



**Substitute House Bill No. 5211**

**Public Act No. 18-14**

**AN ACT CONCERNING JUDICIAL PROCEDURES RELATING TO INITIATION OF AN ACTION FOR DISSOLUTION OF MARRIAGE, DISSOLUTION OF CIVIL UNION OR LEGAL SEPARATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46b-45 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) A proceeding for an annulment, a dissolution of [a] marriage or civil union or a legal separation shall be commenced by the service and filing of a complaint as in all other civil actions in the Superior Court for the judicial district in which one of the parties resides. The plaintiff shall cause to be served with the complaint a blank appearance form, in such form as the Chief Court Administrator prescribes. The complaint may also be made by the Attorney General in a proceeding for annulment of a void marriage. The complaint shall be served on the other party.

(b) Any person entitled to service of process of a summons and complaint that commences an action for an annulment, a dissolution of marriage, a dissolution of civil union or a legal separation may waive such service by (1) executing a written waiver of service on a form

**Substitute House Bill No. 5211**

prescribed by the Office of the Chief Court Administrator, and (2) filing an appearance with the court. Upon filing of both the waiver of service and the appearance of the person waiving such service, the action shall proceed as consistent with the provisions of this chapter.

(c) If any party is an inmate who is (1) committed to the custody of the Commissioner of Correction, and (2) a patient in a hospital for psychiatric disabilities, a copy of the complaint shall be served on the Commissioner of Administrative Services personally or by registered or certified mail. If any party is confined in an institution in any other state, a copy shall be so served on the superintendent of the institution in which the party is confined.

Sec. 2. Section 46b-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) Following the expiration of ninety days after the day on which a complaint for dissolution or legal separation is made returnable, or after the expiration of six months, where proceedings have been stayed under section 46b-53, the court may proceed on the complaint, or whenever dissolution is claimed under cross complaint, amended complaint or amended cross complaint, the case may be heard and a decree granted thereon after the expiration of the ninety days and twenty days after the cross complaint, amended complaint or amended cross complaint has been filed with the court, provided the requirement of the twenty-day delay shall not apply (1) whenever opposing counsel, having appeared, consents to the cross complaint, amended complaint or amended cross complaint, or (2) where the defendant has not appeared and the amendment does not set forth either a cause of action or a claim for relief not in the original complaint. Nothing in this section shall prevent any interlocutory proceedings within the ninety-day period.

(b) If the parties attest, under oath, that they have an agreement as

**Substitute House Bill No. 5211**

to all terms of the dissolution of marriage or civil union or of the legal separation and wish the court to enter a decree of dissolution of marriage or civil union or of legal separation prior to the expiration of the time periods set forth in subsection (a) of this section, and file a motion seeking the waiver of said time periods, the court may waive the provisions of subsection (a) of this section.

(c) (1) If the defendant has not appeared, the plaintiff may file a motion, no sooner than thirty days after the day on which the complaint for dissolution of marriage or civil union or for legal separation is made returnable, seeking a waiver of the time periods set forth in subsection (a) of this section. The plaintiff shall file such motion on a form prescribed by the Chief Court Administrator. Such motion shall include an affidavit in which the plaintiff shall attest, under oath (A) the manner in which service was made on the defendant, pursuant to section 46b-45, as amended by this act, and, if such service was abode service, (i) that the address at which service was made is the usual place of abode of the defendant, (ii) that the defendant was not known by the plaintiff to be residing, whether permanently or temporarily, at any other address at the time service was made, and (iii) the most recent date on which the plaintiff had personal knowledge that the defendant resided at the address at which service was made; (B) whether there were children born to or adopted by the parties prior to, or during, the marriage or civil union, and whether either party is pregnant; (C) whether there exists a restraining order, issued pursuant to section 46b-15, or a protective order, issued pursuant to section 46b-38c, between the parties that is in effect; (D) whether the plaintiff is requesting alimony or spousal support; and (E) whether the parties have any jointly owned property or jointly held debt.

(2) Except as provided in subdivision (3) of this subsection, the motion by the plaintiff filed pursuant to subdivision (1) of this

***Substitute House Bill No. 5211***

subsection shall be docketed for a hearing. At such hearing, the court, in its discretion, may grant the motion to waive the time periods set forth in subsection (a) of this section and may further enter a decree of dissolution of marriage or civil union or of legal separation at such hearing, provided all other applicable requirements of this chapter are met.

(3) If the court finds that (A) the plaintiff has properly effectuated service upon the defendant, either personally or by abode, and, if by abode, has attested (i) that the address at which the defendant was served is the usual place of abode of the defendant, (ii) that the defendant was not known by the plaintiff to be residing, whether permanently or temporarily, at any other address at the time service was made, and (iii) to the most recent date on which the plaintiff had personal knowledge that the defendant resided at the address at which service was made; (B) there were no children born to or adopted by the parties prior to, or during, the marriage or civil union, and that neither party is pregnant; (C) there does not exist a restraining order, issued pursuant to section 46b-15, or a protective order, issued pursuant to section 46b-38c, between the parties that is in effect; (D) the plaintiff is not requesting alimony or spousal support; and (E) the parties do not have any jointly owned property or jointly held debt, and the plaintiff has filed with the clerk of the court a completed financial affidavit, the court may, in its discretion, grant the motion to waive the time periods set forth in subsection (a) of this section without a hearing. The court may further enter a decree of dissolution of marriage or civil union or of legal separation without a hearing, provided the court shall not enter any order other than a dissolution of marriage or civil union or a legal separation, and, if the plaintiff requests, an order restoring his or her birth name or former name, without a hearing. If the court determines that any of the conditions of this subdivision have not been met, the matter shall be docketed for a hearing pursuant to subdivision (2) of this subsection.

**Substitute House Bill No. 5211**

[(c)] (d) A decree of annulment or dissolution shall give the parties the status of unmarried persons and they may marry again. A decree of legal separation shall have the effect of a decree dissolving the marriage except that neither party shall be free to marry. Neither the ninety-day period specified in this section nor the six-month period referred to in section 46b-53 shall apply in actions for annulment and the court may proceed on any cause of action for annulment in the manner generally applicable in civil actions.

Sec. 3. Section 52-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) Any judgment rendered or decree passed upon a default or nonsuit in the Superior Court may be set aside, within four months following the date on which it was rendered or passed, and the case reinstated on the docket, on such terms in respect to costs as the court deems reasonable, upon the complaint or written motion of any party or person prejudiced thereby, showing reasonable cause, or that a good cause of action or defense in whole or in part existed at the time of the rendition of the judgment or the passage of the decree, and that the plaintiff or defendant was prevented by mistake, accident or other reasonable cause from prosecuting the action or making the defense.

(b) In addition to the provisions of subsection (a) of this section, any judgment rendered or decree passed in an action for dissolution of marriage or civil union or for legal separation in which the waiting period was waived pursuant to subsection (c) of section 46b-67, as amended by this act, may be set aside at any time and the case reinstated to the docket upon a showing of material misrepresentation in the affidavit of the plaintiff filed pursuant to said subsection.

[(b)] (c) The complaint or written motion shall be verified by the oath of the complainant or his attorney, shall state in general terms the nature of the claim or defense and shall particularly set forth the

***Substitute House Bill No. 5211***

reason why the plaintiff or defendant failed to appear.

[(c)] (d) The court shall order reasonable notice of the pendency of the complaint or written motion to be given to the adverse party, and may enjoin him against enforcing the judgment or decree until the decision upon the complaint or written motion.

Approved May 25, 2018