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2025 Edition

Pleadings and Motion Practice in Family Matters

A Guide to Resources in the Law Library

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See also: [The Pathways Process in Your Divorce, Custody or Visitation Case](https://jud.ct.gov/family/pathwaysprocess.htm), Connecticut Judicial Branch, available at <https://jud.ct.gov/family/pathwaysprocess.htm> (last visited on March 10, 2025).

*Prepared by Connecticut Judicial Branch, Superior Court Operations,
Judge Support Services, Law Library Services Unit*

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Related Research Guides:

Child Custody in Connecticut	Child Visitation in Connecticut
Discovery (Financial) in Family Matters	Dissolution of Marriage in Connecticut
Foreign Matrimonial, Custody, and Support Judgments in Connecticut	Motion for Articulation
Motion for Clarification	Modification of Judgments Family Matters
Motion for Contempt	
Motion to Open in Family Matters	Motion to Reargue
Transfer of Action	Oral Argument in Civil Matters

These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to one's own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

View our other research guides at
<https://jud.ct.gov/lawlib/selfguides.htm>

This guide links to advance release opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar and Harvard's Case Law Access Project. The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

[Connecticut Judicial Branch Website Policies and Disclaimers](https://www.jud.ct.gov/policies.htm)
<https://www.jud.ct.gov/policies.htm>

Introduction

A Guide to Resources in the Law Library

- **Order of Pleadings:** "The order of pleadings shall be:
the plaintiff's complaint;
the defendant's motion to dismiss the complaint;
the defendant's motion to strike the complaint or claims for relief;
the defendant's answer, cross complaint and claims for relief;
the plaintiff's motion to strike the defendant's answer, cross complaint, or claims for relief;
the plaintiff's answer." Conn. Practice Book § [25-11](#) (2025).
- **Motion:** "means any application to the court for an order, which application is to be acted upon by the court or any judge thereof . . ." Conn. Practice Book § [11-2](#) (2025).
- **Request:** "means any application to the court which shall be granted by the clerk by operation of these rules unless timely objection is filed." Conn. Practice Book § [11-2](#) (2025).
- "The **Pathways** approach shall be followed and shall include:..." Conn. Practice Book § [25-50A](#) (2025) [Emphasis added.]
- **Connecticut Judicial Branch Family Court Forms:**

Family Law Forms (Full List)	
Divorce Options in Connecticut	Responding to a Divorce
Nonadversarial (simplified) Divorce	Filing for Custody or Visitation (or both)
Divorce with an Agreement	File for a Motion for Modification
Divorce without an Agreement	File for a Motion for Contempt
Default Divorce	File for a Restraining Order

Section 1: Complaint

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to complaints for dissolution of marriage in Connecticut.

SEE ALSO:

- [Dissolution of Marriages in Connecticut](#)
- [Child Custody in Connecticut](#)
- [Child Visitation in Connecticut](#)

DEFINITION:

- "The power to act equitably is the keystone to the court's ability to fashion relief in the infinite variety of circumstances which arise out of the dissolution of a marriage. Without this wide discretion and broad equitable power, the courts in some cases might be unable fairly to resolve the parties' dispute, i.e., Where the sole asset of the parties is their residence to which both have contributed. Equity certainly does not contemplate such a result . . . Equity jurisdiction once obtained will be retained for the purpose of administering complete relief." [Pasquariello v. Pasquariello](#), 168 Conn. 579, 585, 362 A.2d 835 (1975).
- **Case management under Pathways:** "The Pathways approach shall be followed and shall include:
 - (a) A resolution plan date, which shall be assigned in dissolution of marriage, dissolution of civil union, legal separation, and annulment cases, no less than thirty days and no more than 60 days from the return date, and in custody and visitation cases in accordance with Sections 25-3 and 25-4, to meet with a family relations counselor.... Failure to appear at the resolution plan date or comply with the court's orders regarding the resolution plan date may result in sanctions or the entry of a nonsuit, default, or dismissal." Conn. Practice Book § [25-50A](#) (2025)
- **Party with dual representation:**
 - "(a) A party may file an appearance as a self-represented party without prior approval of the court even though there is an existing appearance of one or more attorneys on file for that party. For purposes of this section, a 'party with dual representation' is a party for whom one or more attorneys have current appearances on file and who also has a current appearance on file as a self-represented party.
 - (b) Pursuant to Section 4-2, any pleading or other paper filed by or on behalf of a party with dual representation must be signed by an attorney of record for the party." Conn. Practice Book § [25-6A](#) (2025)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2025).
[Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
§ [46b-40](#). Grounds for dissolution of marriage; legal separation, annulment.
§ [46b-41](#). Complaint includes cross-complaints or cross actions.
§ [46b-44](#). Residency requirement.
§ [46b-44a](#). Filing of joint petition for nonadversarial dissolution of marriage. Procedure.
§ [46b-45](#). Service and filing of complaint and appearance. Waiver of service
§ [46b-45a](#). Allegation of pregnancy in pleadings. Disagreement as to parentage. Hearing.
§ [46b-46](#). Notice to nonresident party. Jurisdiction over nonresident party for alimony and support.
§ [46b-47](#). Complaint for dissolution of marriage on ground of confinement for mental illness; procedure.
§ [46b-48](#). Dissolution of marriage or annulment upon conviction of crime against chastity; procedure.
[Chapter 896](#). Civil Process, Service, and Time for Return
§ [52-45a](#). Commencement of civil actions. Contents and signature of process.
§ [52-54](#). Service of summons.
§ [52-57](#). Manner of service upon individuals, municipalities, corporations, partnerships and voluntary associations.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025).
[Chapter 8](#). Commencement of Action
§ 8-1. Process
[Chapter 25](#). Procedure in Family Matters – General Provisions
§ 25-2. Complaints for dissolution of marriage or civil union, legal separation, or annulment
§ 25-6A. Appearance by self-represented party in addition to appearance of attorney
§ 25-7. Pleadings in general; Amendments to complaint or application
§ 25-8. —Amendment; New ground for dissolution of marriage or civil union
§ 25-23. Motions, requests and orders of notice

