



CONNECTICUT'S EXPEDITED DIVORCE PROCESSES

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EXPEDITED DIVORCE

Beginning October 1, 2015,

1. a new nonadversarial divorce process allows a judge to enter a divorce decree without a hearing for certain divorce actions and
2. parties to a divorce or legal separation action may waive waiting periods for divorce actions that are on the Superior Court's regular family docket ([PA 15-7](#)).

ISSUE

Describe Connecticut's expedited divorce processes.

SUMMARY

[PA 15-7](#), effective October 1, 2015, created two ways in which parties to a divorce in Connecticut may expedite the process.

First, a judge may (1) enter a divorce decree without a hearing for certain nonadversarial divorce actions and (2) incorporate a settlement agreement in the divorce decree if the judge finds it fair and equitable. Under this new process, parties to a marriage may file a notarized joint petition to begin the nonadversarial divorce action if, among other things:

1. they have not been married for more than eight years,
2. they have no children or real property,
3. at least one party is a Connecticut resident,
4. the total combined net fair market value of all property owned by either party is less than \$35,000, and
5. neither party has a defined benefit pension plan.

The second process allows parties to a divorce or legal separation action on the Superior Court's regular family docket to waive waiting periods for such actions if they have an agreement, make certain attestations, and request such a waiver.



NONADVERSARIAL DIVORCE

Under certain conditions, parties to a marriage may begin an action for a nonadversarial divorce by filing a notarized joint petition in the judicial district in which one of the parties resides ([CGS § 46b-44a\(a\)](#)).

Conditions

The action may proceed if, at the time of filing, the parties attest, under oath, that:

1. they have not been married for more than eight years;
2. they did not have or adopt any children before or during the marriage;
3. the marriage has broken down irretrievably;
4. neither party is pregnant;
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 \$35,000;
7. neither party has a defined benefit pension plan;
8. neither party has filed for bankruptcy;
9. neither party is applying for or receiving Medicaid benefits;
10. no other action for dissolution of marriage, civil union, legal separation, or annulment is pending in any jurisdiction;
11. no civil restraining order or protective order between the parties is in effect; and
12. at least one party is a Connecticut resident.

One or both parties must notify the court if any of these conditions changes before the court enters the divorce decree ([CGS § 46b-44a\(b\)](#)).

Other Requirements and Supporting Documents

In addition to attesting to the above conditions, the joint petition must also state the date and place of the marriage and each party's current residential address.

The petition must be accompanied by:

1. financial affidavits completed by each party on a form prescribed by the Chief Court Administrator's Office;

2. a request for the restoration of a birth name or former name, if desired by either party;
3. a certification attested to by the parties, under oath, that (a) they agree to proceed by consent and waive service of process; (b) neither party is acting under duress or coercion; and (c) each party is waiving any right to a trial, alimony, spousal support, or an appeal; and
4. a settlement agreement, if the parties wish to have one incorporated in the divorce decree ([CGS § 46b-44a\(d\) & \(e\)](#)).

Revocation

Either party may revoke a nonadversarial divorce action by filing a notice of revocation with the court clerk before the court enters the divorce decree. The revoking party must notify the other party at the residential address provided on the joint petition, by first-class mail, postage prepaid. The filing of the revocation notice terminates the nonadversarial divorce action.

If a party files a revocation notice, the action must be placed on the Superior Court's regular family docket and the provisions that govern a regular divorce case apply, except for service of process and complaint filing requirements. In such a case, the court may not impose new filing fees ([CGS § 46b-44b](#)).

Decree of Dissolution Without a Hearing

All nonadversarial dissolution actions must be assigned a disposition date at least 30 days after the petition filing date. The required 90-day waiting period under law for divorce actions on the Superior Court's regular family docket does not apply to nonadversarial divorce actions.

If a notice of revocation has not been filed and the parties have not been otherwise notified, the court may enter a divorce decree without a hearing. It may do so on the disposition date, or within five days after the disposition date, if it finds that (1) the required conditions exist and (2) any settlement agreement is fair and equitable (see below). If the court enters a divorce decree without a hearing, the clerk must send a notice to each party at the residential addresses provided on the joint petition.

A divorce decree entered under the nonadversarial process gives the parties the status of unmarried persons who may marry again. The decree is a final adjudication of the parties' rights and obligations with respect to their marriage and property rights.

Either party may initiate an action to set aside the final judgment for fraud, duress, accident, mistake, or other legal or equitable grounds ([CGS § 46b-44c](#)).

Court's Review of the Joint Petition and Supporting Documents

After the court reviews the joint petition, if it does not enter a divorce decree, it must (1) place the matter on the docket for a date within 30 days after the assigned disposition date and (2) require the parties to appear in court for the court to determine whether (a) the conditions and other criteria for a nonadversarial dissolution of marriage have been met and (b) a divorce decree may be entered. If the court does not enter a divorce decree, it may terminate the nonadversarial dissolution action and place the matter on the Superior Court's regular family docket ([CGS § 46b-44d\(b\)](#)).

Settlement Agreement

Parties who wish to have a settlement agreement incorporated in the nonadversarial divorce decree must submit it to the court with the joint petition and attest, under oath, that its terms are fair and equitable. As stated above, if the court finds that the agreement is fair and equitable, the court must incorporate it by reference in the decree ([CGS § 46b-44a\(e\)](#)).

Court Finds Agreement is Not Fair and Equitable on its Face. If the court finds that the agreement is not fair and equitable, it may terminate the nonadversarial divorce action and place the matter on the Superior Court's regular family docket ([CGS § 46b-44d\(a\)](#)).

Court Cannot Make a Determination. If after review the court cannot determine whether the settlement agreement is fair and equitable, it must place the matter on the docket for a date within 30 days after the assigned disposition date and order the parties to appear in court on that date ([CGS §§ 46b-44a\(e\)](#) and [46b-44d\(a\)](#)).

DIVORCE OR LEGAL SEPARATION WAITING PERIOD WAIVER

Another option to expedite a divorce action in Connecticut is the waiver of certain waiting periods. Under [PA 15-7](#), upon the request of the parties and under certain circumstances, the court may waive the waiting periods prescribed under law for divorce or legal separation actions on the Superior Court's regular family docket (see below). The court may do this for parties who:

1. file a motion requesting such a waiver;
2. attest, under oath, that they have an agreement on the terms of the divorce or legal separation; and

3. wish the court to enter a divorce decree or legal separation before the waiting periods expire ([CGS § 46b-67\(b\)](#)).

Parties to a divorce or legal separation actions on the Superior Court's regular family docket must wait 90 days before the court may issue an order, but a longer period may apply if a party requests conciliation, a party fails to attend a requested conciliation, or a cross or amended complaint is filed ([CGS § 46b-67\(a\)](#)).

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