

## *Legal Services Offices*

**Statewide Legal Services:** (Entry point for the legal services network in Connecticut). **860-344-0380** Central CT area or **1-800-453-3320**.

### *Other Legal Services Programs:*

#### **Hartford, Hartford County:**

##### **Greater Hartford Legal Aid**

999 Asylum Avenue  
Hartford, CT 06105  
(860) 541-5000  
FAX: (860) 541-5050

#### **Greater New Haven Area:**

##### **New Haven Legal Assistance Association, Inc.**

426 State Street  
New Haven, CT 06510  
(203) 946-4811  
TDD: (203) 946-4811  
FAX: (203) 498-9271

#### **Visit us on the internet:**

[www.slsct.org](http://www.slsct.org)  
[www.ghla.org](http://www.ghla.org)  
[www.nhlegal.org](http://www.nhlegal.org)  
[www.connlegalservices.org](http://www.connlegalservices.org)  
[www.larcc.org](http://www.larcc.org)



This pamphlet was produced by the Legal Assistance Resource Center of CT in cooperation with Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Assoc., and Statewide Legal Services.

The information in this pamphlet is based on the laws in CT as of August 2007. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services (see above) or contact an attorney.

**Copyright: 8/2007**

#### **Throughout Connecticut:**

##### **Connecticut Legal Services:**

*Administrative Office:* (860) 344-0447

##### *Offices:*

211 State Street  
**Bridgeport, CT** 06604  
(203) 336-3851

587 Main Street  
**New Britain, CT** 06051  
(860) 225-8678

153 Williams Street  
**New London, CT** 06320  
(860) 447-0323

20 Summer Street  
**Stamford, CT** 06901  
(203) 348-9216

85 Central Avenue  
**Waterbury, CT** 06722  
(203) 756-8074

872 Main Street  
**Willimantic, CT** 06226  
(860) 456-1761

##### *CLS Satellite Offices:*

**Danbury** (203) 348-9216  
**Meriden** (860) 225-8678  
**Middletown** (860) 225-8678  
**Norwalk** (203) 899-2451  
**Norwich** (860) 447-0323  
**Rockville** 1-800-413-7796  
**Torrington** 1-800-413-7797

##### **AIDS Legal Network for Connecticut**

999 Asylum Avenue  
Hartford, CT 06105  
(860) 541-5027 or 1-888-380-3646

# How to Get Back Your Maiden Name After A Divorce



If your marriage has been dissolved in Connecticut, you may ask the court to have your birth name or a prior married name restored to you. (This name change is allowable under Connecticut General Statutes § 46b-63).

This booklet will show you how to do this yourself. You ask or petition the same court in which your marriage was dissolved. You will be asking the court to reopen and modify your divorce decree to include the restoration of your former name.



**Before you begin...read this entire booklet.  
Then follow the steps below.**

### **Step 1**

**Gather your papers.** Get a copy of your divorce judgment or decree. If you do not have a copy, get one from the clerk's office at the courthouse where you were divorced.

You also need to get blank forms from the court clerk or from the State of Connecticut Judicial website ([www.jud.ct.gov](http://www.jud.ct.gov)):

- an *Appearance* form (Form #JD-CL-12), and
- a *Motion for Modification* form (Form #JD-FM-174).

### **Step 2**

**Fill out the *Appearance* form and file it at the court clerk's office.** This form tells the court that you are representing yourself. Filing it allows the court to contact you about all activity in your case. (See the sample at the back of this booklet.) Ask the court clerk how to fill out the *Certification* section.

### **Step 3**

**Fill out the *Motion for Modification*.** (See sample on page 5). From the divorce judgment, you will be able to learn the following:

- the docket number of your divorce (in the upper left corner);
- the Judicial District (right of the heading);

- whether you were the plaintiff (top name) or the defendant;
- the date of your divorce hearing (right side of heading).

Do not fill out the "Order" section on the back of the form. You may need to fill out the "Certification" section -- see Step 6.

### **Step 4**

**Make copies of your court forms.** (You will need up to four copies). Two copies are needed for the court; one copy is needed if your ex-husband had an attorney representing him in the divorce; and a copy is needed for your records.