PATHWAYS PROCESS IN A DIVORCE:

- [The Resolution Plan Date](#)
- [After the Resolution Plan Date](#)

COURT FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [Divorce Options in Connecticut](#)
- [Nonadversarial \(simplified\) Divorce](#)
- [Divorce with an Agreement](#)
- [Divorce without an Agreement](#)
- [Default Divorce](#)

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2024 ed., Thomson West (also available on Westlaw).
§ 50:19. Complaint or cross complaint for dissolution of marriage (divorce) or legal separation
- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
Chapter 19. Pleadings
§ 19:5. Complaint—Form
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
Form II-A-2. Complaint, p. 6
- *Library of Connecticut Family Law Forms*, 2d ed., by MacNamara, Welsh, and George, editors, Connecticut Law Tribune, 2014.
Form 1-004. Complaint
Form 1-011. Complaint-Seeking enforcement of premarital agreement

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Luster v. Luster](#), 128 Conn. App. 259, 274, 17 A.3d 1068 (2011). "Furthermore, '[a]n action for a divorce or a legal separation obviously is a civil action. . . . General Statutes § 46b-45 leaves no doubt that [a] proceeding . . . for . . . dissolution of marriage . . . shall be commenced by the service and filing of a complaint as in all other civil actions in the [S]uperior [C]ourt'"
- [Vanderlip v. Vanderlip](#), 1 Conn. App. 158, 160, 468 A.2d 1253 (1984). "The unanswered complaint claimed only a dissolution of the marriage. The defendant filed no claims for relief. The case was, however, presented to and tried by the court on the contested issues of support, alimony and property division. See [Falker v. Samperi](#), 190 Conn. 412, 427, 461 A.2d 681 (1983). Because of this procedure, we need not consider any of the questions raised in [Tsopanides v. Tsopanides](#), 181 Conn. 248, 435

A.2d 34 (1980). Compare [LaCroix v. LaCroix](#), 189 Conn. 685, 457 A.2d 1076 (1983)."

**WEST KEY
NUMBERS:**

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

**TEXTS &
TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Divorce*
88-108. Pleading.
- 24 *Am Jur 2d Divorce and Separation*, Thomson West, 2018, with 2025 supplement (Also available on Westlaw).
 - I. Divorce and Separation Proceedings
 - D. Practice and Procedure in Divorce Actions
 - §§ 216-237. Petition or complaint
- 27A *CJS Divorce*, Thomson West, 2016, with 2024 supplement (Also available on Westlaw).
 - IV. Proceedings, Trial, and Judgment
 - §§ 152-163. Domicile or residence of parties
 - §§ 215-227. Pleading
- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2024 ed., Thomson West (also available on Westlaw).
 - § 50:1. Commentary—Dissolution of marriage (divorce), legal separation, or annulment
 - § 50:3. Commentary—Commencement of action: Pleadings, jurisdiction, venue, default, or nonsuit
- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 19. Pleadings
 - § 19:3. Complaint—Generally
 - § 19:4. —Prayer for relief
 - § 19:5. —Form
 - § 19:6. Complaint and summons—Official form
- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, by Wesley W. Horton, et al., 2024-2025 ed., Thomson West (also available on Westlaw).
 - Authors' Comments for § 25-2
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.
 - Chapter 25. Procedure in Family Matters, General Provisions
 - § 25-2. Complaints for dissolution of marriage or civil union, legal separation, or annulment
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
 - II. Pleadings

Complaint: Notes & Comments, p. 3

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
Chapter 3. Dissolution of Marriage and Legal Separation
Part III. Preparing the Complaint and Cross Complaint
§ 3.16. CHECKLIST: Preparing the complaint and cross complaint
§ 3.17. Preparing the complaint
- *2 Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
Chapter 20. Family Law Procedures
§ 250. Pleadings in dissolution actions
b. The complaint

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Cynthia C. George and Barbara M. Schellenberg, *Connecticut Family Law Jurisdiction*, 64 Connecticut Bar Journal 455 (1990).
- Francis X. Hennessy, *Jurisdiction - Notice in Matrimonial Matters*, 58 Connecticut Bar Journal 213 (1984).

Section 2: Motions and Requests (Overview)

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to family motions, requests and motion practice in general in Connecticut.

