

THE UNCONTESTED FINAL HEARING

What You Need to Prepare Before the Uncontested Final Hearing:

- If at any time in your divorce, after the time requirement for your divorce has been met, and if you and your spouse are able to reach an agreement on **all** matters, the court will schedule an uncontested final hearing. An uncontested final hearing usually takes only a few minutes of time to complete.
 - **Uncontested Hearings Without Children:**
 - Before the court will schedule an uncontested final hearing, you and your spouse must agree on the following matters:
 1. How you will divide your property;
 2. How you will split your debts; and
 3. How much spousal maintenance, if any, will be paid.
 - If you and your spouse are able to agree on all of these matters, you should write your agreement down on paper, and sign this document. This written agreement is called a **Final Stipulation**; the clerk's office has a form to help you write this agreement.
 - **Uncontested Hearings with Children:**
 - If you have children, you must **also** agree on the following issues:
 1. Who will make decisions regarding the children;
 2. Where the children will reside primarily;
 3. How much time the children will spend with the other parent;
 4. Whether the parenting arrangement has changed since the temporary order for child support, or either parent's income has changed, and if so how much child support should be paid under the child support guidelines;

If you and your spouse are able to agree on all of these matters, you should write your agreement down on paper, and sign this document. This written agreement is called a **Final Stipulation**; the clerk's office has a form to help you write this agreement.

Before the court can schedule a final uncontested hearing, you and your spouse must also review your child support calculations, to make sure the child support payment is still accurate. If your child support amount should be changed (because one of you got a raise, or left your job, or your parenting arrangement has changed), then you should both fill out the following three forms:

- 1 A new, completed child support Affidavit of Income and Expenses (ask the clerk for a Form 813) (you only have to fill this form out if your income has changed since the last time you filled one out);
- 2 A child support worksheet (Form 131); and
- 3 A child support order (Form 802), with only the 1st page filled out.

On the day of your uncontested final hearing, if the child support needs to be changed from the existing order, the court will need the completed Form 813 (along with their attached schedules C and E if they apply), Form 131 and Form 802. In addition, you both will need to bring the following items to court:

1. Copies of your four most recent pay stubs, or if self-employed your business ledger of income and expenses;

2. The written, signed Final Stipulation

You also need to exchange tax returns, if you filed separately.

The Final Hearing:

- If you are the Plaintiff in the divorce, that is, the person who originally filed the divorce complaint/petition, you will have to testify in front of the judge at the final uncontested hearing. At the hearing you have to be able to show the judge that you or your spouse have lived in Vermont for one year, and that one of you lived in the county when you filed your divorce, and that you and your spouse have lived separate and apart for at least six months and that there is no possibility that you will get back together again.
- Specifically, you will have to tell the judge the following:
 1. Where you and your spouse are living;
 2. How long you have lived there;
 3. Where you were living at the time you filed the divorce;
 4. How long you have lived in Vermont;
 5. When you and your spouse were married, and where;
 6. Whether you and your spouse have lived separate and apart for six consecutive months;
 7. Whether there is any chance that you and your spouse will get back together as husband and wife; and
 8. Whether you signed the Final Stipulation freely and voluntarily and whether you believe that what you have agreed on is fair to both of you.
- If you have children, and you are asking the court to give you and your spouse shared parental rights and responsibilities for your children, you also need to tell the judge how the two of you have been able to communicate with each other regarding the children since you separated.

If all of these questions are answered to the court's satisfaction, the court will enter a divorce order.

The Final Divorce:

- The divorce will not become final and official until the nisi period has ended. The nisi period usually is three months long, and gives both parties a chance to change their minds about the divorce. Sometimes the judge will shorten the nisi period, but only if you or your spouse ask the judge to do this. You may ask the judge to shorten the nisi period so that you can get remarried, or so that you can file taxes as a single person at the end of the year.
- Usually, the court will sign a Final Order on the day of the final uncontested hearing. Both you and your spouse must then sign an Acceptance of Service of this Final Order. The clerk's office has Acceptance of Service forms, and you should both sign the form and give it to the clerk before you leave court that day. If your spouse does not sign the Acceptance of Service in court, or if your spouse does not come to court on the day of the final uncontested hearing, you will have to serve your spouse with the Final Order. To do this, you should follow the orders.

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