

Nonresident Divorce OR Civil Union Dissolution

Effective July 1, 2012, you may obtain a divorce or civil union dissolution in Vermont even though you and your spouse/partner are not residents of Vermont, but only under the following circumstances:

1. Your marriage or civil union took place in Vermont.
2. There are no minor children of the marriage or union.
3. You and your spouse/partner live in a state or states that do not recognize your marriage/union for the purposes of divorce or dissolution. To see what states have passed legislation recognizing civil unions or same-sex marriage, click [here](#).
4. You and your spouse/partner have lived separate and apart for at least six months and there is no likelihood that you will resume your relationship.
5. Neither you nor your spouse is the subject of an abuse prevention order in a proceeding involving the two of you.
6. You and your spouse/partner have shared financial information regarding your income, assets and debts and have voluntarily signed an agreement which resolves all issues related to the division of your property, assets and debts and the issue of alimony.

If your circumstances do not meet all of these criteria, you cannot obtain a divorce or dissolution in Vermont unless you are a resident of Vermont.

How to File

If your circumstances fit these criteria here are some basic instructions on how to file:

1. **Where to file:** You will need to file your papers in the family division of the superior court in the county where your marriage or civil union certificate was filed. In order to find the address of the appropriate court, click on this link: <http://vermontjudiciary.org/GTC/family/default.aspx>
2. **Preparing the Paperwork:** You can access the packet of forms that are necessary to file by clicking [Nonresident Divorce Packet](#) or [Nonresident Civil Union Dissolution Packet](#) or you can use the CourtFormPrep Interview program for nonresident divorce or dissolution. The CourtFormPrep Interview program is an easy way to fill out court forms. It will help you fill out all the forms you need except for the stipulation. You will need to access the stipulation form separately – see below. To use the CourtFormPrep Interview, click [here](#).

3. **What to file:** The papers you need to file are as follows:
- a. A Summons and Complaint: You will need to completely fill out the Summons and Complaint form except for the clerk's signature at the end of the Summons. (The Summons will be signed by the clerk when your papers are received.) The correct form for the Summons and Complaint depends on whether you are seeking a divorce or dissolution:
 - i. For a divorce, fill out [Form 836NR](#)
 - ii. For a civil union dissolution, fill out [Form 836CUNR](#)Please note that these are "verified" complaint which means that the complaint must be signed and sworn to by the plaintiff in front of a notary public. The notary public must also sign the form. A seal is not required.
 - b. A Notice of Appearance: If you are representing yourself, a notice of appearance for self represented litigant. [Form 831](#).
 - c. An Information Sheet. [Form 800](#).
 - d. A Health Department Form: [Civil Union Dissolution Health Dept. Form](#) or [Divorce Health Dept. Form](#)
 - e. An Acceptance of Service signed by your spouse/partner indicating that he/she has received a copy of the complaint and waives any other form of service. [Form 844](#).
 - f. A Stipulation (agreement) on issues related to the division of property, assets and debts and the issue of alimony (spousal maintenance) signed by both you and your spouse/partner. [Form 878NR](#)
 - g. A check or money order for the filing fee – see below.

4. **Filing Fee:** When a complaint for a divorce or civil union dissolution is filed with a complete stipulation, the filing fee is \$160.00. If you cannot afford the filing fee, you can request that it be waived by filling out an Application for *In Forma Pauperis*. [Form No. 228](#). You will need to include this form with your filing.

5. **Will there be a hearing in my case?** The court will waive a final hearing unless the judge, after reviewing your paperwork, decides that a hearing is necessary because the paperwork is incomplete or to clarify a provision in your agreement. You will be sent notice of the hearing and the opportunity to participate by telephone. FAILURE TO APPEAR AT THE HEARING COULD RESULT IN DISMISAL OF YOUR COMPLAINT.

If either you or your partner or spouse have a dispute about an issue and you want the opportunity to present your case to the judge and have the judge to decide the issue, you must meet the legal residency requirements for obtaining a divorce or dissolution in Vermont.