DEFINITION:

- **Motion:** “means any application to the court for an order, which application is to be acted upon by the court or any judge thereof . . .” Conn. Practice Book § [11-2](#) (2025).
- **Request:** “means any application to the court which shall be granted by the clerk by operation of these rules unless timely objection is filed.” Conn. Practice Book § [11-2](#) (2025).
- **Definitions applicable to proceedings on family matters:** “(a)The following shall be ‘family matters’ within the scope of these rules: Any actions brought pursuant to General Statutes § 46b-1, including, but not limited to, dissolution of marriage or civil union, legal separation, dissolution of marriage or civil union after legal separation, annulment of marriage or civil union, alimony, support, custody, and change of name incident to dissolution of marriage or civil union, habeas corpus and other proceedings to determine the custody and visitation of children except those which are properly filed in the Superior Court as juvenile matters, the establishing of parentage, enforcement of foreign matrimonial or civil union judgments, actions related to prenuptial or pre-civil union and separation agreements and to matrimonial or civil union decrees of a foreign jurisdiction, actions brought pursuant to General Statutes § 46b-15, custody proceedings brought under the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act and proceedings for enforcement of support brought under the provisions of the Uniform Interstate Family Support Act.

(b) Whenever a rule applicable to family matters as defined in subsection (a) of this Section provides for the scheduling of a motion or other matter on the short calendar, the rule may be satisfied by the scheduling of the motion or other matter for a case date, motion docket, or other court event, so long as any time periods specified in the rule for the scheduling of the matter are observed.” Conn. Practice Book § [25-1](#) (2025).”
- **Order of Pleadings:** “The order of pleadings shall be:
the plaintiff’s complaint;
the defendant’s motion to dismiss the complaint;
the defendant’s motion to strike the complaint or claims for relief;

the defendant's answer, cross complaint and claims for relief;
the plaintiff's motion to strike the defendant's answer, cross complaint, or claims for relief;
the plaintiff's answer." Conn. Practice Book § [25-11](#) (2025).

- "Every motion, request, application or objection directed to pleading or procedure, unless relating to procedure in the course of a trial, shall be in writing." Conn. Practice Book § [11-1](#) (2025).
- "Each such motion shall state clearly, in the caption of the motion, whether it is a pendente lite or a postjudgment motion." Conn. Practice Book § [25-24](#)(b) (2025).
- "In addition, Practice Book § 10-3(a) provides in relevant part that, '[w]hen any claim made in a . . . pleading is grounded on a statute, the statute shall be specifically identified by its number.'" [Remillard v. Remillard](#), 297 Conn. 345, 352, 999 A.2d 713 (2010).
- **Scheduling of Motions:** "(a) Any pendente lite motion filed shall, unless scheduled for the motion docket pursuant to subsection (c) of this section or otherwise scheduled or docketed by the court, be deemed automatically scheduled for the next case date held in the action pursuant to Section 25-50A or, if no future case dates are to be held, then for the time of trial. ...

(b) Each judicial district shall have a regular motion docket for scheduling pendente lite motions. Such docket shall be scheduled on a regular basis, but at least once each month. Motions shall be placed on the motion docket in accordance with subsection (c) of this section.

(c) (1) With the exception of matters governed by Chapter 13, oral argument on any motion or the presentation of evidence thereon shall be allowed before the next court event at which the motion would otherwise be deemed scheduled pursuant to this section if an appearing party has requested that such motion be placed on the motion docket and the judicial authority has granted such request." Conn. Practice Book § [25-34A](#)."
- **Due Process:** "It is a fundamental premise of due process that a court cannot adjudicate a matter until the persons directly concerned have been notified of its pendency and have been given a reasonable opportunity to be heard in sufficient time to prepare their positions on the issues involved." [Costello v. Costello](#), 186 Conn. 773, 776-777, 443 A.2d 1282 (1982).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025).
[Chapter 11](#). Motions, Requests, Orders of Notice, and Short Calendar
[Chapter 25](#). Procedure in Family Matters – General Provisions
§ 25-23. Motions, requests and orders of notice
§ 25-24. Motions
§ 25-25. Motion for exclusive possession
§ 25-34A. Scheduling of motions

PATHWAYS PROCESS IN A DIVORCE:

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [What Are Case Dates](#)
- [Motion Dockets in Family Courts](#)
- [How to Request Placement on a Motion Docket](#)
- [Family Law Forms](#) (Full List)
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
- *Library of Connecticut Family Law Forms*, 2d ed., by MacNamara, Welsh, and George, editors, Connecticut Law Tribune, 2014.
Chapter 5. Motions

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Rosenfeld v. Rosenfeld](#), 115 Conn. App. 570, 577-578, 974 A. 2d 40 (2009). "It is hornbook law that a court's decision whether to grant a motion for a continuance ordinarily is left to the court's discretion. See, e.g., [State v. Blake](#), 289 Conn. 586, 595, 958 A.2d 1236 (2008). The unspoken implication in the defendant's argument is that a court has no such discretion if a defendant seeks a continuance in furtherance of his constitutional right to substitute new counsel for prior counsel. That implication follows from the defendant's failure to rebut, in any fashion, the reasons given by the court for denying his motion for a continuance. We know of no authority for such a limitation on the court's authority to control its docket."
- [Eckert v. Eckert](#), 285 Conn. 687, 698-699, 941 A. 2d 301 (2008). "Relying on our decision in [Ahneman v. Ahneman](#), 243 Conn. 471, 480, 706 A.2d 960 (1998), the plaintiff contends that the trial court's grant of the defendant's objection without first holding an evidentiary hearing amounted to a refusal to consider her motion for

alteration or modification. *Ahneman*, however, is readily distinguishable from the present case. In that case, the trial court had rendered an oral decision specifically declining to consider the subject motions. *Id.*, at 475, 706 A.2d 960. The trial court in the present case did not so decline consideration of the plaintiff's motion. The court heard argument.... The plaintiff appears to contend, however, that by not allowing her to present evidence, the court functionally refused to consider her motion for modification or alteration. In considering a motion that involves only a question of law and not one of fact, however, a trial court is not obligated to conduct an evidentiary hearing. By allowing the parties to present arguments in support of their respective positions, the court duly considered both the plaintiff's motion and the defendant's objection."

