendment, I believe.

THE CLERK:

The Clerk has Senate Amendment A. Substitute Senate Bill 619. LCO 3331 offered by Senator DePiano. 3331.

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THE PRESIDENT:

Will you remark on it, Senator?

SENATOR DEPIANO:

Yes, I believe the amendment is self-explanatory. It has some technical changes in it and move if there is no objection that the amendment be granted.

THE PRESIDENT:

All those in favor of Senate Amendment Schedule A, signify by saying Aye. Opposed. So ordered. SENATE AMENDMENT A IS ADOPTED and ruled technical.

Will you remark further, Senator?

SENATOR DEPIANO:

Yes. I just would like to very briefly remark on the bill. This bill would make several technical changes clarifying the language in the statutes relating to marriages, husband and wife property rights, dissolution of marriage and legal separation. It was a method of cleaning up the statute. If there is no objection, I move it be placed on the Consent Calendar.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER: (21st)

Not that I object, Mr. President, but could Senator DePiano explain that in a little more detail. This is a very lengthy bill. What concerns me is just in the first section or I should say in Sec. 3 it says, no man and they change from shall to may, marry his mother, his grandmother,

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his daughter, his granddaughter, his sister, his aunt, his neice, his stepmother, his stepdaughter, no son, grandson, brother, uncle, nephew, stepfather or stepson; and I don't know now whether this is going to let me and I am going to have to in all these instances and I would like to have him explain all these technical amendments to me because I certainly wouldn't want to break the law.

SENATOR DEPIANO:

Well, I wasn't sure if Senator Gunther is contemplating marrying his mother-in-law but be that as it may,

THE PRESIDENT:

Senator Depiano, I have a memorandum here that said she would not.

SENATOR DEPIANO:

She would not marry him. If she runs for office, I'll vote for her. But be that as it may, this is just a technical correction of the language of the statute. It does not change the import of the statute and there are occasions where the word may is mandatory, as well as permissive, so I think it is self-explanatory and I am sure that Senator Gunther is well familiar with all these provisions having been intrically involved in these actions.

THE PRESIDENT:

Does that answer your question, Senator Gunther? If there is no objection, the matter will be moved to the Consent Calendar.

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THE CLERK:

Turning to page eighteen of the Calendar, top item on the page, Cal. 601, Files 365 and 509. Favorable report of the joint standing Committee on Education. Substitute for House Bill 5831. AN ACT CONCERNING THE LICENSING OF INSTITUTIONS NOT APPROVED BY THE State BOARD OF EDUCATION AND THE PLACEMENT OF CHILDREN FROM OTHER STATES, as amended by House Amendment Schedule A.

THE PRESIDENT:

Prior to Senator Schneller, the Chair is wrong in moving the item to the Consent Calendar on the previous bill. Senator Cloud had absented himself from the chamber. The Clerk please call for an immediate roll call on Cal. 588.

THE CLERK:

An immediate roll call in the Senate. Would all senators please be seated. An immediate roll call in the Senate. Would all senators please take their seats.

THE PRESIDENT:

The question is on acceptance and passage of Cal. 588, Senate Bill 619. The senator from the 2nd district has absented himself under Rule 15. The machine is open. The machine is closed and locked. The Clerk take a tally please.

Total Number Voting	32
Necessary for Passage	17
Voting Yea	32
Voting Nay	0

THE BILL AS AMENDED IS PASSED.