

2013 WL 6510923

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UNPUBLISHED OPINION. CHECK
COURT RULES BEFORE CITING.

Superior Court of Connecticut,
Judicial District of Fairfield.

Kim ALIANIELLO

v.

Rocco ALIANIELLO.

No. **FA010383698S** | Nov. 19, 2013.

Attorneys and Law Firms

Cohen Gary I. Law Offices of PC, Stamford, Matthew J. Broder, Law Office of Matthew J. Broder, Bridgeport, for Kim Alianiello.

Meehan Meehan & Gavin, Bridgeport, for Rocco Alianiello.

Opinion

OWENS, J.

*1 1. The parties' marriage was dissolved and a Judgment was entered on July 7, 2003. The court, Agati, J. approved the dissolution and incorporated a Stipulation which was signed by the parties. Pursuant to paragraph 16 of the July 7, 2003 Stipulation, the parties agreed that the court would retain jurisdiction to enter a further educational support order at the time each child was to begin attending college under Public Act 02–128. Public Act 02–128 was the predecessor to C.G.S. § 46b–56c.

2. The parties have two (2) children, one of whom, a son, Austin, born 03/15/1994 is the subject of this proceeding.

3. Austin currently attends Wheaton College in Illinois where he is in the process of completing his third Semester. He is an excellent student. To date, the Defendant–Father has paid all of Austin's tuition and expenses.

4. Pursuant to a July 7, 2003 Stipulation, the Defendant–Father is asking this Court to issue an Educational Support Order requiring the Plaintiff–Mother to reimburse a fair, just and equitable amount of college tuition reimbursement due to the Defendant–Father.

The Defendant–Father requests that this court grant his Motion for Educational Support and order the Plaintiff–Mother to contribute to same.

It has been agreed by the parties that the educational support order shall be based on the amount charged by the University of Connecticut for a full-time in-state student at the time the child for whom educational support is being ordered matriculates ... The period of time that Austin has been at Wheaton covers four semesters, i.e. September 1, 2012 to June 2013, and September 2013 to date. It is anticipated that the bill for the second semester, 2014 will be sent out very shortly. The Defendant–Father claims that the Court order should cover all four semesters but the Plaintiff–Mother claims that the educational expenditure for the September 2012 shall not be included in any proposed division. Plaintiff–Mother correctly argues that there is nothing in 46b–56c, Educational Support Orders which requires or even suggests retroactivity.

The educational support order is clearly akin to child support orders. There is nothing in the statute relating to educational support orders that suggests retroactivity. An order for postmajority educational support is simply an order for child support that relates to child support for college education. *Jensen v. Jensen*, FA 0205625385S (June 11, 2009); *Jones v. Jones*, 48 Conn. L. Rptr. 26, (Conn.Super.) 2009.

5. Based on the amounts stipulated to by the parties if the Court excludes the first semester (2012–2013) there remains an obligation of three subsequent semesters that must be addressed. The Court has carefully considered the criteria set forth in statute 46b–56(c) in entering its order. While Plaintiff–Mother has had a diminishment of assets (she was awarded \$800,000 some ten years ago per judgment of dissolution) and the Defendant–Father has been extremely successful nonetheless there is no valid reason to excuse her from her obligation for educational child support. The total of said obligation is \$36,244. The Plaintiff–Mother shall be obligated for 20% of said sum and the Defendant–Father's obligation shall be 80%. Plaintiff–Mother share shall be paid to Defendant–Father within 20 days of this order. The total obligation of the parties is \$36,244.

*2 Each party shall be responsible for their respective attorney fees.

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