

HOW TO FILL OUT THE PAPERWORK REQUIRED TO START A DIVORCE

The Forms you will need if you and your spouse do not have any minor children:

1. Cover Sheet (Form 800)
2. Summons, Complaint for Divorce and Notice of Appearance (Form 835)
3. Health Department Vermont Record of Divorce or Annulment.
4. Affidavit of Military Service.
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.

The Forms you will need if you and your spouse have minor children:

1. Cover Sheet (Form 800)
2. Summons, Complaint for Divorce, Notice of Appearance and Affidavit of Child Custody (Form 836)
3. Affidavit of Income and Assets (Form 813)
4. Child Support Order, page 1 only (Form 802)
5. Health Department Vermont Record of Divorce or Annulment
6. NOTE: You may choose to fill out a separate Notice Of Appearance [Form 831], Summons [Form 832], Complaint For Divorce [Form 833] and Affidavit Of Child Custody [Form 834] instead of the Combined Form 836.

How To Fill Out All These Forms: There are forms on the Court's website: www.vermontjudiciary.org

1. Cover Sheet (Form 800)

- At the top of the page, you should fill in the county where you will be filing your divorce complaint. The Court will fill in the box labeled "docket number" which is your case number and should be on all documents that are later filed with the court. In the next lines, you should fill in your name and address in the boxes so labeled. If your mailing address is different from your actual home address, please note **both** of them on the form.
- In the boxes labeled "The Other Party's Name" and address, you should fill in the name and address of your spouse. Again, note if there are two addresses.
- In the next box, you will need to write down your day and night telephone numbers, and your spouse's day and night telephone numbers.
- Paragraph 1(A): You must check off whether this is a brand new case, or whether you or your spouse have already filed a divorce or other case before. If there is a Human Service Board Order you should attach a copy.
- Paragraph 1(B): In this paragraph, you must tell the court which type of case you are filing. If it is a divorce case, check the box next to the word "Divorce", if it is a legal separation check "Legal Separation" etc.
- Paragraph 1(C): Check off whether you have minor children.

- Paragraph 1(D): Check off whether or not you and your spouse have disputes over Parental Rights and Responsibilities.
- Paragraph 2(A): Here you must check off whether you or your spouse receive, or would like to receive, any help from the Office of Child Support.
- Paragraph 2(B): Here you should check off whether you or your spouse receive benefits from RUFA or other welfare, or any other public assistance such as fuel assistance or food stamps, through the Department of Social Welfare, or if you have in the past.
- Paragraph 3: Here you have to write down whether you have ever received a child support order before, or a relief from abuse order, guardianship or adoption order regarding your children. If you have, you **must** write in the boxes the date of the order and the dates it was modified, the name and location of the court that issued the order, and the docket number.
- Paragraph 4: Action Requested: Here you must check off all issues that may come up in your divorce case. For instance, if you need child support or spousal support, you must check off the boxes to "establish child support" and to "establish spousal maintenance." Please see #7 Child Support and #9 Spousal Maintenance (Alimony). If there are children involved, you must check off the appropriate boxes regarding parental rights and responsibilities and parent-child contact. Please see #4 Parental Rights and Responsibilities.
- Service of Process: In order to start the divorce, your spouse must be "served" with your divorce papers. In paragraph 5, you must check off which way you would like your spouse to be served. Please see #25 Serving the Divorce Papers.
In this paragraph, you must also indicate in the box how much money you are paying for your filing and service fees. The fee for filing is \$250.00. The fee for service depends on the type of service and is additional.
- Paragraph 6: If you would like help from the Office of Child Support you should check off here. Please see #7 Child Support for what type of service is provided.

2. Summons (Form 832)

- NOTE: For your convenience the Summons, Complaint For Divorce, Notice Of Appearance and Affidavit Of Child Custody have all been combined in one form (#836) or you can fill out each form separately.
- At the top, in the box labeled "County," fill in the name of the County where you are filing your divorce. The court clerk will fill in the box labeled "docket number."
- In the box labeled "Plaintiff Name and Address," you must fill in your name and address. In the box labeled "Defendant Name" and "Address," you must fill in your spouse's name and address.
NOTE: The designation as plaintiff and defendant will not change. Even if you, as a plaintiff, later have to respond to something the defendant brings before the Court, you will still be the plaintiff.
- If you have an attorney, you must fill in the name of your attorney in the box labeled "Name of Plaintiff's Attorney." You should also put your attorney's address in the box labeled "Address." If you do not have an attorney, check off the little box next to the words "the Plaintiff," and fill in your address in the box labeled "Address."
- In the box entitled "Name and Address of the Court" write the name and address of the court in which you are filing the divorce.
- **The Summons must be signed by the Court Clerk if you are representing yourself.**

