

2011 Edition

Motion for Clarification

A Guide to Resources in the Law Library

- **Motion for clarification.** “Motions for interpretation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper.” [Holcombe v. Holcombe](#), 22 Conn. App. 363, 366, 576 A.2d 1317 (1990).
- **Compared to Motion for Articulation:** “The petitioner's appeal form also states that the he appeals from the denial of his motion for clarification. A motion seeking an articulation or further articulation of a trial court's decision is called a motion for articulation. See Practice Book § 66-5. ‘The sole remedy of any party desiring the court having appellate jurisdiction to review the trial court's decision on the motion filed pursuant to this section . . . shall be by motion for review under Section 66-7.’ Practice Book § 66-5. We therefore decline to review this claim.” [Woolcock v. Commr. of Correction](#), 62 Conn. App. 821, 824, 772 A.2d 684 (2001).
- **Compared to modification:** “[A] modification is defined as ‘[a] change; an alteration or amendment which introduces new elements into the details, or cancels some of them, but leaves the general purpose and effect of the subject-matter intact.’ Black’s Law Dictionary (6th Ed. 1990).”

Conversely, to clarify something means to ‘free it from confusion.’ Webster's New World Dictionary of the American Language (2d Ed. 1972).” [In Re Haley B.](#), 262 Conn. 406, 815 A.2d 113 (2003).
- **Time restrictions:** “There is no time restriction imposed on the filing of a motion for clarification. See [Barnard v. Barnard](#), supra [214 Conn. 99, 100, 570 A.2d 690 (1990);] (motion for clarification filed sixteen months after judgment); [Cattaneo v. Cattaneo](#), [19 Conn. App. 161, 163, 561 A.2d 967 (1989)]; supra (motion for clarification filed six and one-half years after judgment). Although a judgment may not be opened or set aside after four months; Practice Book 326; [Blake v. Blake](#), 211 Conn. 485, 495, 560 A.2d 396 (1989); under the common law, judgments may be ‘corrected’ at any time.” [Holcombe v. Holcombe](#), 22 Conn. App. 363, 363, 576 A.2d 1317 (1990).

Table of Contents

Section 1: Motion for Clarification	3
Figure 1: Motion for Clarification.....	7
Table 1: Unreported Cases on Motion for Clarification	8

These guides are provided with the understanding that they represent only a beginning to research.

**View our other pathfinders at
<http://www.jud.ct.gov/lawlib/selfguides.htm#Pathfinders>**

**This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar.
The online versions are for informational purposes only.**

Section 1: Motion for Clarification

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to the postjudgment motion for clarification.
- SEE ALSO:**
- Motion for Articulation
- CURRENCY:**
- 2011 Edition
- DEFINITIONS:**
- **Motion for Clarification:** “[M]otions for interpretation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper.” [State v. Denya](#), 294 Conn. 526, 986 A.2d 260 (2010).
 - **Jurisdiction of the Courts:** “Even beyond the four month time frame set forth in Practice Book § 17-4, however, courts have ‘continuing jurisdiction to fashion a remedy appropriate to the vindication of a prior ... judgment... pursuant to [their] inherent powers....’ (Citation omitted; internal quotation marks omitted.) [AvalonBay Communities, Inc. v. Plan & Zoning Commission](#), 260 Conn. 232, 239, 796 A.2d 1164 (2002).” [Mickey v. Mickey](#), 292 Conn. 597, 974 A.2d 641 (2009).
 - **When Appropriate:** “In cases in which execution of the original judgment occurs over a period of years, a motion for clarification is an appropriate procedural vehicle to ensure that the original judgment is properly effectuated.... Motions for clarification may not, however, be used to modify or to alter the substantive terms of a prior judgment... and we look to the substance of the relief sought by the motion rather than the form to determine whether a motion is properly characterized as one seeking a clarification or a modification.” (Citations omitted; internal quotation marks omitted.) [State v. Denya](#), 294 Conn. 526, 986 A.2d 260 (2010).
 - **Time restrictions:** “There is no time restriction imposed on the filing of a motion for clarification. See [Barnard v. Barnard](#), supra [214 Conn. 99, 100, 570 A.2d 690 (1990)]; (motion for clarification filed sixteen months after judgment); [Cattaneo v. Cattaneo](#), [19 Conn. App. 161, 163, 561 A.2d 967 (1989)]; supra (motion for clarification filed six and one-half years after judgment). Although a judgment may not be opened or set aside after four months; Practice Book 326; [Blake v. Blake](#), 211 Conn. 485, 495, 560 A.2d 396 (1989); under the common law, judgments may be ‘corrected’ at any time.” [Holcombe v. Holcombe](#), 22 Conn. App. 363, 363, 576 A.2d 1317 (1990).