### **Step 5**

**Get a copy of the Motion for Modification to your ex-husband or his attorney.** Follow the instructions that apply to your situation:



- If your ex-husband was represented by an attorney who has not withdrawn, mail your Motion for Modification to that attorney. **Sign** the "certification" section on the back side of your original Motion for Modification indicating that you have mailed it to that attorney.**
- If your ex-husband represented himself OR his attorney has withdrawn, then you must have the papers served on (given to) your ex-husband by a marshal (formerly called a sheriff). The court clerk can give you a list of marshals. The marshal's fee for service is about \$40 to \$60. You can ask the judge to waive this fee if you cannot afford to pay it. (See the Legal Aid pamphlet, *A Guide to Fee Waivers*). The marshal serving the papers will do a "Return of Service" showing when and how the papers were served.**

## Step 6

Send or bring the following forms to the court clerk:

- the original *Appearance form*,
- the *Motion for Modification*, and
- the *Return of Service* (if applicable).

## Step 7

Receive notice of your court date and mark your case "ready". You should receive a "calendar" from the court in a week or two. A "calendar" is a list of court cases scheduled for a specific date and time. This calendar will tell you what day you must go to court to have your motion heard. Please read the instructions in the top left hand corner of the calendar to mark your case "ready". Your case will not be called to be heard unless it is marked ready.

## Step 8

Attend the court hearing. Be in court on the day and time set for the hearing. It is a good idea to arrive about 20 minutes early. If you are late, you may lose your chance to have the judge hear your motion.



Ask the court clerk about the way the court starts the day (called "opening" the court). Courts operate differently. Some courts open with a "calendar call" (where the names of the cases are read out loud in the courtroom) while other courts do not call the cases.

**If the court has a "calendar call":** When your case is called, say "Ready." The judge will come back to your case again after calling the other cases. You will then present your request.

**If the court does not have a "calendar call":** Find your name and room assignment on the list which is posted in the lobby. Then go to that room and follow the judge's instructions.

## Sample1 - Appearance

**APPEARANCE**  
JD-CL-12 Rev. 3-06  
Pr. Bk. §§ 3-1 thru 3-6, 3-8

**NOTICE TO PRO SE PARTIES**  
*A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address.*

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.ct.gov

### INSTRUCTIONS

- Type or print legibly.
- Judicial District Court Locations:** any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #4.
- Geographical Area Locations:** any action returnable to a Geographical Area court location, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #4.
- In Criminal and Motor Vehicle Actions:** Pr. Bk. Secs. 3-4, 3-5: Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
- In Summary Process Actions:** addition to instruction #2 or #3 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
- In Small Claims Matters:** file the original with the Small Claims area or Housing Session location. Mail or deliver a copy to the attorney or pro se party and complete the certification below.
- For "In-Lieu-of" Appearances:** Pr. Bk. Sec. 3-8: Complete the certification below.
- Pursuant to Pr. Bk. Sec. 17-20, if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
- In Juvenile Matters:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

DOCKET NO. <b>(from judgm. papers)</b>
RETURN DATE <b>keep blank</b>
SCHEDULED COURT DATE <i>(Criminal/Motor Vehicle Matters)</i>