- [Ramin v. Ramin](#), 281 Conn. 324, 338, 915 A.2d 790 (2007). "We also recognized, in *Ahneman*, however, 'that exceptions to the general rule that a trial court must consider and decide on a reasonably prompt basis all motions properly placed before it may exist *in an extreme, compelling situation*.'"
- [Ahneman v. Ahneman](#), 243 Conn. 471, 484, 706 A.2d 960 (1998). "More fundamentally, basic principles of jurisprudence refute the plaintiff's proposition that a trial court has discretion, based on notions of judicial efficiency, to decline to exercise its jurisdiction by refusing to consider certain motions. Courts are in the business of ruling on litigants' contentions . . ."

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2024 ed., Thomson West (also available on Westlaw).
§ 50:3. Commentary—Commencement of action: Pleadings, jurisdiction, venue, default, or nonsuit
- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
Chapter 20. Pretrial Procedures and Preparation
§ 20.1. Motions-Generally
§ 20.2. Automatic orders
§ 20.5. Withdrawal of actions or pleadings
§ 20.8. Mediation services
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.
Chapter 25. Procedure in Family Matters, General Provisions
§§ 25-23-25. Motion Practice in Family Matters

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
 - Chapter 4. Pretrial Pleadings and Discovery
 - § 4.03. CHECKLIST: Preparing pleadings
 - § 4.04. Defining the technical requirements
 - § 4.05 Serving motions
 - § 4.06. Responding to material allegations in pleadings
 - § 4.07. Disposing of motions

Table 1: Default in Family Matters

Failure to File an Appearance	<p>"If, in any case involving a dissolution of marriage or civil union, legal separation, or annulment, the defendant has not filed an appearance, the plaintiff may proceed to judgment in accordance with Section 25-50A and General Statutes § 46b-67. Section 17-20 concerning motions for default shall not apply to such cases." Conn. Practice Book § 25-51 (2025). [Emphasis added.]</p>
Failure to Appear for Scheduled Disposition	<p>"If a party fails to appear in person or by counsel for a scheduled disposition, the opposing party may introduce evidence and the case may proceed to judgment without further notice to such party who failed to appear." Conn. Practice Book § 25-52 (2025).</p>
<p>Texts & Treatises:</p> <div> <p>You can contact us or visit our catalog to determine which of our law libraries own the treatises cited.</p> <p>References to online databases refer to in-library use of these databases.</p> </div>	<ul style="list-style-type: none"> • 7 Connecticut Practice Series, <i>Family Law and Practice with Forms</i>, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw). Chapter 24. Trial; Procedural Aspects § 24:12. Default • 2 <i>Stephenson's Connecticut Civil Procedure</i>, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement. Chapter 20. Family Law Procedures § 258. Limited contested and contested trials d. Proceeding without the defendant

Table 2: Motion for Exclusive Possession of Home

Statute:	"...The court may also award exclusive use of the family home or any other dwelling unit which is available for use as a residence pendente lite to either of the parties as is just and equitable without regard to the respective interests of the parties in the property." Conn. Gen. Stat. § 46b-83(a) (2025).
Court Rule:	"Each motion for exclusive possession shall state the nature of the property, whether it is rental property or owned by the parties or one of them, the length of tenancy or ownership of each party, the current family members residing therein and the grounds upon which the moving party seeks exclusive possession." Conn. Practice Book § 25-25 (2025).
Forms:	<ul style="list-style-type: none"> • JD-FM-176. Motion for Orders Before Judgment (Pendente Lite) in Family Cases (rev. 2/20) • <i>Library of Connecticut Family Law Forms</i>, 2d ed., by MacNamara, Welsh, and George, editors, Connecticut Law Tribune, 2014. Form 5-034. Motion for exclusive possession • 2 Connecticut Practice Series, <i>Connecticut Civil Practice Forms</i>, 5th ed., by Daniel A. Morris et al., 2024 ed., Thomson West (also available on Westlaw). § 47:8. Motion for exclusive possession of premises— Motion to vacate premises • <i>Handbook of Forms for the Connecticut Family Lawyer</i>, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991. Form VI-E-1. Motion for exclusive possession, p. 120.
Texts & Treatises:	<ul style="list-style-type: none"> • 7 Connecticut Practice Series, <i>Family Law and Practice with Forms</i>, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw). Chapter 25. Jurisdiction for Distribution of Property; Temporary Orders § 25:7. Temporary use of the marital home • <i>Handbook of Forms for the Connecticut Family Lawyer</i>, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991. VI. Pendente Lite Motions Exclusive Possession of the Family Home: Notes and Comments, p. 119 • <i>LexisNexis Practice Guide: Connecticut Family Law</i>, Louise Truax, editor, 2024 ed., LexisNexis. Chapter 4. Pretrial Pleadings and Discovery Part III. Preparing Specific Pleadings

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

	<p>§ 4.12. Filing a motion for exclusive possession</p> <ul style="list-style-type: none"> • <i>A Practical Guide to Divorce in Connecticut</i>, Hon. Barry F. Armata and Campbell D. Barrett, editors, Massachusetts Continuing Legal Education, 2013, with 2018 supplement. Chapter 2. Motion Practice for Temporary Orders § 2.5.2 Motion for Exclusive Possession
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Table 3: Motions in Library of Connecticut Family Law Forms

Library of Connecticut Family Law Forms 2d is available at each Connecticut Judicial Branch [Law Library](#).