- “There is no requirement that the same judge rule on all matters arising after a dissolution judgment. See, e.g., [Barnard v. Barnard](#), 214 Conn. 99, 100, 570 A.2d 690 (1990); [Kolkmeier v. Kolkmeier](#), 18 Conn. App. 336, 337, 558 A.2d 253 (1989).” Ibid. 365.
- **Contrasted with Motion for Articulation:** “The petitioner's appeal form also states that the he appeals from the denial of his motion for clarification. A motion seeking an articulation or further articulation of a trial court's decision is called a motion for articulation. See Practice Book § [66-5](#). ‘The sole remedy of any party desiring the court having appellate jurisdiction to review the trial court's decision on the motion filed pursuant to this section . . . shall be by motion for review under Section [66-7](#).’ Practice Book § [66-5](#). We therefore decline to review this claim.” [Woolcock v. Commr. of Correction](#), 62 Conn. App. 821, 824 (2001).

RECORDS & BRIEFS:

- *Motion For Clarification*, CONNECTICUT SUPREME COURT RECORDS AND BRIEFS (September 2000). [Rosato v. Rosato](#), 255 Conn. 412, 766 A.2d 429 (2001). [Figure 1](#)

CASES:

- [Perry v. Perry](#), 130 Conn. App. 720 (2011). “When ruling on the plaintiff's motion for clarification, the court acknowledged that, although it had made the finding that the parties had agreed that the pension funds would be split equally, it did not address the distribution of these funds in its orders. The court stated that the fact that it had mentioned that agreement in its findings, but did not issue an order dividing those assets, created an ‘ambiguity or incompleteness’ in its earlier decision and then issued an order dividing those assets. We disagree.”
- [Fuller v. Fuller](#), 119 Conn.App. 105, 987 A. 2d 1040 (2010). “[T]he trial court's continuing jurisdiction to effectuate its prior judgments, either by summarily ordering compliance with a clear judgment or by interpreting an ambiguous judgment and entering orders to effectuate the judgment as interpreted, is grounded in its inherent powers, and is not limited to cases wherein the noncompliant party is in contempt, family cases, cases involving injunctions, or cases wherein the parties have agreed to continuing jurisdiction.’ [AvalonBay Communities, Inc. v. Plan & Zoning Commission](#), 260 Conn. 232, 246, 796 A.2d 1164 (2002).”
- [Mickey v. Mickey](#), 292 Conn. 597, 974 A. 2d 641 (2009). “In the present case, the defendant filed a motion for clarification, asserting that postdissolution events revealed a latent ambiguity in the dissolution judgment as to whether the trial court intended to distribute the defendant's disability benefits in connection with its distribution of the parties' marital property.”

