

Civil Union Dissolution with Minor Children

Filing Fee:

without final stipulation = \$250.00 & \$3.00 service fee. Total due \$253.00

with final stipulation = \$75.00

(includes: final stipulation, stipulated child support order, guideline worksheet and affidavits of income and assets for both parties, acceptance of service and pro se appearance signed by the defendant)

The court is responsible for serving the other party. The court will attempt service by first class mail, unless otherwise directed. The case cannot go forward unless the other party has been served.

If an attorney is not representing you in this matter you are considered to be representing yourself Pro Se. You will have certain responsibilities to the court and the other party:

Knowing your docket number

Completing the enclosed forms

Having your signature notarized where required

Returning the forms to the court in a timely manner

*Sending a copy of any document you file with the court to the other party (after the initial filing is served by the court)

Reading and understanding the enclosed documents

Obeying all court orders

Notifying the court, in writing, of a change in your address

If you have any questions please contact the clerk's office. The clerk's office cannot give legal advice. *The Family Court offers a Legal Clinic.* [Click here for the schedule](#). The clerk's office can explain court procedure and perhaps clear up some confusion caused by something you have read or been told.

[Click here for family court contact information.](#)

The courts are open Monday – Friday, 8:00 a.m. – 4:30 p.m. except on all [state holidays](#). In addition, we are also closed on furlough days due to budget cuts, [click here for those days](#).

INSTRUCTIONS ON NEXT PAGE

1. To file the case you must complete the forms in this packet:
2. The court is responsible for serving the other party with a copy of the Summons and Complaint and the Notice of Hearing that will be generated. You Must provide a mailing address or personal serving instructions for the other party.
3. If you are filing the case for the reduced fee you must complete all of the following documents (these forms are on the web unless noted):
 - Cover sheet
 - Summons and Complaint
 - Health Dept form
 - Acceptance of Service signed by defendant
 - Pro Se appearance signed by defendant
 - Plaintiff's affidavit of income & assets
 - Defendant's affidavit of income & assets
 - Final stipulation signed by both parties (obtained from the court)
 - Stipulated child support (completed) signed by both parties
 - Guideline worksheet (completed)

COVER SHEET	Vermont Family Court	County	Docket Number
Your Name		The Other Party's Name	
Street Address		Street Address	
Mailing Address		Mailing Address	
Town/City	State	Zip Code	Town/City State Zip Code
Telephone Numbers Work:	Home:	Cell:	Telephone Numbers Work: Home: Cell:
Date of Birth		Date of Birth	

1. Filing fee

- I am enclosing \$ _____ as my filing fee.
- Because of my financial circumstances, I am asking that the filing fee be waived. IFP attached.
- This form is being filed by OCS.

2. Service Fee

- I am enclosing \$ _____ to pay for service.
- Because of my financial circumstances, I am asking that the service fee be waived. IFP attached.
- A service fee is not required.

Complete sections 3 and 4 if you have minor children.

3. Public Assistance (e.g. Reach-Up; Dr. Dynosaur; Medicaid; Post Secondary Education Stipend (PSE))

- a. I receive public assistance yes no
- b. The other party receives public assistance yes no don't know

4. Assistance from Office of Child Support (OCS)

- a. I receive assistance from OCS yes no
- b. The other party receives assistance from OCS yes no don't know

The Office of Child Support can help people with child support. If you would like to have OCS help you, you can call the Toll-Free Help Line: 1-800-786-3214 or TTY Access Number 1-800-253-0191.

5. Other Family/Probate/Juvenile Court Proceedings

- There are other court proceedings involving myself, and the other party, and/or cases involving our children. If so, please provide the following information:

<u>Name of Court (e.g. Probate, Family, and Juvenile)</u>	<u>County</u>	<u>State</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

To be filled out by Family Court Staff:

Amount rec'd: \$ _____	Type of MPR filed: _____	Service Option:
<input type="checkbox"/> Check		<input type="checkbox"/> Personal Service
<input type="checkbox"/> Cash		<input type="checkbox"/> 1st Class Mail
<input type="checkbox"/> Money Order	MPR #: _____	<input type="checkbox"/> Certified Mail
<input type="checkbox"/> IFP Filed		<input type="checkbox"/> Service Complete
		<input type="checkbox"/> Party/Atty will serve

Instructions

Fill in all of the information in the top box (name through date of birth). You must provide information both about yourself and about the party on the other side of your case.

1. Filing Fee

a) **Amount of fee:** The amount of the filing fee varies depending on what you are filing. If you don't know the amount of the fee, ask the clerk or consult the judiciary website at: www.vermontjudiciary.org.

b) **Checks:** Make checks payable to Vermont Family Court.

c) **IFP:** If you cannot afford the fee, you may ask the Court to waive the fee by filing an IFP (in forma pauperis) application. Ask the clerk for the application or consult the judiciary website at: www.vermontjudiciary.org.

2. Service Fee

Service is a way of documenting that the other party has actually received the paperwork. There are several methods of service. The clerk can help you choose which method is best for you. You must pay a fee for service unless the court has found that you are financially unable to pay the filing fee. In that case, the court will pay for service. If you have questions, ask the clerk or consult the judiciary website at: www.vermontjudiciary.org.

Case with minor children: If you are filing a case involving minor children or seeking relief related to child support, the court clerk is responsible for serving the summons, complaint, or petition and notice of hearing on the other party at your expense, unless you qualify for a waiver of the fee.

Cases without minor children: If you are filing a new case which does not involve minor children or if you are seeking relief not related to child support, you are responsible for serving the other party. Ask the clerk for information about "service of process."

If you are represented by an attorney, your attorney may choose to serve all paperwork on the other party.

3. Public Assistance

Check the box for Public Assistance if you receive any of the following: Reach-Up; Dr. Dynosaur; Medicaid; Post Secondary Education Stipend (PSE). Do not check the box if you only receive food stamps and/or fuel assistance.

4. Office of Child Support

The Office of Child Support Services can help people to choose the best method for collecting child support, prepare court forms, prepare financial affidavits, locate absent parents, and assist persons at a child support hearing before a Magistrate. If you would like their assistance and services; please call: 1-800-786-3214.

5. Other Family/Probate/Juvenile

You **must** list all other court proceedings involving yourself, and the other party or cases involving your children.

5. The parties own the following property singly or jointly:

6. The following actions for divorce, annulment, civil union dissolution, abuse prevention or separate support have been brought by either party against the other: ___ None, or:

(___ A certified copy of the complaint and docket entries in the previous action is attached.)

7. Defendant has/will have lived separate and apart from the plaintiff for six consecutive months and the resumption of the civil union relationship is not reasonably probable. The parties separated on

Date

8. ___ Plaintiff ___ Defendant is or has been a recipient of public assistance from the VT Department of Social Welfare.

PLAINTIFF REQUESTS THE FOLLOWING RELIEF:

___ 1. Dissolution of civil union.

___ 2. That the Court award ___ the plaintiff ___ the defendant legal rights and responsibilities for the minor children.

___ 3. That the Court award ___ the plaintiff ___ the defendant physical rights and responsibilities for the minor children.

___ 4. That the Court award ___ the plaintiff ___ the defendant suitable parent/child contact.

___ 5. That the Court award payment of suitable child support money.

___ 6. That the Court award ___ the plaintiff ___ the defendant suitable maintenance supplement.

___ 7. That the Court award ___ the plaintiff ___ the defendant suitable maintenance.

___ 8. That the Court award ___ the plaintiff ___ the defendant a suitable portion of the property of the civil union.

___ 9. That the Court award the plaintiff costs and attorney's fees.

___ 10. Such other relief as is just and equitable.

NOTICE OF APPEARANCE

I, the Plaintiff in this case, enter my **pro se** appearance; I will represent myself. Unless I or an attorney notify you otherwise, no attorney will represent me in this case.

