

DIVORCE BASICS IN CONNECTICUT

Connecticut Women's Education & Legal Fund

www.cwealf.org

INTRODUCTION



Divorce can be an emotionally painful, legally complicated, and expensive process. You may be concerned

about money, your children, finding a place to live, the emotional part, the divorce process, and more.

This booklet answers common questions about divorce,* but it is not a substitute for legal advice. Although an attorney may help work out the legal aspects of your divorce, you may also want to seek other help (friends, family, therapists, counselors, other people who have been divorced, support groups, etc.) to work out the personal and emotional issues.

If you cannot afford an attorney, see the Resources section at the back of this booklet.

**The legal term for divorce in Connecticut is "dissolution." We use the word "divorce" in this booklet.*

What are the grounds for divorce?

You do not need to prove you have "grounds" or reasons to get a divorce. Connecticut's no fault divorce laws allow divorce if the marriage has "irretrievably broken down." (Since no one is at fault, no one needs to prove that the other person caused the marriage or civil union to end.)

There are other legal grounds for divorce, but you would have to prove the reason. Examples of other grounds include *adultery, separation of 18 months or more, and intolerable cruelty.*

Again, while you do not have to prove a reason, the court may take the grounds of the divorce into consideration when deciding issues of custody, alimony, child support, and division of property.

What if I want a divorce but my spouse does not?

You can still file a Complaint to start the divorce. Both spouses do not have to agree to divorce, but you may have to attend meetings called "conciliation sessions" during the 90-day waiting period. After the meetings, if you still want a divorce, the court is likely to grant it.

Can my spouse force me to leave my home, sell my things, or move my children out of state?

No. Filing divorce papers starts automatic court orders that protect you, your spouse, and your children. These orders say that both you and your spouse may NOT:

- Force the other spouse to leave the home,
- Sell your property without the other spouse's agreement,
- Go into unreasonable debt, or
- Change medical or life insurance coverage.
- And, if you have children, move your children out of state.

How much will a divorce cost?

To get divorced, you will have to pay these fees, which can change:



- File the papers with the court (\$360)
- Have a state marshal officially deliver (“serve”) the court papers to your spouse (\$50 - \$75)
- Get a certified copy of the judgment (\$25)
- And, if you have children, you have to take a Parenting Education Class (\$125 each).

If you cannot afford to pay the court costs:

Ask the court for a “fee waiver” which lets you file papers without paying the fees.

Do I need a lawyer?

If you and your spouse agree on the basic issues, you might be able to file for divorce on your own. (The legal term for representing yourself is *pro se*.) You may also consider going to a mediator, who can help you and your spouse come to an agreement. (See “*What is Divorce Mediation*” section below.)

You may want to think about getting a lawyer if you have disagreements about child custody or visitation, division of assets or property, or other important issues.

Lawyer fees for a divorce start at \$750 - \$1500 and increase. Some also charge an up-front retainer fee. *Note:* in general, it is very difficult to get your spouse to pay for your lawyer through attorney’s fees. Also, one lawyer generally cannot represent both spouses.

If you cannot afford a lawyer:

Call CWEALF’s Information & Referral (I&R) Line at 800-479-2949 or 860-524-0601. Also see the Resources section at the back of this booklet.

Call 1-800-479-2949

CWEALF’s Information & Referral (I&R) Line

We can refer you to a lawyer in your area who will give you with a free initial consultation.

Some lawyers also offer lower rates for people with low incomes.

If you plan to represent yourself (pro se), we will provide you with additional information, including one-on-one Bilingual Community Advocacy.

Do we have to live in Connecticut to get a divorce here?

To file a divorce in Connecticut, you must fit one of these situations:

- You or your spouse has lived in Connecticut for one year before the divorce. A person may *file* for divorce before living here for a full year, but the divorce won’t be finalized until that one year has passed; OR
- You or your spouse lived in Connecticut while you were married, and one of you returned to the state with the intention of living here permanently; OR
- The reason for the divorce happened after you or your spouse moved to Connecticut.

How long does it take to get a divorce?

When the divorce process is begun by one spouse filing a Complaint, the court assigns a "return date." There is a mandatory 90-day waiting period after the return date. CWEALF's I&R Line staff can explain each step in the process to you.



**MOST DIVORCES
TAKE AT LEAST
6 MONTHS**

Most cases take at least six months to be final.

The length of time depends on:

- How quickly the papers are served on your spouse,
- How quickly the hearing is scheduled after the 90-day waiting period, and
- Whether the divorce is contested. A contested divorce takes much longer to finalize. *(See the next question.)*

Some cases can take less time.

In certain situations, you can get a quicker divorce and skip the 90-day waiting period.

1. In "**non-adversarial**" divorces, where the terms of the divorce are uncontested. Both spouses must meet the following conditions:
 - Be married less than 8 years,
 - Do not have any children together, and neither spouse is pregnant,
 - Do not own a home (any interest or title in real property),
 - Do not have a traditional pension (defined benefit plan),
 - Are not applying for or receiving Medicaid benefits,
 - Have a total property value that is less than \$35,000,
 - Do not have a civil restraining order currently in effect between the spouses.