Chapter 5. Motions

General Motions

- 5-000. Commentary—Motions
- 5-001. Motion to Dismiss
- 5-002. Motion to Withdraw Appearance
- 5-003. Motion to Seal File and Close Courtroom
- 5-007. Motion for Alimony
- 5-008. Motion for Child Support
- 5-009. Motion for Alimony and Support
- 5-011. Claims for Relief Re: Alimony and Child Support Pendente Lite

Motions—Custody & Visitation

- 5-012. Motion for Temporary Sole Legal and Physical Custody
- 5-013. Motion to Set Parenting Plan
- 5-015. Emergency Motion for Temporary Sole Legal and Physical Custody
- 5-016. Motion for Permission to Relocate
- 5-017. Motion to Appoint Guardian Ad Litem for the Minor Child/Children
- 5-018. Motion for Appointment of Attorney for Minor Child/Children
- 5-019. Motion for Psychological Evaluation
- 5-020. Motion for Psychiatric Evaluation
- 5-021. Motion for a Private Custody Evaluation
- 5-022. Motion for Order to Update Custody Evaluation
- 5-023. Motion for Family Services Division Evaluation
- 5-024. Motion to Appoint Mental Health Professional for the Minor Child/Children
- 5-025. Motion for Order Re: Co-Parenting Counseling and/or Co-Parenting Coordinator
- 5-026. Motion for Order Re: Alcohol Testing
- 5-027. Motion for Order Re: Drug Testing
- 5-028. Claims for Relief Re: Alcohol Testing
- 5-029. Claims for Relief Re: Drug Testing
- 5-030. Temporary Parenting Plan (Short Form)
- 5-031. Parenting Plan (Long Form)

Pendente Lite Motions—Contempt & Modification

- 5-035. Motion for Contempt Re: Unallocated Alimony and Support
- 5-036. Motion for Contempt Re: Automatic Orders
- 5-037. Motion for Contempt Re: Parenting Plan
- 5-038. Motion for Modification of Unallocated Alimony and Support
- 5-039. Motion for Modification of Parenting Plan

Pendente Lite Motions—Fees

- 5-040. Motion for Counsel Fees
- 5-041. Affidavit of Services
- 5-042. Motion for Expert Fees

Pendente Lite Motions—Miscellaneous

- 5-044. Motion for Relief from Automatic Orders
- 5-045. Motion to Expunge
- 5-047. Motion for Hearing Under *State v. Porter*

Section 3: Motion to Dismiss

A Guide to Resources in the Law Library

SCOPE:

Bibliographic references relating to the motion to dismiss in a dissolution of marriage proceeding in Connecticut.

DEFINITIONS:

- **Grounds:** "The motion to dismiss shall be used to assert (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) insufficiency of process and (4) insufficiency of service of process." Conn. Practice Book § [25-13](#)(a) (2025).
- "When a motion to dismiss is filed questioning subject matter jurisdiction it must be disposed of before there can be other proceedings . . . Jurisdiction must exist in three particulars: the subject matter of the case, the parties, and the process" [Babouder v. Abdennur](#), 41 Conn. Supp. 258, 259 A.2d 457 (1989).
- "The pendency of a prior action between the same parties is a ground for dismissal for the second action, for reasons of justice and equity and for the further reason that it is duplicative and therefore vexatious This rule does not apply, however, where the purposes of the two actions and the issues to be determined in them are different." [Babouder v. Abdennur](#), 41 Conn. Supp. 258, 263, 566 A.2d 457 (1989).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025).
[Chapter 25](#). Procedure in Family Matters – General Provisions
§ 25-12. Motion to Dismiss
§ 25-13. — Grounds on Motion to Dismiss
§ 25-14. — Waiver and subject matter jurisdiction
§ 25-15. — Further pleading by defendant

FORMS:

- *Library of Connecticut Family Law Forms*, 2d ed., by MacNamara, Welsh, and George, editors, Connecticut Law Tribune, 2014.
Form 5-001. Motion to dismiss

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Gershon v. Back](#), 201 Conn. App. 225, 254, 242 A.3d 481 (2020). "We disagree, however, with the court's conclusion that it lacked subject matter jurisdiction. The court had jurisdiction to consider the motion to open pursuant to §§ 46b-1 and 46b-71 (b), and, therefore, it should have denied, rather than dismissed, the motion to open."
- [Zitkene v. Zitkus](#), 140 Conn. App. 856, 870, 60 A. 3d 322 (2013). "Because the court, in its discretion, properly could grant comity to the judgment of dissolution

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rendered by the Lithuanian court in light of the undisputed facts set forth in the defendant's affidavit and the decision of the Lithuanian appellate court, it was free to dismiss the plaintiff's action 'without further proceedings';... as that determination conclusively established that jurisdiction was lacking in the present case."