All court papers may be mailed to me by first class mail at the address listed above. I understand that it is my responsibility to notify the Court of any change in my mailing address. I understand that if I send anything to the Court, I must send copies to Defendant or Defendant’s attorney.

I can be reached by telephone at the following numbers.

Telephone Number (day)

Telephone Number (evening)

AFFIDAVIT OF CHILD CUSTODY

I. With regard to each child named in the above complaint, the child: (use an additional page if you need more space)

A. now lives: at ___ my address ___ the address listed below:

B. has lived in the places listed below within the last five years:

C. has lived with the following people during the past five years (give current address):

II A. Have you participated as a party, witness, or in any other capacity in any litigation concerning the custody of the child(ren) named above, in Vermont or in any other state? ___ yes** ___ no

B. Do you have information of any custody proceeding concerning the child(ren) named above pending in a court in Vermont or in any other state? ___ yes** ___ no

C. Do you know of any person not a party to these proceedings who has physical custody of the child(ren) named above or claims to have custody or visitation rights with respect to the child(ren)? ___ yes** ___ no

(If you answered “yes”, please explain on another page)**

Notice: During this proceeding, you must inform the court if you learn of any other custody proceeding concerning the child(ren).

Date

Signature of Plaintiff

Subscribed and sworn to before me:

Date

Signature of Notary Public

Expiration Date

DEPARTMENT OF HEALTH
VERMONT RECORD OF
CIVIL UNION DISSOLUTION OR ANNULMENT

Docket # _____

Dept. of Health Use ONLY
State File # _____

PARTY A		
1a. Name (First, Middle, Last)	1b. Sex	1c. Maiden Surname (If Applicable)
2a. State of Residence	2b. City or Town	3. Date of Birth (month, day, year) ____ / ____ / _____

PARTY B		
4a. Name (First, Middle, Last)	4b. Sex	4c. Maiden Surname (If Applicable)
5a. State of Residence	5b. City or Town	6. Date of Birth (month, day, year) ____ / ____ / _____

CIVIL UNION		
7a. State or foreign country of this civil union	7b. City or Town of this civil union	7c. Date of this civil union (month, day, year) ____ / ____ / _____
8a. Date couple last resided in same household (month, day, year) ____ / ____ / _____	8b. Number of children under 18 in this household as of the date in item 8a.	
9a. Name of Petitioner's Attorney _____ _____	9b. Attorney's Address (street, city/town, state, zip) _____ _____ _____	
<input type="checkbox"/> NO ATTORNEY		

DECREE		
10. I certify that this decree became absolute (final) on (month, day, year) ____ / ____ / _____	11. Type of decree (check one) <input type="checkbox"/> Absolute Dissolution <input type="checkbox"/> Annulment	12. County of decree
13. Legal grounds for decree (<i>specify</i>)	14. Court Manager	15. Date signed (month, day, year) ____ / ____ / _____

AFFIDAVIT AS TO MILITARY SERVICE ON DEFAULT OF APPEARANCE BY DEFENDANT
www.vermontjudiciary.org

STATE OF VERMONT	County _____	Docket Number _____
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Plaintiff _____	Defendant _____
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VS.

_____, 20 ____

I (We) _____ of _____

in the County of _____ and State of _____
on oath depose and say that I (we) am (are) plaintiff(s) , in the above entitled action and set forth the following facts showing:

(1) That the defendant(s) _____ is (are) not in the military or other service of the United States included in the provisions of Servicemembers' Civil Relief Act.

(2) On oath depose and say that the defendant(s) _____ is (are) in the military or other service of the United States included in the provisions of Soldiers' and Sailors' Civil Relief Act of 1940, as amended, to wit:

(3) On oath depose and say that I (we) am (are) unable to determine whether or not _____ defendant(s) is (are) in the military or other service of the United States included in the provisions or Servicemembers' Civil Relief Act.

Signature

Signature

STATE OF VERMONT

_____ County, ss.

Subscribed and sworn to this _____ day of _____, 20 ____

Before me, _____
Notary Public-Justice of the Peace

N.B. Required by Title 50 App. USCA 520. As to who are persons in the military service within the meaning of the above Act. See Title 50 App. USCA 464, 511 and annotations thereunder.

CHILD SUPPORT ORDER

Vermont Family Court	County	Docket Number
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IN THE MATTER OF:	Plaintiff	
	vs.	
	Defendant	

OBLIGOR (Person Who Must Pay Support)			OBLIGOR'S EMPLOYER		
Last Name	First Name	Initial	Name		
Street Address			Street Address		
City	State	Zip Code	City	State	Zip Code
Telephone Number			Telephone Number		
Social Security Number		Date of Birth			

OBLIGEE (Person Who Receives Support)			OBLIGEE'S EMPLOYER		
Last Name	First Name	Initial	Name		
Street Address			Street Address		
City	State	Zip Code	City	State	Zip Code
Telephone Number			Telephone Number		
Social Security Number		Date of Birth			

CHILDREN WHO ARE SUBJECT TO THIS ORDER:						
Last Name	First Name	M.	Date of Birth	Grade	Social Security Number	
Last Name	First Name	M.	Date of Birth	Grade	Social Security Number	
Last Name	First Name	M.	Date of Birth	Grade	Social Security Number	
Last Name	First Name	M.	Date of Birth	Grade	Social Security Number	
Last Name	First Name	M.	Date of Birth	Grade	Social Security Number	
Last Name	First Name	M.	Date of Birth	Grade	Social Security Number	

CONFIDENTIAL

VERMONT FAMILY COURT

FINANCIAL AFFIDAVIT - FORM 813

INSTRUCTION SHEET

WHO IS REQUIRED TO FILL OUT THIS FORM?

New Divorce or Parentage Actions: If you are a party (Plaintiff or Defendant) in a newly filed divorce, parentage or legal separation action or civil union dissolution, you are required to fill out a Financial Affidavit and file it with the Court.

Post Judgment Action: If you are a party in a divorce, parentage action or civil union dissolution, in which a motion has been filed after the Final Order (Motion for Enforcement, Motion for Contempt or Motion for Modification) and the issues raised by the motion(s) involve changes in or enforcement of child support or spousal maintenance, you are required to fill out and file a Financial Affidavit.

Juvenile Cases: If your child is in DCF custody, you may be required to fill out a Financial Affidavit so that your support obligation to the State of Vermont can be determined.

WHAT SECTIONS DO I NEED TO FILL OUT?

Sections I and II: General Information, Affirmation and Income

EVERYONE must fill out Sections I and II

Section III: Income and Expense Information Relating to Children

You must fill out Section III if you have minor children in common with the other party.

Section IV: Household Expenses and Expense related to Debts

You must fill out Section IV if:

1. You or the other party has requested spousal maintenance, a modification of spousal maintenance or enforcement of spousal maintenance; or
2. You or the other parent has requested a deviation from the child support guidelines; or
3. You are self employed and child support needs to be established or modified; or
4. A motion to enforce payment of child support has been filed against you; or
5. The other side has requested this information as part of Discovery; or
6. The Court has ordered you to provide this information.

Section V: Supplemental Affidavit of Property and Assets

You must fill out Section V if:

1. You are a party in a newly filed divorce or civil union dissolution; or
2. You are requested to fill it out by the other party as part of Discovery; or
3. You are ordered to fill it out by the Court.

Schedules C and E/Rental Income Affidavit and Self Employment Affidavit:

If you own your own business you will also need to file a Schedule C. If you have rental income, you will need to file a Schedule E. If you filed an income tax return last year which included one of these schedule, you may use a copy of the IRS schedule you filed. Otherwise, you can obtain the 813 version of these schedules from the Family Court.

WHAT IS AN AFFIRMATION?

When you sign the Affirmation on the first page, you are stating that all the information you have given on the form is true and correct to the best of your knowledge. You are also acknowledging that you understand that there may be criminal penalties and sanctions if you lie.

WHO IS "THE OTHER PARTY"?