NAME OF CASE (FIRST-NAMED PLAINTIFF VS. FIRST-NAMED DEFENDANT) <b>(get from judgment papers. Plaintiff is person who filed case)</b>				
<input checked="" type="checkbox"/> Judicial District	<input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. NO. _____	ADDRESS OF COURT (No., street, town and zip code) <b>(address where judgment was entered)</b>	
<b>PLEASE ENTER THE APPEARANCE OF:</b>				
NAME OF PRO SE PARTY (See "Notice to Pro Se Parties" at top), OR NAME OF OFFICIAL, FIRM, PROFESSIONAL CORPORATION, OR INDIVIDUAL ATTORNEY <b>(your name)</b>				JURIS NO. OF ATTY. OR FIRM <b>Pro se</b>
MAILING ADDRESS (No., street, P.O. Box) <b>(your address)</b>			TELEPHONE NO. (Area code first) <b>(your phone)</b>	
CITY/TOWN <b>(your town)</b>	STATE <b>CT</b>	ZIP CODE <b>(your zip)</b>	FAX NO. (Area code first) <b>(your fax)</b>	E-MAIL ADDRESS <b>(your E-mail)</b>
<b>In the above-entitled case for "X" one of the following:</b>				
<input type="checkbox"/> The Plaintiff				
<input type="checkbox"/> All Plaintiffs				
<input type="checkbox"/> The following Plaintiff(s) only: _____				
<input type="checkbox"/> The Defendant				
<input type="checkbox"/> The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).				
<input type="checkbox"/> All Defendants				
<input type="checkbox"/> The following Defendant(s) only: _____				
<input type="checkbox"/> Other (Specify): _____				
<i>Note: If other counsel or a pro se party have already appeared for the party or parties indicated above, state whether this appearance is:</i>				
<input type="checkbox"/> In lieu of appearance of attorney or firm or pro se party (Name) _____ already on file (P.B. Sec. 3-8) <b>OR</b> _____ (Name and Juris No.)				
<input type="checkbox"/> In addition to appearance already on file.				
SIGNED (Individual attorney or pro se party) <b>X</b>		NAME OF PERSON SIGNING AT LEFT (Print or type) <b>(print/type your name)</b>		DATE SIGNED <b>(put date)</b>
<b>CERTIFICATION</b>				<b>FOR COURT USE ONLY</b>
This certification must be completed in summary process cases (Pr. Bk. Sec. 3-5(a)); for "in lieu of" appearances (Pr. Bk. Sec. 3-8); in criminal cases (Pr. Bk. Sec. 3-5(d)); and in small claims matters.				
<b>I hereby certify that a copy of the above was mailed/delivered to:</b>				
<input type="checkbox"/> All counsel and pro se parties of record as listed below and on additional sheet. (For summary process, criminal actions and small claims matters)				
<input type="checkbox"/> Counsel or the party whose appearance is to be replaced as listed below and on additional sheet. (For "in lieu of" appearances)				
SIGNED (Individual attorney or pro se party) <b>X</b>		DATE COPY(IES) MAILED OR DELIVERED		
NAME OF EACH PARTY SERVED *		ADDRESS AT WHICH SERVICE WAS MADE		

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

**APPEARANCE**

# Sample 2a - Motion for Modification

## MOTION FOR MODIFICATION

JD-FM-174 Rev. 1-06  
C.G.S. § 46b-86, P.B. §§ 25-26, 25-30, 25-57, 25-65

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.ct.gov

COURT USE ONLY
MFMOD


(Check one)

- Before judgment  After judgment (If you are asking the court to modify a final order [after judgment] of custody or visitation order and/or a parental responsibility plan, you must attach a Request for Leave form (JD-FM-202) to this motion and complete the SWORN STATEMENT section on page 2.)

JUDICIAL DISTRICT OF <b>(where judgment entered)</b>	AT (Town) <b>(city where courthouse located)</b>	DOCKET NO. <b>(from divor. papers)</b>
PLAINTIFF'S NAME (Last, first, middle initial) <b>(get from your divorce papers)</b>	DEFENDANT'S NAME (Last, first, middle initial) <b>(get from your divorce papers)</b>	
PLAINTIFF'S ADDRESS (No. street, city, state, zip code) <b>(enter plaintiff's address)</b>	DEFENDANT'S ADDRESS (No. street, city, state, zip code) <b>(enter defendant's address)</b>	

TYPE OF MOTION TO MODIFY  
 CHILD SUPPORT  ALIMONY  CUSTODY  VISITATION  PARENTAL RESPONSIBILITY PLAN  OTHER (Specify: restore maiden name)

I am the  PLAINTIFF  DEFENDANT. I respectfully represent that:

1. This Court issued an order dated enter date directing the  plaintiff  defendant to:  
(Complete all that apply)

PAY CHILD SUPPORT IN THE AMOUNT OF: <b>PER</b>	PAY ALIMONY IN THE AMOUNT OF: <b>PER</b>	HAVE CUSTODY OF THE CHILD/CHILDREN: (Check one) <input type="checkbox"/> JOINT <input type="checkbox"/> SOLE
HAVE VISITATION OR PARENTING TIME AS FOLLOWS: (Attach a copy of the visitation schedule if available)		PRIMARY RESIDENCE WITH
OTHER:		

2. (Check appropriate box(es) and explain briefly why you are seeking a modification)

- Since the date of the order, the circumstances concerning this case have changed substantially as follows:  
\_\_\_\_\_
- The final order for child support is substantially different from the Child Support Guidelines as follows:  
\_\_\_\_\_

### I ask the Court to modify the current order as follows: (check all that apply)

**CHILD SUPPORT** (You must file a Financial Affidavit (JD-FM-6) at least 5 days before the hearing. You must file an Affidavit Concerning Children (JD-FM-164) before the Court will act, and a completed child support and arrearage guidelines worksheet and an Advisement of Rights Re: Income Withholding (JD-FM-71) at the hearing.)

