

DIVORCE PROCEDURES

For Litigants **Without** Minor Children

1. If you want to begin the divorce process, go to the Clerk's Office at your local Family Court or log onto our website at www.vermontjudiciary.org. Ask for:

- Information pamphlets about the divorce process, and if you are planning not to have a lawyer, the information on how to be your own lawyer (represent yourself).
- Forms needed to file for divorce.
- Information on the court's Divorce Orientation Program.
- Information on the court's Workshops to assist people to file for divorce.

2. Attend the *Pro Se* Education Program. Ask the Clerk's Office about the next scheduled program.

3. Fill out these Forms:

- Cover Sheet (Form #800)
- Summons, Complaint for Divorce and Notice of Appearance (Form #835)
- Confidential sheet
- Health Department Vermont Record of Divorce or Annulment.
- NOTE: You may choose to fill out a separate Notice Of Appearance (Form #831), Summons (Form #832) and Complaint For Divorce (Form #833) instead of the combined Form #835.

4.

- a. Mail or hand deliver the forms listed above to the court, along with a \$250.00 check payable to the Vermont Family Court, plus any applicable fee for mailing or service. If you do not have enough money to pay the fee, you may file an Application to waive the fees (to proceed In Forma Pauperis Form #228). (Ask the Court Clerk for details.)
- b. If you and your spouse are in full agreement with the conditions of your divorce, it may be possible for your filing fee to be reduced. If the following documents are fully completed, if the terms of the final divorce are mutually agreed upon by both you and your spouse, and if the court finds the documents that you file acceptable, the filing fee will be \$75.00:

- Cover sheet (Form#800)
- Summons, Complaint for Divorce and Notice of Appearance (Form #835) for both parties
- Health Department Vermont Record of Divorce or Annulment
- Affidavit of Income and Assets (Form #813)
- Final Divorce Stipulation
- Proposed Final Order (to include property)

7. Serve the Summons and Complaint on your spouse (see #25 Serving the Divorce Papers). Make sure that the court receives proof that the documents have been served on your spouse.
8. Attempt to reach a final agreement with your spouse on issues that are important to you, such as property division and spousal support. You and your spouse may wish to ask a mediator to help you to reach agreement. (See #2 Divorce in Vermont.) The court may have a case manager to assist you.
9. If you cannot make final agreements with your spouse, attempt to make temporary agreements such as who will have temporary use and possession of property and whether one of you must pay temporary spousal support. If you cannot reach agreement on the temporary issues and need a court order, write to the court clerk and request the court to set a date for a Temporary Hearing. (If the Defendant spouse has not filed an Answer to the Divorce Complaint or has not filed an Appearance in the court, you must serve the Notice of Hearing on your spouse. (See #25 Serving the Divorce Papers for how to serve).
10. If you have requested a Temporary Hearing because you cannot reach an agreement and you need a court order, a hearing will be held in which the Judge will, in many cases, first attempt to help you reach an agreement. If agreement cannot be reached, the Judge will decide the temporary issues and sign a Temporary Order.
11. Receive the Temporary Order and do what the Temporary Order says.
12. If you reach a final agreement and mail or hand deliver the stipulation to the court, the court will notify you of the date and time of your "uncontested divorce hearing." Prepare for the hearing (see #30 The Uncontested Final Hearing) and then go to the courthouse at the scheduled time. The Judge will hold a hearing and sign an Order which, in many cases will be the same as your agreement.
13. If you do not deliver a final written stipulation to the court, the court will notify you of a date for a status conference by telephone or at the courthouse. At this conference, the court may ask you and your spouse:
 - a. What issues are in disagreement and how can agreements be reached?
 - b. What additional information do you need before you are ready to reach agreement?
 - c. When will you be ready for a hearing to decide the contested issues?
14. If you and your spouse cannot reach agreement on all issues, the court will notify you of a date for a final hearing. Prepare for the hearing and go to the courthouse at the scheduled time. The judge will decide the case immediately after the hearing or take the case under advisement and give you a written decision. The Judge will sign an Order.
15. Receive the Final Divorce Order and do what the Order says. The Order can only be changed or modified by the Judge. The divorce becomes final at the completion of a waiting period called a *nisi* period, which is three months unless the court makes it shorter.

**You can obtain helpful information, as well as court forms at:
www.VermontJudiciary.org.**