- [Narayan v. Narayan](#), 305 Conn. 394, 46 A. 3d 90 (2012). "[T]he Superior Court...may exercise jurisdiction over a person only if that person has been properly served with process, has consented to the jurisdiction of the court or has waived any objection to the court's exercise of personal jurisdiction.' (Internal quotation marks omitted.) [Kim v. Magnotta](#), 249 Conn. 94, 101-102, 733 A.2d 809 (1999)." (p.402)

"...[T]he filing of an appearance on behalf of a party, in and of itself, does not waive that party's personal jurisdiction claims. Nevertheless, '[a]ny defendant, wishing to contest the court's jurisdiction, may do so even after having entered a general appearance, but must do so by filing a motion to dismiss within thirty days of the filing of the appearance....' Practice Book § 10-30. The rule specifically and unambiguously provides that any claim of lack of jurisdiction over the person as a result of an insufficiency of service of process is waived unless it is raised by a motion to dismiss filed within thirty days in the sequence required by Practice Book § 10-6, formerly [Practice Book (1978-97)] § 112. Thus, thirty-one days after the filing of an appearance or the failure to adhere to the requisite sequence, a party is deemed to have submitted to the jurisdiction of the court. Any claim of insufficiency of process is waived if not sooner raised.' [Pitchell v. Hartford](#), 247 Conn. 422, 432-33, 722 A.2d 797 (1999)." (p. 402-403)

- [Luster v. Luster](#), 128 Conn. App. 259, 265, 17 A.3d 1068 (2011). "[I]t is the burden of the party who seeks the exercise of jurisdiction in his favor ... clearly to allege facts demonstrating that he is a proper party to invoke judicial resolution of the dispute.' (Internal quotation marks omitted.) [May v. Coffey](#), 291 Conn. 106, 113, 967 A.2d 495 (2009). 'If a party is found to lack standing, the court is without subject matter jurisdiction to determine the cause.' (Internal quotation marks omitted.) [Carrubba v. Moskowitz](#), 274 Conn. 533, 550, 877 A.2d 773 (2005). '[A] determination regarding a trial court's subject matter jurisdiction is a question of law, [and therefore] our review is plenary.' (Internal quotation marks omitted.) [In re Matthew F.](#), 297 Conn. 673, 688, 4 A.3d 248 (2010)."
- [Panganiban v. Panganiban](#), 54 Conn. App. 634, 638, 736 A.2d 190 (1999). "We conclude that the trial court

properly denied the motion to dismiss because the defendant did have sufficient contact with Connecticut and the exercise of jurisdiction in this case does not offend the traditional notions of fair play and substantial justice.”

- [Rummel v. Rummel](#), 33 Conn. App. 214, 218-219, 635 A.2d 295 (1993). “The parties herein agree that by going forward on this trial without an answer having been filed, the defendant waived any defect regarding jurisdiction over the person that may have existed.”

WEST KEY NUMBERS:

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- *Divorce*
138. Dismissal.
- 24 *Am Jur 2d* Divorce and Separation, Thomson West, 2018, with 2025 supplement (Also available on Westlaw).
I. Divorce and Separation Proceedings
D. Practice and Procedure in Divorce Actions
§ 250. Motion to dismiss in divorce action
- 27A *CJS* Divorce, Thomson West, 2016, with 2024 supplement (Also available on Westlaw).
IV. Proceedings, Trial, and Judgment
§ 235. Demurrer; Motion to dismiss for failure to state claim
§§ 308-318. Dismissal or discontinuance
- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
Chapter 18. Process
§ 18:12. Defects in process
Chapter 19. Pleadings
§ 19:11. Other responsive pleadings
- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, by Wesley W. Horton, et al., 2024-2025 ed., Thomson West (also available on Westlaw).
Authors’ Comments for §§ 25-12, 25-13, 25-14
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.
Chapter 25. Procedure in Family Matters, General Provisions
§§ 25-12 through 25-15. Motion to Dismiss
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
Chapter 4. Pretrial Pleadings and Discovery
Part III. Preparing Specific Pleadings
§ 4.09. Preparing a motion to dismiss

- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
 - VIII. Motion to Dismiss
- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
 - Chapter 20. Family Law Procedures
 - § 250. Pleadings in dissolution actions
 - c. Pleading by defendant

Table 4: Badouder v. Abdennur

<p style="text-align: center;"><u>Badouder v. Abdennur</u> 41 Conn. Supp. 258, 566 A.2d 457 (1989)</p>	
(1) personal service upon the defendant was accomplished by trick, fraud or artifice;	"In Connecticut, as in other states, the court will not exercise jurisdiction in a civil case which is based upon service of process on a defendant who has been decoyed, enticed or induced to come within the court's jurisdiction by any false representation, deceitful contrivance or wrongful device for which the plaintiff is responsible This rule does not apply, however, when the defendant enters the state on his own, even if the plaintiff and his agents then engage in trickery to make service of process." Ibid., p. 262.
(2) the plaintiff is not a resident of Connecticut now or when this action was commenced, and therefore has no standing to bring or to maintain this action under C.G.S. § 46b-44;	"The plaintiff in the present case sufficiently meets the residency requirement in § 46b-44 (a). This court, therefore, has subject matter jurisdiction." Ibid., p. 267.
(3) there is pending in the Family Court, Patriarchy of Catholics, in Beirut, Lebanon, a prior claim commenced by the plaintiff claiming similar relief;	"The rule that the pendency of a prior action between the same parties and to the same ends is grounds for dismissal has efficacy only where the actions are pending in the same jurisdiction. The pendency of an action in one state is not a ground for abatement of a later action in another state.' <u>Sauter v. Sauter</u> , 4 Conn. App. 581, 584, 495 A2d 1116 (1985)." Ibid., p. 263.
(4) the plaintiff failed to file a custody statement as required by General Statutes § 46b-99;	". . . failure to file such a statement is not a jurisdictional defect and there is jurisdiction, at least, for the purposes of a dissolution of the marriage." Ibid., p. 261.
(5) the plaintiff allegedly violated the clean hands doctrine by her unauthorized removal of the parties' minor children from Lebanon in violation of a court order, by the method she used to serve the complaint on the defendant, and by her misrepresentation as to her residence.	"The clean hands doctrine cannot be raised on a motion to dismiss." Ibid., p. 261.