You will find frequent references in the affidavit to "the other party". The other party is the person on the other side of this case. It could be your spouse, former spouse, the parent of your child, your partner or former partner. If you are the plaintiff, "the other party" is the defendant. If you are the defendant, "the other party" is the plaintiff.

WHAT IF MY INCOME CHANGES OR IS SEASONAL?

Many people have income which changes from week to week or month to month depending on a number of variables such as overtime, seasonal work, etc. If your income changes, you should give your average monthly income. You can figure out your average monthly income by taking your annual income and dividing it by 12 or by adding up your pay for the past several months and then dividing by the number of months you used. Please be sure to indicate in the margin or at the bottom of the page, how you did the calculation.

WHAT IF THERE IS NOT ENOUGH SPACE ON THE FORM?

The court is looking for the most complete list you can provide. Please put additional information which does not fit on the form on another sheet of paper and attach it.

OTHER DEFINITIONS:

"Gross monthly income" means income before taxes or any other deductions such as health insurance, union dues, retirement, etc. If you are paid weekly, multiply weekly gross pay by 4.333. If you are paid every two weeks, multiply gross pay by 2.165. If you are paid twice a month, multiply by 2. If you receive annual income, divide by 12.

"Children of this Relationship" means a child either born to you and the other party or adopted by you and the other party.

"Duty to Support" means that you have an obligation by law or court order to support this child. It includes your own children and your step-children. It does not include children of a boyfriend, girlfriend or roommate who live in the same household with you.

"Market Value" is the amount you would receive for an item of personal property if you sold it today. It is not the purchase price of the item or the replacement value.

"Your Home" means your primary residence.

"Equity" means the market value minus the debt owed on that particular item of real or personal property (e.g. mortgage on a home, car loan on a car, etc.)

_____ FAMILY COURT

DOCKET NO. _____

v.

Plaintiff

Defendant

**FINANCIAL AFFIDAVIT - FORM 813
SECTION I - GENERAL INFORMATION AND AFFIRMATION**

Name:	Date of Birth:
Street Address:	Telephone #: (day)
Mailing Address:	Telephone #: (evening)
City, State, Zip:	

Type of Action Currently Pending in Family Court: (check all appropriate boxes)

- | | |
|--|--|
| <u>Initial Action-</u>
(no final order) | <u>Post Judgment Action</u> |
| <input type="checkbox"/> Divorce
<input type="checkbox"/> with minor children
<input type="checkbox"/> no minor children | <input type="checkbox"/> Child Support
<input type="checkbox"/> Modification
<input type="checkbox"/> Enforcement |
| <input type="checkbox"/> Parentage | <input type="checkbox"/> Spousal Maintenance
<input type="checkbox"/> Modification
<input type="checkbox"/> Enforcement |
| <input type="checkbox"/> Dissolution (Civil Union)
<input type="checkbox"/> with minor children
<input type="checkbox"/> no minor children | <input type="checkbox"/> Parental Rights and Responsibilities or Parent Child Contact
<input type="checkbox"/> Modification
<input type="checkbox"/> Enforcement |
| | <input type="checkbox"/> Other _____ |

AFFIRMATION

State of Vermont

_____ County

I have read and filled in all the information requested in the following sections and included all appropriate attachments: (check boxes which apply)

- | | |
|---|--|
| <input type="checkbox"/> Section II -Income | <input type="checkbox"/> Section IV - Expense Information |
| <input type="checkbox"/> Section III - Income/Expenses - Children | <input type="checkbox"/> Section V - Property and Assets |
| <input type="checkbox"/> Schedule C from tax return (attached) | <input type="checkbox"/> Schedule E from tax return (attached) |
| <input type="checkbox"/> Self Employment Attachment | <input type="checkbox"/> Rental Income Attachment |

I hereby affirm of my own knowledge that the facts and financial information I am stating are true and correct as of the date of this Affirmation and that I am not omitting any source or amount of income or other information requested on this form. I understand that any false information may constitute perjury by me. I also understand that if I fail to provide the required information or give misinformation, the judge may order sanctions against me.

Signature of person making affidavit

Sworn to me on _____, 20__

Notary Public

My Commission Expires: ___ / ___ /20__

SECTION II - INCOME

Please check appropriate boxes:

I am currently employed by someone else. The name(s) and address(es) of my employer(s) is/are:

Employer Name and Address	Second Employer Name and Address

I am self-employed (Include sole proprietorship, partnership, closely held corp., d/b/a, etc.)

I am not currently employed because: _____

A. Monthly Gross Income from Employment

"Gross" income means income before taxes or any other deductions. If you are paid weekly, multiply weekly gross pay by 4.333. If you are paid every two weeks, multiply gross pay by 2.165. If you are paid twice a month, multiply by 2. If you receive annual income, divide by 12.

1. Monthly Pre-Tax Salary or Wages (all salaried employment plus overtime)

If not paid monthly, show calculation: \$ _____ X or ÷ _____ = _____

2. Monthly Income from Tips, Commissions, Bonuses or Royalties _____

3. Income From Rental Property (Attach Rental Income Attachment or Tax Return Schedule E) _____

4. Monthly Income from Self Employment (Attach Self Employment Attachment (C) or Tax Return Schedule C) _____

5. Does your employer pay any of your personal expenses (e.g. car)? Yes No
If yes, specify type of expense(s): _____; Enter monthly amount _____

B. Other Sources of Income (indicate monthly amount)

1. Retirement/Pension _____

2. Unemployment Insurance Benefits _____

3. Worker's Compensation and/or Disability Insurance Benefits _____

4. Social Security Benefits (specify type: _____)

5. Veterans Benefits (VA) _____

6. Interest or Dividend Income _____

7. Trust or Annuity Income _____

8. Gifts or prize money (include lottery winnings) _____

9. Spousal Maintenance (alimony) from the other party in this action _____

10. Spousal Maintenance from a person who is not a party in this action _____

11. Other: (e.g. capital gains) please specify _____

TOTAL MONTHLY INCOME \$ _____

C. Do you receive public benefits? Yes No If yes, check all applicable boxes

Enter dollar amounts where indicated.

Reach Up (RUFA; TANF)\$ _____ General Assistance \$ _____ Food Stamps \$ _____

SSI\$ _____ Dr. Dynasaur/Blue First Medicaid/Medicare

Fuel Assistance VHAP Housing Assistance

**SECTION III - INCOME/EXPENSES
RELATED TO MINOR CHILDREN OF THIS RELATIONSHIP**

1. List all minor children of this relationship (under 18 or over 18 but still in high school):

Use extra page if necessary

Name:	Birth Date	Grade	Current Primary Residence

2. Number of Children from another relationship whom you have a duty to support: _____

"Duty to Support": means that you have an obligation by law or court order to support this child. It includes your own children and your step-children. It does not include children of a boyfriend, girlfriend or roommate who live in the same household with you.

3. Monthly Cost of Health Insurance paid by you for children of this relationship

Total Health Insurance Premium paid by you \$ _____
Subtract cost of premium without children - _____
Cost of premium related solely to children paid by you \$ _____

4. Out of Pocket Child Care Expenses for children of this relationship

Gross monthly child care costs \$ _____
Subtract Child Care Subsidy - _____
Total monthly out-of-pocket child care expenses \$ _____

5. Extraordinary Monthly Expenses for children of this relationship

- Medical (include only uninsured expenses over \$16.67 per month)** \$ _____
- Educational expenses (specify) _____** \$ _____
- Special needs expenses (specify) _____** \$ _____

6. Pre-Existing monthly child support obligation for children who are not of this relationship. Enter only amount you actually pay per month.

