

STATE OF CONNECTICUT

DISSOLUTION OF MARRIAGE PACKAGE

ADULT CHILDREN

With or Without Property

Control Number CT-004-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.

All forms to be filed with the Clerk of Court must be printed on bond paper.

INFORMATION ABOUT DIVORCE

1. **WHO CAN USE THESE FORMS:** You may use this package for dissolution of marriage only when all of the following facts are true;
 - (a) Your marriage has broken down irretrievably;
 - (b) There are no minor children of the marriage.
 - (c) You and your spouse agree on all terms of the divorce.

2. **THE BASICS:** In a typical dissolution of marriage proceeding, there are basic two requirements that must be met prior to filing for dissolution. Those requirements are below:
 - (a) You must satisfy the *residency* requirements.
 - (b) You must satisfy *the no-fault procedures*.

3. **RESIDENCY REQUIREMENTS:** A complaint for dissolution of marriage may be filed at any time after either spouse has established residency with the State of Connecticut. A decree of dissolution of marriage will not be issued by the court however, until:
 - (a) At least one of the parties to the marriage has been a resident of the state for a one year prior to the filing of the complaint, or;
 - (b) One of the parties was domiciled in the state at the time of marriage and returned to the state with the intention of remaining indefinitely prior to the filing of the complaint, or;
 - (c) The cause of the divorce arose after either party moved to the state.

4. **GROUND FOR DIVORCE:** A decree of dissolution of marriage shall be granted upon a finding that:
 - (a) The marriage has broken down irretrievably;
 - (b) The parties have lived apart due to incompatibility for eighteen months with no reasonable prospect of reconciliation;
 - (c) Adultery;
 - (d) Fraudulent contract;
 - (e) Willful desertion for one year with total neglect of duty;
 - (f) Seven years absence with no contact;
 - (g) Habitual intemperance;
 - (h) Intolerable cruelty;
 - (i) Sentence to life imprisonment or conviction of infamous crime involving violation of conjugal duty punishable by more than one year in prison;

- (j) Legal confinement in mental institution for five years within the six years prior to filing.

This package is based upon the parties filing for dissolution of marriage on the grounds that the marriage has broken down irretrievably.

- 5. **SIMPLIFIED DISSOLUTION PROCEEDING:** The court may grant a request for dissolution of marriage if:

- (a) The parties execute a written stipulation that the marriage has broken down irretrievably, or;
- (b) The parties appear in court and stipulate that the marriage has broken down irretrievably and the parties have submitted an agreement covering all issues regarding the custody, care, education, visitation and support of any minor children and all issues relating to alimony and division of property.

This dissolution of marriage package is based upon the simplified dissolution of marriage proceeding.

- 6. **LEGAL SEPARATION:** A decree of legal separation will be granted in the State of Connecticut for the same grounds as a decree of dissolution of marriage.

This package does not contain forms for a legal separation.

- 7. **WAITING PERIOD:** There is a ninety day waiting period from the date of return on the complaint for dissolution before the court will hear and grant dissolution of marriage.

- 8. **ALIMONY/SUPPORT:** Since this is an agreed upon divorce, you and your spouse will decide issues of alimony. The forms assume that no alimony will be paid and is waived but you may add provisions for alimony if you desire. In a contested case, alimony may be awarded to either spouse in the State of Connecticut after consideration of the following factors:

- a. The length of the marriage;
- b. The cause of the dissolution, annulment or separation;
- c. The age, health, and station of each party;
- d. The occupation, amount and source of income of each party;
- e. The vocational skills and employability of each party;
- f. The estate and needs of each of the parties;
- g. The desirability of a custodial parent obtaining employment.

9. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon dissolution of marriage proceeding, the parties will agreed to property distributions. Connecticut is an equitable distribution state, which means that after setting aside to each spouse that spouse's separate property, the court shall divide the marital property between the parties as it deems equitable and just, after consideration of the following factors:
- (a) The length of the marriage;
 - (b) The cause of the dissolution, annulment or separation;
 - (c) The age, health and station of each party;
 - (d) The occupation, amount and source of income of each party;
 - (e) The vocational skills and employability of each party;
 - (f) The estate, liabilities and needs of each of the parties;
 - (g) The opportunity of each party for future acquisition of capital, assets and income;
 - (h) The contribution of each party to the acquisition, preservation or appreciation of each party's estate.
10. **NAME CHANGE:** The court, upon request, may change the name of either spouse to that spouse's former or maiden name.

