



Senate Bill No. 1029

Public Act No. 15-7

AN ACT CONCERNING A NONADVERSARIAL DISSOLUTION OF MARRIAGE.

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

Section 1. (NEW) (*Effective October 1, 2015*) (a) An action for a nonadversarial dissolution of marriage may be commenced by the filing of a joint petition in the judicial district in which one of the parties resides. The joint petition shall be notarized and contain an attestation, under oath, by each party that the conditions set forth in subsection (b) of this section exist.

(b) An action brought pursuant to subsection (a) of this section may proceed if, at the time of the filing of the action, the parties attest, under oath, that the following conditions exist: (1) The marriage has broken down irretrievably; (2) the duration of the marriage does not exceed eight years; (3) neither party to the action is pregnant; (4) no children were born to or adopted by the parties prior to, or during, the marriage; (5) neither party has any interest or title in real property; (6) the total combined fair market value of all property owned by either party, excluding all encumbrances, is less than thirty-five thousand dollars; (7) neither party has a defined benefit pension plan; (8) neither party has a pending petition for relief under the United States Bankruptcy Code; (9) neither party is applying for or receiving benefits

Senate Bill No. 1029

pursuant to Title XIX of the Social Security Act; (10) no other action for dissolution of marriage, civil union, legal separation or annulment is pending in this state or in a foreign jurisdiction; (11) a restraining order, issued pursuant to section 46b-15 of the general statutes, or a protective order, issued pursuant to section 46b-38c of the general statutes, between the parties is not in effect; and (12) the residency provisions of section 46b-44 of the general statutes have been satisfied. After the filing of the joint petition and prior to the court entering a decree of dissolution of marriage pursuant to section 3 of this act, if a change occurs with respect to any of the conditions set forth in this subsection, one or both of the parties shall notify the court forthwith of the changed condition.

(c) In addition to attesting to the conditions enumerated in subsection (b) of this section, any joint petition filed pursuant to subsection (a) of this section shall also state the date and place of marriage and the current residential address for each party.

(d) A joint petition shall be accompanied by financial affidavits completed by each party on a form prescribed by the Office of the Chief Court Administrator, a request for the court to order the restoration of a birth name or former name, if so desired by either party, and a certification attested to by the parties, under oath, that: (1) The parties agree to proceed by consent and waive service of process; (2) neither party is acting under duress or coercion; and (3) each party is waiving any right to a trial, alimony, spousal support or an appeal.

(e) If the parties submit a settlement agreement to the court that they are requesting be incorporated into the decree of dissolution, such settlement agreement shall be filed with the joint petition. Each party shall attest, under oath, that the terms of the settlement agreement are fair and equitable. If the court finds that the settlement agreement is fair and equitable, it shall be incorporated by reference into the decree of the court. If the court cannot determine whether such agreement is

Senate Bill No. 1029

fair and equitable, the matter shall be docketed for the court's review in accordance with the provisions of section 4 of this act.

(f) The provisions of subsection (a) of section 46b-67 of the general statutes, as amended by this act, shall not apply to a nonadversarial dissolution action brought under this section.

Sec. 2. (NEW) (*Effective October 1, 2015*) (a) Any action for a nonadversarial dissolution brought pursuant to section 1 of this act may be revoked by either party by filing a notice of revocation with the clerk of the court at any time prior to the court entering a decree of dissolution. Such notice of revocation shall also be sent by the revoking party to the other party by first-class mail, postage prepaid, at the other party's residential address, as provided on the joint petition. The filing of a notice of revocation with the clerk of the court shall terminate the nonadversarial dissolution action.

(b) In the event that a notice of revocation is filed with the clerk of the court pursuant to subsection (a) of this section, the action shall be placed on the regular family docket of the Superior Court and all provisions of chapter 815j of the general statutes, except for the provisions of subsection (a) of section 46b-45 of the general statutes, shall apply. No new filing fee shall be imposed by the court.

Sec. 3. (NEW) (*Effective October 1, 2015*) (a) All nonadversarial dissolution actions brought pursuant to section 1 of this act shall be assigned a disposition date not less than thirty days after the date on which the parties filed the joint petition.

(b) If a notice of revocation, as provided for in section 2 of this act, has not been filed prior to the disposition date, and the parties have not been notified otherwise, the court may enter a decree of dissolution of marriage on the disposition date, or not later than five days after the disposition date, without a hearing, if it finds that the conditions set

Senate Bill No. 1029

forth in section 1 of this act exist, and that any settlement agreement submitted by the parties is fair and equitable. In the event the court enters a decree of dissolution of marriage, the clerk of the court shall send a notice of the entry of a decree of dissolution of marriage to each of the parties at the residential addresses provided on the joint petition. The decree of dissolution of marriage shall give the parties the status of unmarried persons and they may marry again.

(c) If the court enters a decree dissolving the marriage as provided in subsection (b) of this section, the decree of dissolution of marriage shall constitute a final adjudication of the rights and obligations of the parties with respect to the status of the marriage and the property rights of the parties.

(d) Nothing in this section shall prohibit either party to the dissolution from commencing an action to set aside the final judgment for fraud, duress, accident, mistake or other grounds recognized at law or in equity.

Sec. 4. (NEW) (*Effective October 1, 2015*) (a) If after review of a settlement agreement filed pursuant to subsection (e) of section 1 of this act, the court cannot determine whether such settlement agreement is fair and equitable, the matter shall be docketed on a date not later than thirty days after the assigned disposition date and the court shall command that the parties appear before the court on such date. If the court determines that the settlement agreement is fair and equitable, the court may enter a decree of dissolution of marriage. If the court is unable to make such a determination, the court may order the termination of the nonadversarial dissolution action and order that the matter be placed on the regular family docket of the Superior Court.

(b) If after review of the joint petition, the court does not enter a decree of dissolution of marriage pursuant to subsection (b) of section

Senate Bill No. 1029

3 of this act, the matter shall be docketed on a date not later than thirty days after the assigned disposition date and the court shall command that the parties appear before the court in order for the court to determine if the criteria in section 1 have been met, and whether a decree of dissolution of marriage may enter. If the court does not enter the decree of dissolution of marriage, the court may order the termination of the nonadversarial dissolution action and order that the matter be placed on the regular family docket of the Superior Court.

Sec. 5. Section 46b-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(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 46b-53, the court may proceed on the complaint, or whenever dissolution is claimed under cross complaint, amended complaint or amended cross complaint, the case may be heard and a decree granted thereon after the expiration of the ninety days and twenty days after the cross complaint, amended complaint or amended cross complaint has been filed with the court, provided the requirement of the twenty-day delay shall not apply (1) whenever opposing counsel, having appeared, consents to 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 in this section shall prevent any interlocutory proceedings within the ninety-day period.

(b) If the parties attest, under oath, that they have an agreement as to all terms of the dissolution of marriage or legal separation and wish the court to enter a decree of dissolution of marriage or legal separation prior to the expiration of the time periods set forth in subsection (a) of this section, and file a motion seeking the waiver of

Senate Bill No. 1029

said time periods, the court may waive the provisions of subsection (a) of this section.

[(b)] (c) 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. Neither the ninety-day period specified in this section nor the six-month period referred to in section 46b-53 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.

Approved May 26, 2015