\$ _____

7. Monthly income received by a child of this relationship:

1. Disability benefits (Name of child-recipient: _____)	\$ _____
2. Social Security (Name of child-recipient: _____)	\$ _____
3. Other: (specify) _____	\$ _____
Name of Parent who receives income for child: _____	

8. Other Information related to child support:

a. Do you own any real estate other than your home yes no

If yes, enter total equity in real estate other than your home: \$ _____

b. Enter number of vehicles owned _____ ; Total equity value of vehicles: \$ _____

c. Total value of all other assets which do not produce income, including personal property, checking accounts, boats, antiques, etc. \$ _____

SECTION IV -EXPENSES

You are required to fill out this section if:

1. You or the other party has requested spousal maintenance, a modification of spousal maintenance or enforcement of spousal maintenance; or
2. You or the other party has requested a deviation from the child support guidelines; or
3. You are self employed and child support needs to be established or modified; or
4. A motion to enforce payment of child support has been filed against you; or
5. The other party has requested this information as part of Discovery; or
6. The Court has ordered you to provide this information.

LOANS

List **all debts for which** you are responsible (either solely or with another person)

Type of Loan	Lender	Balance Owed	Monthly Payment
1. Primary Residence 1st Mortgage			
2. 2nd Mortgage			
3. Home Equity			

Add monthly payments from lines 1, 2 and 3 and transfer total to Expense Sheet, Line 6

4. Other Mortgages (describe):			
a.			
b.			

Add monthly payments from lines 4a and 4b and transfer to Expense Sheet, Line 6

5. Vehicle Loan #1			
6. Vehicle Loan #2			

Add monthly payments for vehicle loans and transfer to Expense Sheet, Line 21

7. Personal Loan			
8. School/College Loans			
9. Other Loans:			
a.			
b.			

Add monthly payments from lines 7, 8, 9a, and 9b and transfer total to Expense Sheet, Line 40


CREDIT CARD DEBT

List all credit card debts regardless of card holder. Indicate name(s) of card holder in left hand column.

Holder	Company	Balance Due	Monthly Payment

Transfer combined monthly payments which you actually make to Expense Sheet, Line 62

MONTHLY EXPENSES

		Expenses Paid By You	Total Household*
1	Taxes: Federal Taxes	\$	* If others contribute to your housing and grocery expenses, list total expense in this column
2	State Taxes		
3	Social Security Taxes (FICA)		
4	Medicare		
5	Contribution(s) to retirement fund deducted by employer		
6	Housing: Rent or Mortgage (Include mortgage payments and home equity)		
7	Property Taxes		
8	Insurance (home owner's or renter's)		
9	Electricity		
10	Telephone		
11	Water		
12	Gas for home		
13	Oil, wood, or other fuel not listed above		
14	Mowing, plowing and trash collection		
15	Maintenance/ repair		
16	Groceries (food, cleaning products, etc.)		
17	Other Insurance: Life		
18	Disability		 total contributions Add lines 6-16 in this column
19	Health and Dental		
20	Vehicle Insurance		
21	Vehicle: Total Car payment(s) (include lease payment)		
22	Gas		
23	Registration		
24	Maintenance		
25	Uninsured Medical Expenses for yourself: e.g. eye care, dental, mental health		
26	Meals/snacks eaten out		
27	Clothing and shoes for yourself		
28	Laundry and Dry Cleaning		
29	Toiletries and Cosmetics		

30	Hair care	
31	Magazines, newspapers, books and other reading material	
32	Tobacco and Alcohol Products	
33	Veterinary and other pet expenses including pet food	
34	Entertainment (include cable TV payment, video rentals, movies, etc)	
35	Gifts for friends and family	
36	Monthly contribution to retirement fund (IRA, 4011, etc.)	
37	Monthly contribution to savings account	
38	Charitable contributions (religious organizations, non profits, etc.)	
39	Vacation	
40	Monthly loan payments (from page 6)	
41	Union dues	
42	Court Ordered child support for child(ren) from another relationship	
43	Expenses for children living with you but not of this relationship	
44	Court ordered spousal maintenance (alimony)	
45	Miscellaneous (please list on a separate sheet and fill in total here)	
46	Total Monthly Expenses For Yourself	
47	EXPENSES FOR CHILDREN OF THIS RELATIONSHIP	
48	Clothing and shoes	
49	Diapers	
50	Out-of-pocket Child Care Expenses	
51	School lunches	
52	School supplies	
53	Tuition/expenses for special activities (e.g. piano lessons, gymnastics, etc)	
54	Summer camp	
55	Private school tuition	
56	College Fund contribution	
57	Uninsured medical expenses	
58	Court ordered child support for children of this relationship	
59	Miscellaneous (please list on a separate sheet and fill in total here)	
60	Total Monthly Expenses for Children	
61	Total Monthly Expenses for Yourself (from line 46)	
62	Total monthly credit card payments (from page 6)	
	TOTAL MONTHLY EXPENSES	

SECTION V - SUPPLEMENTAL AFFIDAVIT OF PROPERTY AND ASSETS

You are required to fill out this section if-

1. You are a party in a newly filed divorce, legal separation or civil union dissolution; or
2. You are requested to fill it out by the other party as part of discovery; or
3. You are ordered to fill it out by the Court.

You may exclude any sheet on which you have no property to list. Please indicate which property or asset list(s) you have included:

A. Real Property

- I have listed all real property in which I or the other party have an interest
- Neither I nor the other party own any real property

B. Personal Property

- I have listed all personal property in which I have an interest
- I do not own any of the items listed or any other personal property of significant value

C. Vehicles

- I have listed all vehicles owned by myself or the other party
- Neither I nor the other party own a vehicle of any kind

D. Investments

- I have listed all of my investments or investments of the other party
- Neither I nor the other party own any investments

E. Bank Accounts

- I have listed all bank accounts in my name, the other party's name or joint names
- Neither I nor the other party own any bank accounts

F. Retirement Accounts

- I have listed all retirement accounts in my name or the other party's name
- Neither I nor the other party own any retirement accounts

G. Life Insurance Policies

- I have listed all life insurance policies in my name or the other party's name
- Neither I nor the other party own any life insurance policies

H. Businesses

- I have listed all businesses in which I own an interest (other than as a shareholder)
- Neither I nor the other party own an interest in a business

Have you or your spouse sold or conveyed any asset in the last 12 months, withdrawn funds from an account other than your regular checking or savings account (e.g. investment account, retirement account, etc.) aside from normal household activities? Yes No

If yes, indicate the type of asset sold or conveyed or the account from which the withdrawal was made, and the amount of funds you obtained as a result of the transaction. If you withdrew funds or received funds as a result of the sale of an asset, indicate how the funds were spent or invested.

A. REAL PROPERTY

List all real estate in which you or the other party own an interest regardless of title or possession. If you or the other party own only a partial interest, indicate percentage of interest.

Description of Property Indicate Location	Market Value	Mortgages, liens, Attachments	Equity Value Minus Liens
Primary Residence (house, condo, mobile home, etc.)			
Real Estate Other than Primary Residence			
Second Home			
Camp			
Timeshare			
Unimproved Land			
Mobile Home (not used as primary residence)			
Commercial Property (Attach IRS Schedule E)			
Other: (describe any interest or % of interest in real estate not listed above) _____ _____ _____	(The "Equity" column below needs to be self calculated for "Other") _____ _____ _____		
TOTAL VALUE OF REAL PROPERTY EXCLUDING PRIMARY RESIDENCE			

If You Receive Rent/Income From Any of The Above Described Properties, You Must Complete And Attach the 813 Rental Income Attachment or Schedule E from your tax return.

Note: If you filed taxes in the previous year, you must file a copy of the Schedule E from your income tax return. Otherwise, you must use the 813 Rental Income Attachment which is available at the Family Court.

C. VEHICLES and BOATS

LIST ALL VEHICLES REGARDLESS OF TITLE OR OWNERSHIP

Indicate title holder in left column

Title Holder	Description of Vehicle Indicate make and year	Market Value 1	Liens	Equity Value - Liens
	Car #1	\$	\$	\$
	Car #2			
	Truck #1			
	Truck #2			
	Motorcycle #1			
	Motorcycle #2			
	RV			

Title Holder	Other Vehicles and Boats			
	Boat			
	Snowmobile #1			
	Snowmobile #2			
	Camper (not motorized)			
	Tractor/Riding Mower			
	Plane			
	ATV			
	Additional vehicles not listed above			

1 "Market Value" for motor vehicles is the retail value indicated in the NADA Blue Book or other similar price guide.