Section 4: Motion to Strike

A Guide to Resources in the Law Library

SCOPE:

Bibliographic references relating to the motion to strike in a dissolution of marriage or legal separation proceeding in Connecticut.

DEFINITION:

- “Whenever any party wishes to contest (1) the legal sufficiency of the allegations of any complaint or cross complaint, or of any one or more counts thereof, to state a claim upon which relief can be granted, or (2) the legal sufficiency of any claim for relief in any such complaint or cross complaint, or (3) the legal sufficiency of any such complaint or cross complaint, or any count thereof, because of the absence of any necessary party, or (4) the joining of two or more causes of action which cannot properly be united in one complaint or cross complaint, whether the same be stated in one or more counts, or (5) the legal sufficiency of any answer to any complaint or cross complaint, or any part of that answer contained therein, that party may do so by filing a motion to strike the contested pleading or part thereof.” Conn. Practice Book § [25-16](#)(a) (2025).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025).
[Chapter 25](#). Procedure in Family Matters – General Provisions
 - § 25-16. Motion to Strike; In General
 - § 25-17. —Date of hearing
 - § 25-18. —Reasons
 - § 25-19. —Memorandum of Law
 - § 25-20. —When Memorandum of Decision required
 - § 25-21. —Substitute pleading; Judgment
 - § 25-22. —Stricken pleading part of another cause or defense

CASES:

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- [Ferri v. Powell-Ferri](#), 317 Conn. 223, 237, 116 A.3d 297 (2015). “Thus, failure by [a defendant] to [strike] any portion of the ... complaint does not prevent [that defendant] from claiming that the [plaintiff] had no cause of action and that [summary judgment was] warranted.... [Indeed], this court repeatedly has recognized that the desire for judicial efficiency inherent in the summary judgment procedure would be frustrated if parties were forced to try a case where there was no real issue to be tried.... [[Larobina v. McDonald](#), supra, 274 Conn. at 401–402, 876 A.2d 522]. On the other hand, the use of a motion for summary judgment instead of a motion to strike may be unfair to the nonmoving party because [t]he granting of a defendant's motion for summary

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judgment puts [a] plaintiff out of court ... [while the] granting of a motion to strike allows [a] plaintiff to replead his or her case.... Id. [at], 401 [876 A.2d 522]; see Practice Book §§ 10-44 and 17-49.... [American Progressive Life & Health Ins. Co. of New York v. Better Benefits, LLC](#), supra, 292 Conn. at 120-21, 971 A.2d 17.” (Internal quotation marks omitted.)

- [Gibson v. Gibson](#), 34 Conn. App. 139, 140, 640 A.2d 145 (1994). “The plaintiff in this dissolution of marriage action has filed a motion to strike the issue of postjudgment counsel fees from the defendant’s brief. The dispositive issue is whether this court’s January 27, 1994 dismissal of the defendant’s amended appeal, which raised the issue of counsel fees, precludes the defendant from addressing this same issue in his brief on the main appeal.”
- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 19. Pleadings
 - § 19:11. Other responsive pleadings
- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, by Wesley W. Horton, et al., 2024-2025 ed., Thomson West (also available on Westlaw).
 - Authors’ Comments for § 25-16
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.
 - Chapter 25. Procedure in Family Matters, General Provisions
 - §§ 25-16 through 25-22.1. Motion to Strike
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
 - Chapter 4. Pretrial Pleadings and Discovery
 - Part III. Preparing Specific Pleadings
 - § 4.10. Preparing a motion to strike
- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
 - Chapter X. Motion to Strike
- 2 *Stephenson’s Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
 - Chapter 20. Family Law Procedures
 - § 250. Pleadings in dissolution actions
 - c. Pleading by defendant

Section 5: Answer/Cross Complaint

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to answers and/or cross complaints in dissolution of marriage proceedings in Connecticut.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2025).
[Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
§ [46b-41](#). Complaint includes cross-complaints or cross actions.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025).
[Chapter 25](#). Procedure in Family Matters – General Provisions
§ 25-9. —Answer, Cross Complaint, Claims for Relief by Defendant
§ 25-10. —Answer to Cross Complaint

COURT FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [Responding to a Divorce](#)
- [JD-FM-159](#). Divorce Complaint/Cross Complaint (Dissolution of Marriage) (rev. 12/19)
- [JD-FM-160](#). Dissolution Answer (rev. 6/14)

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2024 ed., Thomson West (also available on Westlaw).
§ 50:19. Complaint or cross complaint for dissolution of marriage (divorce) or legal separation
- *1 Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
Form II-B-1. Answer and cross-complaint, p. 10
- *Library of Connecticut Family Law Forms*, 2d ed., by MacNamara, Welsh, and George, editors, Connecticut Law Tribune, 2014.
Form 1-009. Answer and cross-complaint
Form 1-012. Answer and cross-complaint – in avoidance of premarital agreement
Form 1-013. Cross-complaint – Seeking enforcement of premarital agreement