For more information, see the Connecticut Divorce Law Summary.

FORMS LIST

The forms included in this package are:

1. Complaint - **(CT-JD-FM-159);**
2. Summons - **(CT-JD-FM-3);**
3. Notice of Automatic Court Orders - **(CT-JD-FM-158);**
4. Appearance - **(CT-JD-CL-12);**
5. Financial Affidavit - **(CT-JD-FM-6);**
6. Financial Affidavit Long – **(CT-JD-FM-6-L);**
7. Divorce Agreement - **(CT-JD-FM-172);**
8. Case Management Agreement - **(CT-JD-FM-163);**
9. Dissolution of Marriage Report - **(CT-JD-FM-181);**
10. Divorce Judgment - **(CT-JD-FM-177);**
11. Affidavit Concerning Military Service **(CT-JD-FM-178)**
(if needed)

FORM EXPLANATIONS

All forms included in this package are identified below.

1. **Complaint – (CT-JD-FM-159)** - The Complaint for Dissolution of Marriage is the document in which you are asking the court to grant your divorce along with any other relief requested.
2. **Summons – (CT-JD-FM-3)** This document is used to inform the Defendant that a suit has been filed against him or her and orders the Defendant to appear before the court and file any pleadings necessary on or before the second day after the Return Date listed on the Summons.
3. **Notice of Automatic Court Orders – (CT-JD-FM-158)** Filing for divorce in the State of Connecticut triggers certain automatic court orders designed to protect both parties to the action. These orders prohibit either party from disposing of marital property, going into unreasonable debt, removing any children of the marriage from the state, or removing either party from insurance policies. These orders apply to the Plaintiff once the Complaint is signed and apply to the Defendant once served with the Summons and Complaint.

You must fill in the Case Management Date at No. 4 on the Notice of Automatic Court Orders form. This date must be at least ninety (90) days after the Return Date listed on the Summons. Contact the Clerk of Court for the correct Case Management Date.
4. **Appearance – (CT-JD-CL-12)** This document is used by the Defendant to enter an appearance and to inform the Court that the Defendant is representing himself/herself in the proceeding.
5. **Financial Affidavit – (CT-JD-FM-6)** Use this document if either your gross annual income is less than \$75,000 or your total net assets are less than \$75,000. Otherwise use the long version form JD-FM-6-L. This document is used to identify the income and expenses as well as the assets and debts of the parties and to acknowledge whether those assets and debts are joint assets and debts of the parties or individual assets and debts. Each party must complete and exchange with each other a Financial Affidavit within 30 days of the Return Date.
6. **Financial Affidavit Long (CT-JD-FM-6-L)** – Use this document if either your gross annual income is more than \$75,000 or your total net assets are more than \$75,000 or if both are more than \$75,000. Otherwise use the short version form JD-FM-6. This document is used to identify the income and expenses as well as the assets and debts of the parties and to acknowledge whether those assets and debts are joint

assets and debts of the parties or individual assets and debts. Each party must complete and exchange with each other a Financial Affidavit within 30 days of the Return Date.

7. **Divorce Agreement – (CT-JD-FM-172)** This form is used to document the agreement reached by the parties concerning division of property and debt, custody and support.
8. **Case Management Agreement – (CT-JD-FM-163)** This form is used to inform the Court as to the type of case before it, whether the case is contested or uncontested, provides the Court with a date for final hearing in an uncontested matter, and informs the Court of any matters still in dispute.
9. **Dissolution of Marriage Report - (CT-JD-FM-181)** This form needs to be completed and filed with the court.
10. **Divorce Judgment – (CT-JD-FM-177)** This document grants the divorce and any other relief requested.
11. **Affidavit Concerning Military Service (CT-JD-FM-178)** A military service affidavit is required in cases where the defendant has not filed an Appearance form with the court clerk's office by the time of the court hearing. The purpose is to protect men and women serving in the U.S. military from getting a court judgment against them without first receiving notice of the lawsuit and a chance to defend the case. The affidavit gives the court the necessary facts to find that the defendant is not in the U.S. Military.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

STEP 1: The Plaintiff should complete the *Complaint (Form 1)*, *Summons (Form 2)* and *Notice of Automatic Court Orders (Form 3)*. A Case Management Date must be included in No. 4 on the *Notice of Automatic Court Orders (Form 3)*. Contact the Clerk of Court in order to select the correct Case Management Date.