F. RETIREMENT ACCOUNTS/PENSIONS

List all retirement accounts. Indicate account holder in left hand column.

Owner	Account Type	Financial Institution	Value
	IRA #1		
	IRA #2		
	401 (k)		
	403 (b)		
	TIAA - CREF		
	Keough		
	TDSP		
	TSA		
	Profit Sharing		
	Savings & Securities		
	Deferred Compensation		
	Other		

Pension Plans Pension Administrator Value

	Defined Benefit		
	Defined Contribution		
	Target Benefit		
	Military Pension		
	SEP		

Owner Other Retirement Accounts (Please describe) Value

G. LIFE INSURANCE POLICIES

List all life insurance policies regardless of ownership

Name of Insured	Beneficiary	Company	Face Value	Loan Balance	Cash Value

H. BUSINESS OWNERSHIP

List all businesses in which you and/or the other party own an interest.

Owner	Name of Business, Type of Business Activity and Legal Structure (e.g. Sole Proprietorship, Partnership, Sub Chapter S, etc.	% of your Interest	Date of Most Recent Valuation	Fair Market Value

You Must Attach an 813 Self Employment Attachment or a Schedule C from your Tax Return for Any Business from Which You Earn or Receive Income, Profits, Distributions, in-Kind Income, Etc. Note: If you filed taxes in the previous year, you must file a copy of the Schedule C from your income tax return. Otherwise, you must use the 813 Self Employment Attachment which is available at the Family Court.

RENTAL INCOME ATTACHMENT (Schedule E)

A. ANNUAL RENT RECEIVED

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Line A

B. ANNUAL RENTAL EXPENSES

1. Advertising	
2. Auto and Travel	
3. Cleaning and Maintenance	
4. Commissions	
5. Insurance	
6. Legal and Other Professional Fees	
7. Mortgage Interest Paid to Banks	
8. Other Interest	
9. Repairs	
10. Supplies	
11. Taxes	
12. Utilities	
13. Wages and Salaries	
14. Other (please list) a.	
b.	
c.	
d.	
15. Depreciation Expense	
TOTAL ANNUAL EXPENSES (Add Lines 1 through 15)	
TOTAL ANNUAL INCOME (Line A minus Line B)	
TOTAL MONTHLY INCOME (Line C divided by 12)	

Line B

Line C

Enter this Amount on
Page 4, Line A. 3.,
Section II of Form 813

SELF EMPLOYMENT ATTACHMENT (Schedule C)

A. MONTHLY GROSS RECEIPTS OR SALES

\$

B. MONTHLY BUSINESS EXPENSES

1. Cost of goods sold and/ or operation		14. Office Expenses and Supplies	
2. Advertising		15. Laundry and Cleaning	
3. Bad debts from sales or service		16. Pension and/or profit sharing plan	
4. Auto:		17. Rent for leased business property	
Gas _____		18. Machinery or Equipment	
Insurance _____		19. Other Business Property	
Maintenance _____		20. Repairs	
Registration _____		21. Supplies	
Total Auto Expenses		22. Taxes	
5. Commissions		23. Travel	
6. Depletion		24. Meals and Entertainment	
7. Depreciation		25. Utilities and Telephone	
8. Dues and Publications		26. Wages	
9. Employee Benefit Program		27. Other	
10. Insurance (other than health)		List and Specify	
Specify:		a.	
a.		b.	
b.		c.	
11. Interest paid on Mortgage (to banks)		d.	
		e.	
12. Other Interest Payment (Specify		f.	
13. Legal and Professional Services		g.	

TOTAL MONTHLY BUSINESS EXPENSES

Add Lines 1 through 27

\$

MONTHLY BUSINESS INCOME (Gross Receipts/Sales minus Expenses)

Enter this amount on page 4 titled "Section II - Income" in Section A. Monthly Gross Income from Employment, line 4 of Form 813.

\$

CONFIDENTIAL

FAMILY COURT OF VERMONT
Plaintiff s/Defendant's Social Security Number

County _____ Docket No. _____

Plaintiff s Name _____ Defendant's Name _____

I am the Plaintiff in the above action
 Defendant in the above action

For purposes of identification, my social security number is:

If known, the other party's social security number is: _____

If applicable, for purposes of a child support order, my child(ren)'s social security numbers are:

Child's Name

Social Security Number

Child's Name

Social Security Number

Child's Name

Social Security Number

Child's Name

Social Security Number

This information will be kept confidential and will only be released with your consent or as required by law to the Office of Child Support.

CHILD SUPPORT

Introduction

- The impact of divorce on children can be severe, both emotionally and economically. Children who grow up in single parent families have a much greater risk of living in poverty than children who live with both parents. Even when parents have a steady income, it is more expensive to maintain two separate households than it is to maintain one.
- Vermont has declared as public policy that children of separated parents shall be supported in the same manner as they would have had the parents been living in the same household. The purpose of this public policy is to protect the children of separated parents. Child support must take into consideration the true costs of raising children and consider the standard of living the children had when the parents were living together.
- To make sure that children of separated parents receive continued support from both parents once a divorce has started, a child support hearing is scheduled, whether the parents want one or not. To avoid having to come to court, parents are encouraged to make agreements on child support in advance and file all the required paperwork. Ask the court clerk about what needs to be filed and how you can make agreements that will be approved by the court.
- The court will schedule a hearing with the Case Manager soon after the case is filed. The Case Manager will explain the court process to you, and can assist you in reaching agreement on parental rights and responsibilities as well as child support and Guideline calculations. (See "Child Support Guidelines", below.)
- The case manager can help you draw up agreements and prepare an Order for the Judge and/or Magistrate to sign. If you cannot reach agreement, the matter will then be scheduled before the Magistrate for a Child Support hearing or before the Judge in matters of parental rights and responsibilities.
- The Magistrate is a judicial officer who conducts hearing on child support issues. If the parties cannot agree on establishing or modifying (changing) child support, a hearing will be scheduled before the Magistrate. The Magistrate decides the amount of child support paid.
- The Family Court Judge presides over cases filed in divorce and parentage actions.
- Child support amounts cannot be changed without a written order from the Magistrate. Support amounts can only be modified in cases where there is a change in the circumstances of one of the parties.
- A child support order issued by the court is effective until it is modified by the court. Parents do NOT have the right to change the order themselves. (See pamphlet #32, Modifying Child Support Orders)

Child Support Guidelines

- In order to put the public policy into practice, Vermont, like every state, has established child support guidelines. The underlying principle of the guidelines is to make sure that children receive the same proportion of parental income after separation and divorce as they would receive if their parents were living together. Studies show that parents tend to spend the same proportion of their combined income on their children, regardless of whether the parents are rich or poor. Because of these studies, the Vermont guidelines have been designed to consider the combined income of both parents.
- Another purpose of the guidelines is to ensure that parents with the same income levels are required to pay similar amounts of support for their children. In the years before the guidelines were developed, parents with similar incomes, who were divorced in different courts or by different judges, often found large differences in the amount of child support they were ordered to pay. This is because the judges had no method to determine how much child support was reasonable. These wide differences in support orders led to a feeling of unfairness.