3. Complaint for Divorce (Form 833)

- At the top, in the box labeled "County," fill in the name of the County where you are filing for divorce. The court clerk will fill in the box labeled "docket number."
- In the box labeled "Plaintiff's Name," fill in your name. In the box labeled "Defendant's Name," fill in the name of your spouse.
- In paragraph 1(a), fill in the name of the town where you live, the County, and the State.
- In paragraph 1(b), fill in the date when you started living in Vermont.
- In paragraph 2(a), state the town, county, and state where your spouse resides.
- In paragraph 2(b), state the date your spouse started living in Vermont.
- In paragraph 3, give the date and the place (including state) where you and your spouse were married.
- In paragraph 4, list the name and date of birth of all minor children of you and your spouse.
- In paragraph 5, give a general description of all of the property you own, or your spouse owns, or you own together. You do not need to be specific in this list. For instance, you can write down that you and your spouse own "a house, two cars, miscellaneous household furnishings, and a pension plan."
- In paragraph 6, you have to indicate whether you have ever filed for divorce, annulment, relief from abuse or separate support before. If you have, you must write down the docket number and the name of the case, and the court in which it was filed. In addition, you have to attach a copy of the complaint that was filed in that earlier case and a copy of the court's docket entries.
- In paragraph 7, you have to indicate when you and your spouse separated. If you have not separated yet, leave this space blank.
- In paragraph 8, you have to check off whether you or your spouse is receiving, or has received, any welfare, ANFC, food stamps, fuel assistance, or any other public assistance from the Department of Social Welfare.
- In the next section of the complaint, entitled "plaintiff requests the following relief," you must put a check mark next to all of the numbers that apply to your case. For instance, if you have minor children, you must check the line next to the letter "2," and in the blank in that sentence, write your name if you want to have legal rights and responsibilities for the children. You should do the same for each of the other paragraphs (paragraphs 1 through 10).

4. Notice of Appearance (Form 831)

- If you will not have a lawyer representing you, you must file this form. You are the plaintiff, so you should fill in your name on the blank line next to plaintiff. Your spouse is the defendant, so you should fill in your spouse's name in the blank line. The court clerk will give you the docket number.
- You should fill in your address, zip code, and telephone number.
- You should fill in the date when you are signing the document. You should then sign the form.
- NOTE: It is your responsibility to notify the Court in writing if you change your address or telephone number.

5. Affidavit of Child Custody (Form 834)

- Fill in the name of the county where you are filing for divorce. You can leave the box labeled "docket number" blank; the court will fill that in.
- You should put your name in the "plaintiff" box and your spouse's name in the "defendant" box.
- You should fill out the names of all minor children of you and your spouse.

- In paragraph 2, you must list whether the children have been living with you, and the addresses where they have lived in the last five years, and the names with whom they have been living during that period.
- In paragraph II (A) and II (B) you must check off whether there have been any other court cases involving your children, whether in Vermont or in any other state. If there have been, you must write down what those court cases were (docket number and name of the court).
- In paragraph II (C), you must check whether someone other than yourself or your spouse has the physical custody of your children. Use another page to explain.
- After you have filled in everything on these forms (this form), you must sign and date the form, and then have it notarized. The court clerk can notarize your signature.

6. Health Department – Vermont Record of Divorce or Annulment

- Here you must fill in all of the boxes from 1 through 14(b). You do not have
- to fill in box numbers 15 through 22; the court will fill those in. Most of the boxes are easy to understand. In box number 13, you should indicate whether you, the "petitioner," are the husband or wife in the divorce. In paragraph 14(a) you should indicate whether you have an attorney or not.
- At the bottom of the form, you must fill out the "confidential information" section (box numbers 23A through 26B).

7. Affidavit of Income and Assets (Form 813) (This is a separate form, #24, [How to fill out the 813 Affidavit of Income and Assets](#))

- NOTE: You may request assistance from the Office of Child Support to help you with this form and with questions regarding child support. Ask the Family Court Clerk where you can receive assistance.

8. Child Support Order (Form 802)

- You must fill out the first page of this Form 802. The "plaintiff" is the person who filed for divorce and the "defendant" is the spouse of the person who filed for divorce.
- The "obligor" is the person who has to pay child support; you must fill in all of the boxes regarding the obligor's name, address, telephone numbers and social security number as well as employers.
- The "obligee" is the person who is entitled to receive child support. Again, you must fill in all the boxes relating to the obligee's name, address, telephone numbers, social security number and employers.
- Finally, you must list the names, date of birth, grade in school, and social security number for all children connected to this child support order. You should also list at the bottom of page one if any children do not live with the obligee.

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