

DIVORCE PROCEDURES

How does the procedure start?

The first step in a divorce is filing, with the appropriate court, a properly executed complaint that has been served on the defendant. In order to file the divorce action in Connecticut, one of the parties must have been a citizen of the State of Connecticut for at least a year. The complaint must allege the date and location of the marriage, the names and ages of the minor children of the marriage or that no minor children exist of the marriage, the fact that at least one of the parties has been a resident of the State of Connecticut for at least one year, whether either party has ever received aid from the State of Connecticut, that the marriage has broken down irretrievably, and that the Plaintiff requests a dissolution of the marriage and alimony, custody, and child support as the case may be.

No-fault divorce

Connecticut is a no-fault divorce state. This means that one party merely needs to state that the marriage has “irretrievably broken down.”

How long does the process take to obtain a divorce?

Connecticut does not offer the “quickie divorce.” The time period involved is completely dependent upon the number of contested issues between the parties. If the parties are in complete agreement on all issues, then the divorce is classified as “uncontested” and can be completed in about three or four months. However, if the parties do not agree on many issues, it can be as long as a couple of years before the court may resolve all of the issues involved.

How is alimony determined?

In Connecticut, the Court may award alimony to either party. In deciding an award of alimony, the Court will consider the following factors:

- The length of the marriage. Typically, alimony is awarded for one-half of the length of the marriage. For example, if it was a ten-year marriage, alimony will be likely awarded for five years.
- The occupation and income of each party. The Court generally does not look at personal expenditures, but will examine medical or other necessary expenditures.
- The vocational skills and earning potential of each party.
- The age and health of each party.
- The desirability of a custodial parent obtaining employment.

The cause of the dissolution may have a minimal effect upon the award; i.e. an affair. The alimony payor’s wages may be garnished.

How is child custody determined?

According to the state law, it is the Court’s responsibility to assess, “the best interest of the minor child, giving consideration to the wishes of the child if the child is of sufficient age and capable of form an intelligent preference...” This is a fact based decision. In Connecticut, there is a presumption that “joint physical custody” is in the best interests of the children.

How is child support determined?

Connecticut has enacted child support guidelines that assist the Court in determining the appropriate amount of child support. The guidelines are based upon an income shares model.

Can alimony, child custody and child support be changed?

Yes. They may be modified upon the filing of a motion with the Court. The Court will re-examine the factors as they did in the original action.

Will my name be changed backed to my maiden name after the divorce is finished?

If requested by the female party, the Court will change it back. If an ex-spouse wants to keep the married name, she's allowed to keep it.

Divorce effects on estate planning

After a divorce, the parties need to rethink their estate plans and will likely have to execute new wills. Generally, a will executed during the marriage will have the gifts to the ex-spouse or the appointments of the ex-spouse as trustee or other fiduciary invalidated when it is entered into probate after the divorce. Since most wills executed during a marriage will also name the then-spouse as the person who should care for the children, it is important to rethink who will serve in this capacity after the divorce. Therefore, after a divorce, both ex-spouses should rethink their estate plans and execute new wills and living wills. Generally, it is advisable to have new wills drawn up as soon as the divorce is finalized.

Same-sex Civil Union Dissolutions

Connecticut has allowed civil unions since 2005. Civil union dissolutions are treated exactly the same as divorces under Connecticut law.