How to Calculate the Child Support under the Guidelines

- The parents and the court must know each parent's gross income from all sources in order to calculate the support under the guidelines. To help make the income information easily available, the law requires that both parents complete, exchange and file with the court, a form called the Affidavit of Income and Assets, which was included in your court paperwork. If you do not have such form, ask the court clerk for Form 813. It is important that you fill out the form accurately. If you have questions, ask the court staff for assistance or you may consult an attorney.
- To confirm the information on the affidavit, each parent also has the right to see the other parent's four most recent pay stubs, or if a parent is self-employed, the business records of income and expenses. Each parent must also exchange income tax returns for the past two years, and file a form with the court stating that the exchange has in fact taken place.
- Once the gross incomes of both parents have been determined, the parents and the Child Support Magistrate and/or Case Manager can look to the tables that accompany the guidelines to find the after tax incomes for both parents. The guidelines also give a deduction to the parent who pays for health insurance for the children, and to a parent who has a prior child support obligation that is being paid, or a parent who has other minor children living in his or her household.
- The guidelines also take into consideration the cost of childcare required for a parent to work or go to school, and the cost of extraordinary educational and medical expenses for the children.
- It takes time and practice to calculate the proper amount of support to be paid under the guidelines. The Agency of Human Services has prepared a booklet that explains the steps you need to follow. The first step is to have an agreement or court order regarding the parental rights and responsibilities for your children. (See pamphlet #4 on Parental Rights and Responsibilities). The calculations differ depending on how

much time the children spend with each parent (sole or shared parenting) or whether there is at least one child living with each parent (split parenting). The booklet and the guideline tables are available at the court clerk's office, as well as online at www.vermontjudiciary.org or Office of Child Support at SHEILA [CHECK WEBSITE](#)

Voluntary Unemployment

- If a parent decides to quit a job or take a new job with a smaller salary, child support may be calculated based on the income earned from the earlier job unless the parent can show that reducing the income was reasonable.

Non-payment of Support:

- The Office of Child Support (OCS) is authorized to undertake a number of enforcement activities designed to ensure that regular child support payments are made as ordered by the court. These steps include court action as well as “administrative remedies”—actions that OCS can take on its own without obtaining a court order.
- Actions can range from simply contacting the non-custodial parent or issuing a wage withholding order to reporting the obligated parent to a credit bureau, intercepting tax refunds, placing liens on property, and requesting the suspension or non-renewal of any type of license: driving, professional or hunting or fishing. (See pamphlet #34, [Enforcement of Child Support Order](#)).

The Guidelines Determine the amount of Child Support unless the Magistrate decides that the Guidelines are unfair to the Children or to a Parent

- Although the amount of child support calculated under the guidelines is assumed to be what is necessary to support the children, this amount can be changed. Before the Magistrate can change the child support as calculated under the guidelines, the Magistrate has to decide that the guidelines are unfair to either of the parents or to the child. In deciding whether to change the child support amount, the Magistrate has to consider these factors:
 1. The financial resources of the child.
 2. The financial resources of the custodial parent.
 3. The standard of living the child would have enjoyed if the parents had continued to live together.
 4. The physical and emotional condition of the child.
 5. The educational needs of the child.
 6. The financial resources and needs of the noncustodial parent.
 7. Inflation.
 8. The costs of meeting the educational needs of either parent, if the costs are incurred for the purpose of increasing the earning capacity of the parent.
 9. Extraordinary travel expenses incurred in exercising the right to periods of visitation or parent-child contact.
 10. Any other factor the Magistrate finds relevant.
- Parents can also agree to change the support to be paid if they believe that the guidelines would be unfair. If parents agree to change the support from the guidelines, they have to write down why the change is appropriate, taking into account the above factors. The Magistrate's role is to protect the children. If an agreement changes the amount of support under the guidelines, and the reasons for

the change do not make sense to the Magistrate, the parents' agreement will not be approved.

- A parent who believes that the guideline amount would be unfair, may request the Magistrate to hold a "Deviation hearing". The parent who requests the hearing must convince the Magistrate that the factors listed above make the guideline payment unfair.

Method of Payment

- Under Vermont law, child support orders must require an employer to withhold the child support payment from the paying parent's wages or other source of regular income. When wage withholding is ordered, the employer is instructed to withhold the support from each paycheck and send it to the Office of Child Support Registry, which keeps a record of the payment and then sends it to the receiving parent. There is an administrative fee for this service, which may be waived if the parent signs up for Office of Child Support services (see the section under "Office of Child Support", below.)
- The purpose of withholding is not to punish the parent making the payment, but to set up a simple system for guaranteeing that payments are made regularly and on time. Withholding also makes life easier for the paying parent since it saves time and protects that parent from deciding not to pay if money is tight. Under the Vermont withholding law, child support - just like taxes - is deducted automatically from a person's paycheck.
- In some cases, where both parents agree in writing that they do not want withholding, the Magistrate may approve what is called a direct payment order. Under direct payment, the paying parent has sole responsibility to ensure that the child support gets sent in full and on time according to the terms of the court order. Under such arrangement there is no third party (i.e. the Office of Child Support Registry) to keep track of each payment. Parents must keep their own written records of the payments.
- If parents cannot agree on direct payment, but one parent feels strongly that withholding shouldn't occur, the Magistrate will consider whether there is a history of financial responsibility by that parent towards the family. If the Magistrate finds that support has always been paid regularly by that parent in the past, the court may approve a direct payment order.
- If you have a direct payment order, however, payments must always be made on time. If a parent with a direct payment order is ever late 7 days or more with a single payment, the court, upon request petition by the other parent, will hold an expedited hearing and may revoke the right to make direct payment and order that all future payments be withheld from the paying parent's paycheck.

Medical Support/Health Insurance

- In addition to establishing a child support amount, the Magistrate will also make orders for the children's medical and health support. If either parent has health insurance available through their employer at reasonable cost, the magistrate will order that parent to cover the children. Parents who cover their children with health insurance may have the insurance costs for the children deducted from their income when support is calculated under the guidelines.

- Health expenses of the children, including medical, dental, orthodontic, optical, prescription, etc., which are not covered by insurance, will also be shared by the parents. The first \$200 of uninsured health expenses for the children is already taken into consideration by the amount of support under the guidelines, and thus should be paid by the parent who receives support. Expenses over \$200 per year are considered extraordinary and should be divided between the parents based on their income or by agreement of the parties.

The Office of Child Support

- In Vermont the Office of Child Support (OCS) provides a wide range of child support services to parents. OCS collects and distributes child support payments, locates non custodial parents and their assets; determines the financial ability of parents to pay support; and enforces child support obligations.
- Parents who are on public assistance (Aid to Needy Families with Children currently called RUFA, "Reach Up Family Assistance) will receive these services automatically when their case is referred by the Department of PATH (Prevention, Assistance, Transition, & Health Access. SHEILA, CHECK THE CORRECT NAMES
- Parents who are not on public assistance can receive these same services without charge simply by completing and filing with the Office of Child Support a written application form. You can get this application form by asking the court staff, or writing to:

Office of Child Support
103 S. Main Street
Waterbury, VT. 05676

Or by calling a toll-free telephone number at 1-800-786-3214. You may also get information and forms from the OCS website, located at: www.SHEILA.CHECKSITE

- While child support services are available to the public without charge, the Office of Child Support cannot provide help on issues concerning parent/child contact, parental rights and responsibilities, property division, or other non-support related aspects of a divorce.
- Even on child support issues, the Office of Child Support will not represent you and is not a substitute for a lawyer. While an OCS representative can appear in conference with the case manager or a hearing before the magistrate, the OCS person's role is to act on behalf of the State of Vermont and Vermont's interest in seeing that your children are supported in a manner consistent with Vermont law and the facts of your case. Also, if there is past due support (arrear) owed to the Department of Social Welfare the state or the other party, the Office of Child Support has a responsibility to collect on this debt owed the State.

