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Divorce in Connecticut

Can I get divorced?

You have the absolute right to be divorced in the State of Connecticut. You do not need to prove a reason (or fault) for the breakdown of the marriage. You do not have to be able to afford the court entry fees - if you qualify to have the fees waived, the court may waive any applicable fees and costs. You can get a booklet from the court clerk on how to divorce yourself, or you may find a free (pro bono) attorney.

If one spouse files for divorce and the other spouse wants to attempt to reconcile, the court will automatically grant a motion for conciliation status. This orders the couple to attend at least three sessions with an approved counselor or mediator to try and reconcile their differences, rather than go through with the divorce. If conciliation works and both parties agree to stay married, the divorce can be withdrawn. If the conciliation efforts do not work, the divorce goes forward.

How long does a Divorce take?

At least: four months; at most: years and years. The party who initiates a divorce (the Plaintiff) writes a complaint, which a state marshal delivers to the defendant, and then the papers are returned to court. From the date of drafting the complaint to the return date is about one month. From the return date, there is a statutory waiting period of 3 months before you can be granted a hearing date. Couples who resolve all of their potentially contested areas within the 3 month period appear before a judge, enter their agreement on the record, and are single and unmarried as of that date.

The longer it takes for a couple to resolve their issues, the longer it takes to get divorced. If the couple cannot reach an agreement on all or any matters, the open matters can be heard by a magistrate, an attorney trial referee, and eventually, a judge. There are many shades of gray and interim steps between a 120 day divorce and a full-blown trial.

What happens during the waiting period?

We follow the automatic orders - which are served on you at the time of the divorce and are an enforceable order of the court (link?). We find out how much money each party has, through a process called discovery, we negotiate the items on which the parties can agree, and we narrow down the issues on which the parties do not agree. At the end of the 90 day waiting

period, we have an obligation to report our status to the court: are you ready for an uncontested divorce? If your divorce is still being contested, what is in dispute? Money? Or children? The Judge will then keep us on a tight schedule to make sure we keep narrowing our issues on our way to trial. (With the ultimate hope that we avoid a trial.)

What is the difference between divorce and legal separation?

Divorce is designed to be permanent. Legal separation is designed to be a temporary solution, while the parties decide what they want to do next.

If you are divorced you have the right to re-marry; and you no longer collect spousal benefits whether through the spouse's employment benefits, or counting years of marriage for social security, or health insurance through the spouse's employer (except for COBRA).

If you are separated you are still legally married. The legal separation usually entails an agreement, written between the parties and entered on the record as an enforceable court order, that the parties will live separate and apart and pay any maintenance, child support, or other sums to which the parties agree, and keep each other informed of their whereabouts. A separation can be turned into a divorce in a simple procedure before a judge. A separation can be revoked between the parties and withdrawn from court if the parties decide to reconcile. There is no need to remarry if you reconcile with someone from whom you were separated.

What are the questions we will have to resolve (either by agreement or by trial) in order to be divorced?

Each situation is different. The following list is a general overview; obviously people without minor children should ignore the topics which apply to children, for example.

Custody, visitation, child support, health insurance, life insurance, college education, relocation, personal property division, real property division, automobiles, alimony, debts, and income taxes.

Am I eligible to collect alimony?

There is no set formula for who gets alimony and who does not.

Alimony, or spousal support, is designed to help both parties get back on their feet in a reasonable amount of time. There is a list of criteria a judge will consider when determining alimony, it includes: the age, health, station, occupation and earning capacity of each party; the amount and sources of income of the parties, the vocational skills and employability of the parties, the length of the marriage, and the causes of the breakdown of the marriage.

These are not all weighted equally, and the Judge's discretion is involved.

So, a five year marriage in which both parties earned approximately the same amount of money, contributed equally to the household, and incurred debts together is probably not an alimony case. A 10 year marriage in which one spouse reared children and cooked meals while the other worked outside the home would probably mean that the stay at home spouse would be entitled to

5 years alimony - long enough to get back into the work force. A 30 year marriage in which one party has all of the education, all of the debts, and all of the control over the family's assets may be a lifetime alimony situation.

Who will get custody of the minor children?

The old image that the mother always gets custody and children see their fathers alternate weekends, at Disneyland, and an occasional Christmas is pretty much over.

The current trend in family law is to thoroughly investigate and respect the best interest of the minor children. Children should continue to see their parents with as close to the same regularity during and after a divorce as they did before the divorce was begun. There are many ways to accomplish this.

Bird Nesting is when the children remain in the marital home and the parents take turns living there with the children. Mom & Dad each have another home to go to when it is not their turn with the children. Mom may live there Sunday afternoon through Wednesday evening, then Dad moves in until Sunday morning.

In shared custody arrangements, the children live about one-half of the week with each parent. Monday morning they may wake up at Dad's, go to school, come home to Dad's, and so on, until they leave school Thursday and get off the bus over at Mom's house, instead.

There are also more traditional arrangements, in which the primary care giver continues to have sole physical custody, and the non-custodial spouse has the privilege of visitation on a regular basis: dinner one night per week, alternate weekend, school holidays, etc.

Any of these arrangements succeed or fail based on the parents and not the children. The children of parents who respect each other in front of the children, respect their children's needs, and communicate openly about who is seeing the children and when, where, and how, are more likely to accept and adapt to their new living arrangement.

For more on this topic, read:

Mom's House, Dad's House Making Two Homes for Your Child by Isolina Ricci, Ph.D.

Fighting for Your Children A Father's Guide to Custody by Richard Kent

List of resources from the State of Oregon: <http://www.schermediate.com/more.html>

How do we determine child support?

The state of Connecticut has put together a simple-to-follow instruction book, set of guidelines, and worksheet. Unless there is a reason for you to deviate from the guidelines, just follow the instructions at this link. http://www.supportguidelines.com/glines/ct_bklt.html