Questions?

Call CWEALF's I & R Line **1-800-479-2949**

2. If you and your spouse **agree to all terms** of the divorce, including custody and finances, you can file a motion asking the court to waive the 90-day waiting period.

What is the difference between a contested and an uncontested divorce?

In an **uncontested** divorce, both spouses are able to work out and agree on the important issues so there is no need for a trial. Most divorces are settled this way. The issues to work out may include property division, child custody and visitation, child support and alimony. The agreement or settlement is presented to the court, the judge reviews it and grants the divorce.

In a **contested** divorce, the spouses and their lawyers are unable to reach an agreement on all or some of the issues. They must then go to a hearing or trial where the judge makes the final decision. If you are not happy with what the judge decides, there is usually very little that you can do about it. Contested divorces take longer and are more expensive.

What if I need financial support during the divorce waiting period?

You can apply for temporary orders (called "pendente lite") after the initial papers (the Complaint) have been filed. You can ask the court for

- Temporary custody,
- Child support,
- Alimony,
- Visitation,
- Exclusive use of the family home,
- Attorney fees, and
- Any other relief you



need. The court will usually schedule a hearing after this kind of motion is made.

What is an annulment?

There are two types of annulments – *legal* and *religious*.

A **legal** annulment is a court order that says the marriage is illegal or invalid—that it was not legal in the first place. (For example, one of you was already married.) You would probably need to have a lawyer help you with an annulment. These are rare in Connecticut.

A **religious** annulment is different. Your faith may have an annulment process that gives religious permission to end a marriage. You would still be *legally* married so you would have to get a divorce or legal annulment before remarrying.

What is the difference between legal separation and a divorce?

A legal separation is also a court order and follows the same legal process as a divorce. You must agree on the major issues (property, custody, support, etc.) just as in a divorce. However, at the end of a legal separation, you are still legally married, but one spouse can ask the court to convert the separation into a divorce—without the agreement of the other spouse.

*If you are simply living apart –no matter how long it's been—you are **not** legally separated. **You do not have court orders that protect you.** (See p. 1 "Can my spouse..")*

Legal separation has little value and usually only happens when there are religious

prohibitions on divorce or other concerns like insurance or retirement benefits.

If you are simply living apart, you are not legally separated, no matter how long it has been.

Important: Unless you are **legally separated**, you do NOT have the benefits of any court orders regarding property, children, or support. To make the separation legal, you must file papers with the court.

What is divorce mediation?

In mediation, a person called a mediator helps you and your spouse reach an agreement about the issues in your divorce. The mediator does not make any decisions or judgments. The process works best when both you and your spouse are able to sit in the same room and talk to each other. Divorce mediators may be counselors or attorneys, or a team of both.



Keep in mind that mediators do not represent you and you don't have to sign anything that you do not agree to.

To find divorce mediation help, call the CWEALF I&R Line.

Can I change my name?

Yes. You have the right to decide whether you want to use your maiden or married name. The easiest way to change your name is to make it part of the divorce agreement. If you don't change it at that time, you can still change it later by filling out a court form.

Can I change my children's names?

Yes, but it must be done in Probate Court – not divorce court.

Does Connecticut have common law marriage?

No, Connecticut does not recognize common law marriage. Even if you have lived with someone for many years, you are not legally married.

If you have children together, you will have to decide custody, visitation, and child support. While some couples work these issues out on their own, you may want to get official court orders. See *CWEALF's "Divorce and Children" booklet for more information.*

If you have property together, you may have issues to work out. See *CWEALF's "Divorce and Money Matters" booklet for more information.*

In these situations, you may want to talk with a lawyer.

RESOURCES

LEGAL ASSISTANCE

CT Women's Education and Legal Fund

Information & Referral (I&R) Line

1-800-479-2949

860-524-0601 www.cwealf.org

Walk-in Hours at Hartford Public Library
Tuesdays, 4-6pm

Statewide Legal Services

(information and referrals to free legal aid)

1-800-453-3320

860-344-0380

www.ctlawhelp.org

Children's Law Center

(provides legal advocates to children in very contested family court cases)

1-888-529-3667

www.clcct.org

GLAD (Gay & Lesbian Advocates & Defenders)

1-800-455-GLAD (4523)

617-426-1350

www.gladanswers.org

CHILD SUPPORT

CT State Government Agencies

Judicial Branch:

Support Enforcement Services (SES)

www.jud.ct.gov/childsupport

Child Support Call Center: 1-800-228-5437

Executive Branch:

Department of Social Services (DSS)

www.ct.gov/dss/childsupport (for local offices)

DOMESTIC VIOLENCE

Domestic Violence Programs in CT

24-Hour Statewide Hotline: 1-888-774-2900

(Emergency shelter, crisis intervention, information, and referral services)

FAMILY RELATIONS - SUPERIOR COURT

For a list of Family Relations Offices, addresses, and phone numbers throughout the state, visit:
www.jud.ct.gov/directory/directory/family.htm