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

PARENT CHILD CONTACT

(Formerly known as "Visitation")

- Parent Child Contact used to be called visitation. The wording of the law was changed to be more sensitive to the fact that children need to be parented, not "visited" by their parents.
- Children need to be able to spend as much time as possible with each of their parents. When parents separate, their children should not be denied the opportunity to spend quality time with each of their parents. If the parents had remained together, the children would have enjoyed access to each parent on a daily basis. Therefore, unless there are good reasons to limit the contact a parent has with the children, (such as abuse or the use of violence), the parenting plan should include contact with both parents on a regular basis.
- The process of ending of a relationship is sometimes emotional. Parents may be angry at one another over broken commitments and feelings of being deceived and cheated. Children who are exposed to their parents' arguments often blame themselves for the fights of their parents. Sometimes the children feel they have to pick "sides" between their parents. Parents need to be particularly sensitive to their children and keep them out of their adult conflicts. The reasons people have for ending their relationships are not reasons for children to change their relationship with their parents.
- Each parent has a responsibility to ensure that their children are encouraged to just be children and enjoy childhood with each parent. The single most important thing parents can do for their children is to resolve their conflicts and cooperate in parenting their children.
- Research shows that children adjust well to all types of parenting arrangements. Therefore it makes little difference how the parents decide to share or divide parental rights and responsibilities. What is important is to keep the children out of whatever conflict the parents have with each other.
- The one factor that seems to predict problems for children that may even extend into their adulthood is unresolved conflict. Children do not adjust well to life when their parents continue their conflicts after the relationship is ended.

Abusive Parents and Parent Child Contact

- There are occasions when one parent's behavior with a child places the child at risk. When there is a risk to a child, limitations need to be placed on the parent child contact. Such limitations may be no use of alcohol or restrictions about where the parent may take the child.
- Even when there are concerns about a child's safety, a parent will usually not be denied contact completely. The contact may be supervised by an appropriate person or structured to protect the child, such as at a Supervised Visitation Center in your community, and give the parent the opportunity to change and be more responsible as a parent. If supervised visitation is requested, the parent who requests it needs to find an appropriate person to supervise or have access to a Supervised Visitation Center, because most family courts do not have available supervisors. Denying a parent contact with his or her child is only a solution where all other options have failed.

Child Support and Parent Child Contact

- Child support and parent child contact are two separate issues. A parent who is not paying child support is still allowed contact with his or her children. In the same manner, payment of child support does not determine the amount of parent child contact.
- Children need both the financial and emotional support of their parents. It makes no sense to deny children emotional support of one parent because that parent is not being responsible for financially supporting his or her children.

New Relationships and Parent Child Contact

- It is not harmful for children to be nurtured and cared for by people other than their biological parents. When two parents have ended their interpersonal relationship, it is healthy for them to become involved in relationships with other people if it makes them happy.
- It is natural that children will become involved with their parents' new partners. Parents' involvement in new relationships can be difficult, but it does not need to be a strain on the children. How well the children adjust to the new relationships often depends on how the parents react. If mom hates dad's new girlfriend and lets the children know this, it is likely that the children will not like the new girlfriend. But if she greets this news with "great, dad will be happy", then the children will feel safe in liking the new girlfriend.
- It is important to accept that parenting responsibilities remain with the biological parents. New partners do not substitute for natural parents nor remove parents from their responsibilities to their children.

Parent Child Contact as a Replacement for Child Care

- When possible, children need to be with one of their parents when the other parent is not available. Some parents angrily refer to their time spent with their children as "babysitting". They sometimes resent the fact that the other parent is doing something else while they are spending time with the children. From a child's perspective however this situation is ideal. Each parent is sharing the responsibility of being with them and each parent has an opportunity to be away from the children and enjoy free time.

Changing Residences and Parent Child Contact

- If one parent decides to relocate, the parenting arrangement may have to be reevaluated in light of the change to insure the children still have the opportunity to spend time with both parents. Whether a long distance move of the primary custodial parent is reason to change parental rights and responsibilities depends on the circumstances of the case. If a move is contemplated by the primary parent, the move will be evaluated in light of the best interests of the children. The court may order the parent to delay the moving plans until the parenting issues have been resolved.

When one Parent is not Spending Enough Time with the Children

- The court cannot force a parent who is not spending enough time with his or her children to change. A judge ordering a parent to spend time with the children won't work. There are other reasons and problems that prevent parents from continuing their relationship with their children. Education or counseling will help more than a court order.

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

PARENTAL RIGHTS AND RESPONSIBILITIES

- The relationship between children and their parents in a divorce, once called "custody", is now called **Parental Rights and Responsibilities**.
- The wording of the law has changed from custody to parental rights and responsibilities to emphasize the law's policy of protecting children. Children need to know that their parents each have the responsibility to take care of them financially and emotionally, to guide and parent them and to spend time with them no matter how angry the parents are with one another.
- Children are often confused and anxious about their parents breaking up. They are concerned about who is going to take care of them. They worry about both of their parents still loving them. They worry about the breakup being their fault.
- Spouses may divorce each other, but they do not divorce their children, and except in exceptional circumstances the spouses must maintain a relationship with each other as parents after the divorce. Unresolved conflicts between parents will continue to surface and are destructive to you and often more so to your children and other family members.
- Divorcing parents are often very angry at each other. They want to blame the other partner for the breakup of the family. Parents often each want the children to be with them and not with the other parent. "Winning the children in a custody fight" seemed to be how parents proved how right they were, and how wrong the other parent was. Children are the ones who lose when parents put their energy into the "fight" and forget the needs of their children.
- The parents' rights and responsibilities define a child's living arrangements, their contact with the other parent, education, medical and dental care, religion, travel and any other issues involving a child's welfare and upbringing.

Definitions:

There are two major parts to parental rights and responsibilities:

The first is called **"Legal responsibility"**

- This term defines the right and responsibility of a parent to determine and control matters affecting a child's welfare and upbringing, other than routine daily care and control of the child. Examples include decisions regarding education, non-emergency medical and dental care, religion and travel. Basically it is the right to make major life decisions for the child.
- Legal responsibility may be held solely by one parent, or may be shared between both parents, or divided when at least one child is living with each parent.

The second, is called **"Physical responsibility"**

- This term defines the right and responsibility to provide routine daily care and control of the child while taking into consideration the right and responsibility of the other parent to have contact with the child. Basically, it is the right and responsibility to make daily decisions for a child.

- Physical responsibility, like legal responsibility, may be held solely by one parent, or may be divided or shared.

Parent Child Contact:

- Parent child contact is the term used to describe what has been known in the past as "visitation." Visitation is no longer used because of the negative impact it can have on children. Children are dependent on the love and support of both of their parents to grow and develop into healthy adults. Children do not visit with one of their parents. They spend as much quality time as possible with each parent.
- Children need to be able to spend as much time as possible with each of their parents. When parents separate, their children should not be denied the opportunity to spend quality time with each of their parents. If the parents had remained together, the children would have enjoyed access to each parent on a daily basis. Therefore, unless there are good reasons to limit the contact a parent has with the children, the parenting plan should include contact with both parents on a regular basis.
- The ending of a relationship is often very emotional. Parents may be angry at one another over broken commitments and feelings of being deceived and cheated. Children who are exposed to their parents' arguments often blame themselves for the fights of their parents. Sometimes the children feel they have to pick "sides" between their parents. Parents need to be particularly sensitive to their children and keep them out of their adult conflicts. Unless physical or emotional abuse is involved, the reasons people have for ending their relationships are not reasons for children to change their relationship with their parents.

What is in the Children's Best Interests:

- When parents are angry at one another over a divorce or broken relationship, one parent will often try to stop the other parent from spending time with the children. Sometimes, one parent will stop seeing the children because they are so angry with the other parent. Vermont law supports the idea that **the active participation of both parents in the lives of their children after separation or divorce is in the children's best interest.**
- Each parent, regardless of the personal feelings they may hold toward the child's other parent, is expected to encourage and support their children in spending as much time as is reasonable with the other parent.
- Too often, parents cannot separate the feeling each holds toward the other parent over the ending of the relationship from their shared responsibility to be parents for their children. In those cases, the court will encourage both parents to seek counseling and support to change attitudes that can only hurt their children.