- Increase  Decrease the amount of child support to be paid.  Order immediate income withholding.

**ALIMONY** (You must file a Financial Affidavit (JD-FM-6) at least 5 days before the hearing. You must file an Advisement of Rights Re: Income Withholding (JD-FM-71) at the hearing.)

- Increase  Decrease the amount of alimony to be paid.

**CUSTODY** (If after judgment, you must attach a completed Request for Leave (JD-FM-202) to this motion. You must file a Financial Affidavit (JD-FM-6) and a completed child support and arrearage guidelines worksheet at the hearing. You must file an Affidavit Concerning Children (JD-FM-164) before the Court will act.)

- Modify custody as follows:  
\_\_\_\_\_

**VISITATION** (If after judgment, you must attach a completed Request for Leave (JD-FM-202) to this motion. You must file a Financial Affidavit (JD-FM-6) at the hearing. You must file an Affidavit Concerning Children (JD-FM-164) before the Court will act. You must file a completed child support and arrearage guidelines worksheet at the hearing.)

- Modify visitation (parenting time) as follows:  
\_\_\_\_\_

**PARENTAL RESPONSIBILITY PLAN** (If after judgment, you must attach a completed Request for Leave (JD-FM-202) to this motion.)

- Modify parental responsibility plan as follows:  
\_\_\_\_\_

**OTHER** (Please be specific):

- To restore my birth name of (insert your birth name)

SIGNATURE	PRINT NAME <b>(print your name)</b>	DATE SIGNED
ADDRESS (No. street, city, state, zip code) <b>(print your address)</b>		TELEPHONE (Area code first) <b>(your phone)</b>

(Continued on Back/Page 2) Check appropriate court:  Superior Court  Family Support Magistrate Division

# Sample 2b (back)

PLAINTIFF'S NAME (Last, first, middle initial)	DEFENDANT'S NAME (Last, first, middle initial)	DOCKET NO.
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NOTE: If you are now or have ever been a recipient of state assistance, you must send a copy of this motion to: The Office of the Attorney General, 55 Elm Street, Hartford, CT 06106

## SWORN STATEMENT

(Complete only if you are asking the court to modify a final order [after judgment] of custody or visitation and/or parental responsibility plan.)

I certify that the factual and legal basis for the modification is true and accurate to the best of my knowledge and belief.

SIGNED (Moving party or other person having personal knowledge of the facts recited herein)

Subscribed and sworn to before me on:	DATE	SIGNED (Notary, Comm. of Superior Court, Assistant Clerk)
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## CERTIFICATION

I certify that I mailed or delivered a copy of this motion to:	NAME*	DATE MAILED/DELIVERED
ADDRESS (No. street, city, state, zip code)*		

SIGNATURE	PRINT NAME	DATE SIGNED
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\*If necessary, attach additional sheet with name of each party served and the address at which service was made.

## ORDER FOR HEARING AND SUMMONS (To be completed by clerk, if applicable)

The Court orders that a hearing be held at the time and place shown below. The Court also orders the  plaintiff  defendant to give notice to the opposing party of the Motion and of the time and place where the court will hear it, by having a true and attested copy of the Motion and this Order served on the opposing party by any proper officer at least **12 days** before the date of the hearing. Proof of service shall be made to this Court at least **six days** before the date of hearing.

<b>HEARING TO BE HELD AT</b>	SUPERIOR COURT, JUDICIAL DISTRICT OF	DATE
	COURT ADDRESS	ROOM NO. TIME

TO ANY PROPER OFFICER:

By the Authority of the State of Connecticut, you must serve a true and attested copy of the above Motion and Order For Hearing on the below named person in one of the ways required by law at least **12 days** before the date of the hearing, and file proof of service with this Court at least **six days** before the hearing.

PERSON TO BE SERVED	ADDRESS
BY THE COURT	ASSISTANT CLERK
J./F.S.M.	DATE SIGNED

## ORDER

The court has heard this motion and orders it  GRANTED  DENIED.

BY THE COURT (Judge/FSM/ Assistant Clerk)	DATE ORDERED
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## FOR COURT USE ONLY

FEE FOR MOTION TO MODIFY:  PAID  WAIVED