- [Packer v. Board of Education](#), 246 Conn. 89, 96-97, 717 A.2d 117 (1998). "The plaintiff subsequently filed a motion for clarification as to whether the trial court's order enjoining the defendant from expelling him also enjoined the defendant from excluding him from extracurricular activities for the remainder of the school year."
- [Bower v. D'Onfro](#), 45 Conn. App. 543, 547-548, 696 A.2d 1285 (1997). "On January 11, 1996, seven weeks after the trial court rendered its judgment in accordance with our remand, the plaintiffs filed their 'motion for clarification.' The plaintiffs sought a ruling on their entitlement to postjudgment interest. Even though the plaintiffs' motion was captioned 'motion for clarification,' 'we look to the substance of the claim rather than the form' . . . and determine that it was a motion for postjudgment interest under General Statutes § 37-3b."
- [Coscina v. Coscina](#), 24 Conn. App. 190, 192, 587 A.2d 159 (1991). "In prior cases where a plaintiff was seeking to clarify a marital dissolution agreement, a motion for clarification of judgment was employed with approval. See [Holcombe v. Holcombe](#), 22 Conn. App. 363, 366, 576 A.2d 1317 (1990), and cases cited therein. The trial court here accepted the plaintiff's complaint for a declaratory judgment coupled with a request for monetary damages. Although an alternative form of action was available, namely the motion for clarification of judgment, we do not disapprove of the trial court's proceeding as it did."
- [Holcombe v. Holcombe](#), 22 Conn. App. 363, 366, 576 A.2d 1317 (1990). "Motions for interpretation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper."
- [Barnard v. Barnard](#), 214 Conn. 99, 100, 570 A.2d 690 (1990). "On December 1, 1988, the defendant husband filed a motion for interpretation or clarification of that agreement maintaining that the parties were unable to agree upon the interpretation of Article III of that agreement. That article is captioned 'Alimony and Support and Education.' The trial court, Nigro, J., held a hearing on this motion. The defendant has appealed from the trial court's interpretation of Article III. Pursuant to Practice Book 4023, we transferred the case to this court."
- [Cattaneo v. Cattaneo](#), 19 Conn. App. 161, 163, 561 A.2d 967 (1989). "On June 24, 1987, the plaintiff filed a motion for clarification and for further order of the court, requesting that the original order of dissolution be clarified to state the specific extent to which the defendant was required to contribute to the children's college education and sought an order as to that specific sum or percentage. The motion alleged that the older of the two children residing with the

plaintiff had been accepted at a four year college and that the defendant had refused to pay for any portion of that child's college education."

- [Schott v. Schott](#), 18 Conn. App. 333, 334, 557 A.2d 936 (1989). "The court accepted the report and the defendant filed a motion, to clarify the portion of the report concerning the CNB debt as it related to the dissolution judgment."
- [Miller v. Miller](#), 16 Conn. App. 412, 413, 547 A.2d 922 (1988). "The defendant appeals from a postjudgment ruling of the trial court in this dissolution action on a motion for clarification filed by the plaintiff."
- [In re Juvenile Appeal \(85-BC\)](#), 195 Conn. 344, 367, 488 A.2d 790 (1985). "In the 'motion for clarification of orders,' the grandmother 'respectfully represents that orders of custody were entered by Judge DeMayo on May 4, 1982 placing custody and guardianship of the two minor children [names omitted] with her, the paternal grandmother of said children. [She] respectfully requests that the Court clarify said orders and any other orders affecting this matter given the amount of time that has passed since the entry of the orders of custody.'"

TEXTS & TREATISES:

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3rd ed. 2010).
Chapter 52. Post-Judgment Motions
§ 52.3. Motion for articulation or clarification
- [FAMILY LAW PRACTICE IN CONNECTICUT](#) (1997).
Chapter 15. Post-Judgment Proceedings
A. Motion for clarification/ Motion for Articulation
§ 15.1. General
§ 15.2. Where necessary
§ 15.3. Timing and filing
§ 15.4. Miscellaneous

BAR JOURNALS:

- Arthur E. Balbirer and John R. Shaughnessy, *Survey Of 1990 Developments In Connecticut Family Law*, 65 CONNECTICUT BAR JOURNAL 103, 121 (April 1991).

COMPILER:

Christopher Roy, Connecticut Judicial Branch Law Library at New Britain, 20 Franklin Square, New Britain, CT 06051.
(860) 515-5110. [Email](#)

* Originally compiled by Lawrence Cheeseman, retired Connecticut Judicial Branch Supervising Law Librarian.