Circumstances which will limit Parental Contact with the Children:

- There are exceptions to each parent spending the most time they can with their children. When there is evidence that it is likely the children or the parent with whom the children live could be harmed by contact with the other parent, restrictions may be required by the court. A parent is still entitled to contact with his or her children,

but conditions such as supervision of the contact may be ordered by the Court to insure everyone's physical and emotional safety.

How the Court decides Parental Rights and Responsibilities if the Parents Cannot.

When parents come to court to legally dissolve their relationship, they have to make decisions about many issues concerning the children. The court has the responsibility to make sure the decisions are consistent with the law and are "in the best interests of the child." The Family Court must deal with questions about decision-making on behalf of the children, living arrangements, and financial support.

These kinds of issues are governed by legal standards and are part of Vermont statutes. This can involve complex legal issues, that have long-term effects on families and it is often a good idea to **seek legal advice**.

The law is based upon the principle that the best interests of the child should determine the outcome of these issues, and therefore, when parents cannot agree, and the judge is making the decision, he or she is bound by the requirements of the statute.

- It is in the children's best interests for two parents to make decisions about parental rights and responsibilities and parent child contact based on the knowledge and love they share for their children. Decisions about parenting do not go away when parents choose to end their relationship. When parents can't reach a decision on how to divide their responsibilities for the children, the court will make the decision for them. Judges must make decisions based on the limited information presented in the courtroom while taking into consideration the law that lists what the judge must look for in defining what is in the best interests of the children.
- When the court has to decide for the parents, the law says the court must award parental rights and responsibilities primarily to one parent. If the parents are unable to cooperate to reach an agreement, it is unlikely they would be able to make joint decisions in sharing the responsibilities just because the court ordered them to share the responsibilities.

Agreements between Parents:

- The court encourages parents to agree on the parenting plan for the children after separation. Agreements that parents make regarding the parenting of their children are assumed to be in the best interest of their children. In order to insure that parents consider all aspects of parenting, such agreements are required to address the following areas:
 1. Physical living arrangements: Where the children stay and when they stay there.
 2. Parent child contact: Usually the schedule provides for the non-residential parent to spend time with the children. Sometimes parents work out a schedule for how holidays and school vacations are to be spent with the children. If parents have difficulties communicating, a more detailed schedule should allow fewer disputes to happen.
 3. Medical, dental, and health insurance and care. Who will provide the coverage and what the specific coverage will be and who will take the children for the care.

4. Travel arrangements. Who will provide transportation for parent child contact and who will pay the costs? Under what circumstances can the children travel out of state or out of the country?
5. How the parents will communicate with each other about the child's welfare. Parenting doesn't stop with the divorce. Specifically, how will parents provide each other with information about the children, their schedule, school progress, extra curricular activities, childcare, etc?
6. If parents have chosen to share or divide parental rights and responsibilities, what are the procedures going to be utilized if they disagree over some part of parenting their children. Parents need to state specifically how they will resolve any disputes that arise regarding the children. Some solutions might be to agree to seek mediation or to work with a particular therapist or counselor in deciding what is best for the child. The Court may refuse to approve any agreement that is found not to be in the best interests of the children.

What the Court may do to help Parents make Agreements regarding the Children and which may help the Court in the Decision Making.

- The court discourages parents from having the judge make parenting decisions for them. As a result, there are very few cases in which parental rights and responsibilities are decided by the judge. When parents cannot come to an agreement on parenting, the judge may appoint a **guardian ad litem** to represent the best interest of the children. The guardian ad litem is a trained volunteer who will represent the best interests of the children by helping them through their parents' divorce. The guardian ad litem may visit both homes and the children's schools and make a recommendation to the parents how they can resolve their dispute. They cannot be witnesses in court.
- You may also be encouraged to at least do one session with a family **mediator** to see whether you and your spouse can use a trained, neutral third party help you come to an agreement.
- The court may also order an **evaluation** of the parents and the children by a trained psychologist or other mental health provider in order to better determine where the children should be living and what parent should be making the major decisions for them. These evaluations are expensive, but may be lowered by your medical insurance.
- Where the situation does not call for a full evaluation, the court may order a **home study** where a trained social worker or other mental health provider will visit both parents and the children in their homes and make a recommendation to the judge.
- All of the above alternatives are designed to help parents make their own decisions about parenting, and also help the judge make a more knowledgeable decision in the few cases which that actually end up contested on the issue of parenting.

Factors considered by the Judges in Determining the Best Interests of the Child:

- The decision to give one parent sole parental rights and responsibilities when the parents can't agree on a parenting plan is determined by considering the following:
 1. The relationship of the child with each parent and the ability and disposition of each parent to provide the child with love, affection, and guidance.

2. The ability and disposition of each parent to assure the child receives adequate food, clothing, medical care, other material needs, and a safe environment.
3. The ability and disposition of each parent to meet the child's present and future developmental needs.
4. The quality of the child's adjustment to her or his child's present housing, school, and community and the potential effect of any change on the child.
5. The ability and disposition of each parent to foster a positive relationship with the other parent and to insure the child has frequent and continuing contact with the other parent, including physical contact. (Except in situations where contact is likely to will result in harm to a the child or to a one parent.)
6. The quality of the child's relationship with the parent who has been the primary care provider, if appropriate given the child's age and developmental needs.
7. The relationship of the child with any other people who may significantly affect the child.
8. The ability and disposition of the parents to communicate, cooperate with each other and make joint decisions concerning the children where parental rights and responsibilities are to be shared or divided.
9. In addition, the court shall consider evidence of abuse, and the impact of the abuse on the child and on the relationship between the child and the abusing parent.

The court may not apply a preference for one parent over the other because of the sex of the child or the financial resources of a parent.

How to prepare for a contested Hearing on Parental Rights and Responsibilities:

- It is difficult to represent yourself in cases where parenting is contested. Most people choose to hire a lawyer to present their cases to the court.
- If you do choose to represent yourself, you must prepare ahead of time. You will need to present facts regarding each factor outlined above. Describe what relationship you have with each of your children, who has been responsible for meeting the different needs of the child, like feeding, clothing and day-to-day care for the child, doctor's appointments, home work, extra curricular activities, etc. Outline what you believe your child needs, and describe why and how you can better provide for such needs. Be prepared to outline what contact you believe the children should have with the other parent.
- If there are other witnesses who can give important information to the judge about the above factors, you have the right to bring those witnesses to the hearing.

Testimony of Children:

- The law discourages testimony of minor children. Before a child may testify, a Guardian ad Litem must be appointed for the child and a hearing must be held to determine whether the testimony of the child is necessary. If the testimony of the child is found to be necessary a lawyer must be appointed for that child.

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

CIVIL UNION

Vermont's Civil Union law:

Vermont's Civil Union law was passed by the Vermont Legislature in 1999 and became law in April of 2000.

Forming a Civil Union:

You must apply to a Town Clerk for a civil union license. *All of the forms necessary for the civil union can be found at the Town Clerk's Office, not the Court.*

Law applying to Civil Union:

The law of domestic relations, including annulment, separation, divorce, child custody and support, and property division and maintenance, apply to a civil union.

If a child is born to one of the parties in a civil union, the rights of the other party towards the child shall be the same as in a civil marriage.

Dissolution of a Civil Union:

The Vermont Family Court has jurisdiction over all proceedings relating to dissolution of civil unions. It follows the same procedures as dissolving a civil marriage (divorce), and is subject to the same rights and obligations, including a Vermont residency requirement of 12 months before a dissolution is granted.

You will need to address division of your property and debts. If you have children you will need to decide parental rights and responsibilities (custody), parent-child contact (visitation) and arrange for child support.

The family court has forms and other information pamphlets that will give you more information for filing for dissolution of your civil union.

For further explanation of your rights and responsibilities, you are urged to contact an Attorney.

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

**For more information on history and requirements of civil union:
[www. http://www.sec.state.vt.us/otherprg/civilunions/civilunions.html](http://www.sec.state.vt.us/otherprg/civilunions/civilunions.html)**