

STATE OF VERMONT

SUPERIOR COURT
 _____ Unit

FAMILY DIVISION
 Docket No. _____

Plaintiff

v. Defendant

Name		DOB / /	Name		DOB / /
Street Address			Street Address		
Apt. or P.O. Box Number			Apt. or P.O. Box Number		
City	State	Zip	City	State	Zip
Phone (Daytime)	Phone (Evening)		Phone (Daytime)	Phone (Evening)	
Plaintiff's E-Mail Address			Defendant's E-Mail Address		
Attorney Name and Phone Number			Attorney Name and Phone Number		

SUMMONS

THIS SUMMONS IS DIRECTED TO: _____
Name of Defendant

1. PLAINTIFF _____ **IS SEEKING A LEGAL SEPARATION.**
Name of Plaintiff

The Plaintiff's complaint begins on the next page. Do not throw these papers away. They are official papers that affect your rights.

2. TO PROTECT YOUR RIGHTS YOU SHOULD REPLY WITHIN 20 DAYS. Your written response is called an Answer. You can get an official court form for an Answer to a Legal Separation Complaint at any Vermont family court or on the Judiciary web site at <http://www.vermontjudiciary.org/eforms/default.aspx>.

3. YOU MUST RESPOND TO EACH CLAIM. In your Answer you must state whether you agree or disagree with each paragraph of the complaint. If you believe the Plaintiff should not be given everything asked for in the complaint, you should say so in your Answer.

4. IF YOU DO NOT FILE AN ANSWER OR FILE AN APPEARANCE, THE COURT IS NOT REQUIRED TO NOTIFY YOU OF HEARINGS. If you do not attend the court hearings, the Plaintiff may receive everything requested in the complaint. You will not get a chance to tell your side of the story.

5. YOU MUST GIVE OR SEND A COPY OF YOUR ANSWER TO THE PLAINTIFF. If the Plaintiff has an attorney, you must give or send a copy of your answer to the plaintiff's attorney.

6. YOU MUST GIVE OR SEND YOUR ORIGINAL ANSWER TO THE COURT at this address:

7. LEGAL ASSISTANCE: You may wish to get help from a lawyer. Even if you cannot get legal help, you must still give the court a written Answer to protect your rights.

Court Clerk	Date
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COMPLAINT FOR LEGAL SEPARATION

FACTS

The Plaintiff states that the following facts are true:

1. Residence:

(A) I am now a resident of _____, _____ .
County State

I have resided in Vermont for 6 full months.

(B) Defendant is now a resident of _____, _____ .
County State

Defendant has resided in Vermont for 6 full months.

2. Marriage:

We were married at (city) _____, _____, _____
 (state) _____ on (month, date, year) _____
 and are still married.

3. Grounds: The reason I am asking for a legal separation:

Six Month Separation: We have or will have lived separate and apart for more than six (6) consecutive months and it is not reasonably probable that we can resume our marital relationship.

My spouse and I separated on (month, day, year): _____.

Other: (Please explain) _____

4. Minor Children of the parties:

We have children of our marriage who are either younger than 18 years old, or are 18 years old and still in high school. Include born or adopted children.

Name of Child	DOB	Name of Child	DOB
Name of Child	DOB	Name of Child	DOB
Name of Child	DOB	Name of Child	DOB

5. UCCJA Jurisdiction: Information required under 15 V.S.A. § 1037

(A) **During the last five years the children listed above have lived at the following addresses with the following household members:**

(Begin with the child's residence just before this court case started and list all addresses for the past five years.)

Address Include street, city and state	Dates From when to when	Names of all persons living in the household with the child

Use an additional page if you need more space. If children have lived at different addresses from each other please indicate the addresses for each child.

(B) **If the current address of any household member listed in the last column is different from the address listed above, please provide a current address for that person in the box or on another page.**

(C) **Please check the box below if the statement next to it is true. For each box you check, please explain your answer on another page.**

- I have participated as a party, witness, or in some other way in a court case about the custody of this child or these children in Vermont or another state.
- I have information about a case concerning this child or these children that is now pending in a Vermont court or a court in another state.
- I have knowledge about a person who is not a party to this case who has physical custody of this child or these children or who claims to have custody of or visitation rights to this child or these children.

6. **Property, Assets and Debts:** I have listed all of the property, assets and debts that my spouse and I own either together or separately that are known to me, in the Financial Affidavit that I am filing with this Complaint. (Form 813)

7. **Public Assistance:**

- I receive assistance from the Division of Economic Services (DES) (examples: Food Stamps, Reach Up).
- My spouse receives public assistance from the Division of Economic Services (DES).

8. **Earlier actions for divorce, legal separation, annulment:**

- I have not filed for divorce, legal separation or annulment in any court against this spouse AND, as far as I know, my spouse has not filed for divorce, legal separation or annulment against me.
- I have filed OR my spouse has filed for divorce, legal separation or annulment before the date of the filing of this petition. *(If you check this box, you must fill in the information below. Use an additional page if necessary.)*

Type of Action	Who Filed	Where Filed (Court, County, State)	Year Filed

Please attach a copy of any Court Order issued in a case listed above.

9. **Relief from abuse or protective order proceedings:**

- I have not filed a complaint for relief from abuse or a request for a protective order against this spouse AND, as far as I know, my spouse has not filed such an action against me.
- I have filed a complaint for relief from abuse or a request for a protective order against this spouse OR my spouse has filed a complaint for relief from abuse or a request for a protective order against me. *(If you check this box, you must complete the information below. Use an additional page if necessary.)*

Type of Action	Who Filed	Where Filed (Court, County, State)	Year Filed

Please attach a copy of any Court Order issued in connection with a case listed above.

10. Military Service:

- My spouse is in the military service.
- My spouse is not in the military service.
- I am in the military service.
- I am not in the military service.

REQUEST FOR RELIEF

I ask that the Family Court grant me: *(check each box that applies)*

- 1. Decree of Legal Separation
- 2. Parental Right and Responsibilities
 - Legal parental rights and responsibilities:
 - Shared jointly
 - Given solely to: ___ Myself ___ Defendant
 - Physical parental rights and responsibilities
 - Shared jointly
 - Given solely to: ___ Myself ___ Defendant
- 3. Parent Child Contact for ___ Myself ___ Defendant
- 4. Child support, medical support and/or maintenance supplement.
- 5. Division of Property (divide our property, assets and debts).
- 6. Spousal Maintenance (Alimony).
- 7. Court costs.
- 8. Attorney fees.
- 9. Name change: I would like to resume my former name of: _____.
- I have attached a written agreement signed by my spouse and myself. I ask that the court issue an order that includes the provisions of our written agreement. *(In order to qualify for the reduced filing fee, the attached agreement must cover all the issues that the plaintiff seeks to have the court resolve.)*

I hereby swear or affirm that the information above is true to the best of my knowledge and belief.

Signature of Plaintiff	Date
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Signed and sworn to or affirmed before me:

Date	Signature of Notary Public	Expiration Date
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