Figure 1: Motion for Clarification

MOTION FOR CLARIFICATION

The defendant, _____, in the above referenced action hereby respectfully represents as follows:

1. On July 11, 1998 a judgment of dissolution of marriage entered by this Court (_____, J.)
2. This Court's oral memorandum of decision and the party's judgment file set forth, in relevant part, as follows: "The wife is to retain any benefits in the husband's pension which she currently has, as his spouse..."
3. As of the date of this motion the defendant has received none of the plaintiff's pension benefits.
4. The United States Office of Personnel Management has refused to convey the plaintiff's pension interest to the defendant pursuant to the submitted domestic relations order.

WHEREFORE, the defendant respectfully requests that this Court clarify its decision and set forth the exact percentage interest of plaintiff's pension which is due to the defendant.

THE DEFENDANT

BY _____

ORAL ARGUMENT REQUESTED
TESTIIMONY REQUIRED

Table 1: Unreported Cases on Motion for Clarification

<h2 style="margin: 0;">Unreported Cases: Motion for Clarification</h2>	
<p><u>Klein v. Bratt</u>, Superior Court, judicial district of Stamford-Norwalk at Stamford, Docket No FST CV 05 5000502 S (Feb. 18, 2011).</p>	<p>“The court has inherent jurisdiction to correct at any time any scrivener's or mathematical error made by the court in rendering its Memorandum of Decision without the need for a motion to be filed by any party. This type of clerical error can be corrected by the court at any time beyond four months. <i>Milazzo v. Schwartz</i>, 88 Conn.App. 592, 597 (2005); <i>Blake v. Blake</i>, 211 Conn. 485, 495 (1989); <i>Federal National Mortgage Association v. Dicioccio</i>, 51 Conn.App. 343, 345 (1998).”</p>
<p><u>DeNunzio v. DeNunzio</u>, Superior Court, judicial district of Stamford-Norwalk at Stamford, Docket No. FST FA 02-0189968 S (April 16, 2008).</p>	<p>“This court's November 14, 2007 Memorandum of Decision on Plaintiff's Motion for Educational Support Orders, Postjudgment dated December 29, 2006 (#245.00) contained the following at the bottom of page two: ‘The court orders that the defendant pay on behalf of Brian DeNunzio and Kevin DeNunzio college expenses including tuition, dues, books, costs, fees, registration and application costs. In addition, the defendant shall pay for the room and board of both Brian DeNunzio and Kevin DeNunzio, unless room and board only if it is paid directly to the college, university or institution of higher learning. This order will terminate for Brian DeNunzio and Kevin DeNunzio in accordance with Gen. Stat. § 46b-56c(a).’</p> <p>A scrivener's error occurred in the second sentence referred to above. The Plaintiff's Motion For Clarification and/or To Correct Scrivener's Error, Post Judgment dated January 14, 2008 (#290.00) is hereby granted.” (Emphasis added.)</p>
<p><u>O'Brien v. Davis</u>, 49 Conn. Sup. 474, 482, 894 A.2d 1072 (2005)</p>	<p>“No motion for articulation has been filed. No appeal has been filed. There is no provision in the Practice Book for a motion for articulation to be filed in a case that has not been appealed. Practice Book §§ 60-5, 63-1, 66-5 and 66-7. <u>Brycki v. Brycki</u>, 91 Conn. App. 579, 594, 881 A.2d 1056 (2005).”</p>
<p><u>Tunick v. Day, Berry & Howard</u>, 40 Conn. Sup. 216, 486 A.2d 1147 (1984).</p>	<p>“The present motion before the court is a second motion for clarification and order for compliance filed by the plaintiff. The plaintiff requests the court to order an in camera inspection of the documents previously ordered disclosed,</p>

	and to determine whether the defendants' claim of attorney-client privilege is appropriate."
--	--

