

**MOTION TO WAIVE STATUTORY TIME PERIOD UPON  
DEFENDANT'S FAILURE TO APPEAR AND AFFIDAVIT -  
DIVORCE OR LEGAL SEPARATION**

JD-FM-272 Rev. 12-19  
C.G.S. § 46b-67

STATE OF CONNECTICUT  
SUPERIOR COURT  
[www.jud.ct.gov](http://www.jud.ct.gov)



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**Instructions:**

1. If your spouse has not appeared, you may file this motion with the clerk no sooner than thirty days after the return date in your divorce (dissolution of marriage or civil union), or legal separation.
2. You must also file a completed Financial Affidavit, form JD-FM-6 (LONG or SHORT) and an Affidavit Concerning Military Service, form JD-FM-178 in order for the court to proceed.

Judicial District of	At (Town)	Docket Number
Plaintiff's name (Last, first, middle initial)	Plaintiff's address (Number, street, town, zip code)	
Defendant's name (Last, first, middle initial)	Defendant's address (If known) (Number, street, town, zip code)	

1. I, the plaintiff in the above captioned matter, ask the court to waive the time periods set forth in section 46b-67(a) of the Connecticut General Statutes so that a decree may enter prior to their expiration in this: (Select one)
  - Divorce (Dissolution of Marriage)
  - Dissolution of Civil Union
  - Legal Separation
2.  I also ask the Court to restore my birth name or former name of: \_\_\_\_\_
3.  If "Yes" is selected for any of the statements in 3-9 of the Affidavit below, I request a hearing date of \_\_\_\_\_.  
 If "No" is selected for all of the statements in 3-9 of the Affidavit below, I request that the Court enter a decree without a hearing.

**Affidavit**

I, \_\_\_\_\_ (name), am the plaintiff in the above captioned matter and attest under oath to the following in support of this motion:

1. It has been 30 days, or more, since the return date of \_\_\_\_\_ (list return date from summons/complaint) in my divorce (dissolution of marriage or civil union), or legal separation.
2. Service of process was made on the defendant in accordance with section 46b-45 of the Connecticut General Statutes as follows: (Select one)
  - Personal (in hand) service of the defendant OR
  - Service at the defendant's place of abode and the following three statements are true:
    - A. The address at which service was made is the usual place of abode of the defendant.
    - B. The defendant was not known by me to be residing, either permanently or temporarily, at any other address at the time service was made.
    - C. The most recent date on which I had personal knowledge that the defendant resided at the address at which service was made is \_\_\_\_\_ (fill in the date).
3. There was a child or there were children:
  - A. born to or adopted by me and/or the defendant, separately or together, during our marriage or civil union.....  Yes  No
  - B. born to us together before our marriage or civil union.....  Yes  No
4. I am currently pregnant.....  Yes  No
5. The defendant is currently pregnant.....  Yes  No
6. There is a restraining order or a protective order in effect between the defendant and me ...  Yes  No
7. I am seeking alimony or spousal support from the defendant.....  Yes  No
8. The defendant and I have jointly owned property.....  Yes  No
9. The defendant and I have jointly owned debt.....  Yes  No

**I attest that the statements in this motion are true to the best of my knowledge and belief.**

Signature	Print name of person signing	Date signed
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State of Connecticut, County of

**ss.**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained, and swore under oath or affirmed and declared that the information stated on this motion is complete, true, and accurate.

In witness whereof I hereunto set my hand.

Signature of Clerk, Commissioner of Superior Court, or Notary Public	Date Commission Expires:
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### **Order**

The court has heard/considered this motion and orders:

- The motion is granted. The time periods set forth in section 46b-67(a) of the Connecticut General Statutes are waived and the matter may proceed without a hearing.
- A hearing on this motion is scheduled for (*date*) \_\_\_\_\_ at (*time of hearing*) \_\_\_\_\_
- The motion is denied.

By the court	Signed ( <i>Judge, Assistant Clerk</i> )	Date signed
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