STEP 2: The above listed documents (*Forms 1-3*) are then filed with the Clerk of the Circuit court in your County. A filing fee is paid.

STEP 3: The Defendant must next be served with copies of the *Complaint (Form 1)*, *Summons (Form 2)* and *Notice of Automatic Court Orders (Form 3)*. Contact a sheriff in the county in which the Defendant lives or works and arrange for the sheriff to serve the papers on the Defendant.

STEP 4: After the Defendant has been served, the *Return of Service* form prepared by the sheriff must be filed with the Court. Either the sheriff or you may file this form with the Court.

You must wait a minimum of ninety (90) days after filing your case to get a divorce order. The waiting period begins on the Return Date noted on the *Summons* and ends on the Case Management Date noted in the *Notice of Automatic Court Orders*.

STEP 5: The Defendant should next complete and file the *Appearance* form (*Form 4*).

STEP 6: Both parties should complete and exchange with each other the Financial Affidavit (*Form 5*). This must be done at least five (5) days and not more than thirty (30) days before the final hearing.

STEP 7: Both parties should jointly complete the *Divorce Agreement* form (*Form 6*), making certain to agree to all terms contained therein.

- STEP 8:** The *Case Management Agreement (Form 7)* should next be completed. Check with the Court Clerk for a date for to schedule your uncontested divorce hearing and include it on the form in Section II of the *Agreement (Form 7)*.
- STEP 9:** *Dissolution of Marriage Report form (Form 8)* must be completed by the Plaintiff.
- STEP 10:** At the final hearing, you should bring to Court the completed *Financial Affidavit (Form 5)*, *Divorce Agreement (Form 6)*, *Case Management Agreement (Form 7)* and the *Dissolution of Marriage Report form (Form 8)*. Submit these forms to the Court when your case is called for hearing.
- STEP 11:** After the final hearing, the Plaintiff should complete the Divorce Judgment form (*Form 9*) and file it with the Clerk of Court within thirty (30) days of the final hearing.

Notes: When presenting Pleadings to the Clerk make sure you have at least 4 copies for the Clerk. The Clerk will return the copies to you that the Court does not need.

If a Certificate of Mailing is on any form, a copy of the form should be mailed to the person indicated.

CHECKLIST

- ☐ Plaintiff completes *Complaint, Summons* and *Notice of Automatic Court Orders (Forms 1-3)*. Case Management Date included on *Notice of Automatic Court Orders (Forms 3)*.
- ☐ Above listed documents are filed with the Clerk of Court. Filing Fee Paid.
- ☐ Defendant served with *Complaint, Summons* and *Notice of Automatic Court Orders (Forms 1-3)*. *Return of Service* filed with Court.
- ☐ Ninety (90) day waiting period begins on the Return Date noted on the *Summons (Form 2)* and ends on the Case Management Date noted in the *Notice of Automatic Court Orders (Form 3)*.
- ☐ Defendant completes and files *Appearance (Form 4)*.
- ☐ Parties complete and exchange *Financial Affidavits (Form 5)*.
- ☐ Parties jointly complete *Divorce Agreement (Form 6)*.
- ☐ *Case Management Agreement (Form 7)* completed. Clerk contacted and date for final hearing obtained. Hearing date included on *Case Management Agreement (Form 7)*.
- ☐ *Dissolution of Marriage Report form (Form 8)* completed.
- ☐ *Financial Affidavit, Divorce Agreement, Case Management Agreement, and Dissolution of Marriage Report form (Forms 5-8)* brought to final hearing and submitted to Court.
- ☐ Plaintiff completes and files *Divorce Judgment form (Form 9)* within 30 days of hearing.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

Some forms are locked which means that the content of the forms cannot be changed unless the form is unlocked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes relock the form, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/CT/CT-004-D.htm>

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