CASES:

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- [Ferri v. Powell-Ferri](#), 317 Conn. 223, 224-225, 116 A.3d 297 (2015). "The dispositive issue in this appeal is whether the trial court properly rendered summary judgment in favor of Ferri on the cross complaint filed by Powell-Ferri on the ground that it failed to plead a legally sufficient cause of action. Specifically, Powell-Ferri's cross complaint alleged that Ferri had breached his duty to preserve marital assets during the pendency of their marital dissolution action . . ."
- [Luster v. Luster](#), 128 Conn. App. 259, 260, 17 A.3d 1068 (2011). "In this issue of first impression, we are called on to determine whether the involuntary conservators of a conserved person can respond to an action for legal separation filed against the conserved person by filing an answer and cross complaint seeking a dissolution of marriage on behalf of the conserved person. We answer that question in the affirmative and, therefore, reverse the judgment of the trial court dismissing this cross complaint."
- [Viveros v. Viveros](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FA03-0193290-S (April 8, 2004) (2004 Conn. Super. Lexis 878) (2004 WL 886907). "On December 19, 2003 the plaintiff filed a request for leave to amend complaint. No objection was filed and the amended complaint is deemed filed by consent of the defendant. The amended complaint alleges adultery as the sole ground for dissolution. It is one of the many causes recited in § 46b-40(c), Conn. Gen. Statutes upon a finding that it occurred. In this case the plaintiff has not proven her allegation of adultery occurring prior to the irretrievable breakdown, [Venuti v. Venuti](#), 185 Conn. 156, 158, 440 A.2d 878 (1991). The defendant filed a cross complaint alleging that the marriage has broken down irretrievably. The plaintiff filed an answer admitting the allegation. The Court concludes that the marriage had broken down irretrievably by December 2002."
- [LaCroix v. LaCroix](#), 189 Conn. 685, 687-688, 457 A.2d 1076 (1983). "On appeal, the plaintiff's sole claim is that the trial court was without jurisdiction to award alimony or any part of the proceeds of the sale of real property to the defendant on the basis of the cross complaint. He asserts that General Statutes 46b-67 mandates a twenty-day waiting period after the filing of a cross complaint in a dissolution proceeding before any action may be taken on that cross complaint. He therefore claims that the alimony and property awards are void, because those issues were not raised in his complaint and could not be considered under the cross complaint without violating 46b-67. We agree that 46b-67 by its clear language forbids the consideration of a cross complaint until twenty days after

it is filed and, therefore, the court could not make awards based on the defendant's cross complaint. We cannot agree, however, that the trial court lacked jurisdiction to make the challenged awards. We find no error."

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- 24 *Am Jur 2d* Divorce and Separation, Thomson West, 2018, with 2025 supplement (Also available on Westlaw).
 - I. Divorce and Separation Proceedings
 - D. Practice and Procedure in Divorce Actions
 - §§ 238-245. Response or answer
 - §§ 246-249. Cross-petition, cross-complaint, cross-bill, or counterclaim
- 27A *CJS* Divorce, Thomson West, 2016, with 2024 supplement (Also available on Westlaw).
 - IV. Proceedings, Trial, and Judgment
 - §§ 228-231. Answer
 - §§ 232-233. Cross action or counterclaim
- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 19. Pleadings
 - § 19:9. Answer, cross-complaint, and claims for relief by defendant
- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, by Wesley W. Horton, et al., 2024-2025 ed., Thomson West (also available on Westlaw).
 - Authors' Comments for §§ 25-9, 25-10
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.
 - Chapter 25. Procedure in Family Matters, General Provisions
 - § 25-9. Answer, cross complaint, claims for relief by defendant
 - § 25-10 Answer to cross complaint
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
 - I. Pleadings
 - Answer or Answer and Cross-Complaint: Notes & Comments, p. 9
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
 - Chapter 3. Dissolution of Marriage and Legal Separation

Part III. Preparing the Complaint and Cross
Complaint

§ 3.16. CHECKLIST: Preparing the complaint
and cross complaint

§ 3.20. Filing the answer and cross complaint

- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by
Renee Bevacqua Bollier et al., Atlantic Law Book Co.,
2002, with 2003 supplement.
Chapter 20. Family Law Procedures
§ 250. Pleadings in dissolution actions
c. Pleading by defendant

Section 6: Amendment to Complaint

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to amendment of a complaint or cross-complaint in dissolution of marriage proceedings in Connecticut.

DEFINITIONS:

- **Allowance of amendment:** "Much depends upon the particular circumstances of each case. The factors to be considered include unreasonable delay, fairness to the opposing parties, and negligence of the party offering the amendment." [Antonofsky v. Goldberg](#), 144 Conn. 594, 597, 136 A.2d 338 (1957).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2025).
[Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment

COURT RULES:

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- Conn. Practice Book (2025).
[Chapter 10](#). Pleadings
§ 10-59. Amendments; Amendment as of right by plaintiff
§ 10-60. —Amendment by consent, order of judicial authority, or failure to object
§ 10-61. —Pleading after amendment
[Chapter 25](#). Procedure in Family Matters – General Provisions
§ 25-2. Complaints for dissolution of marriage or civil union, legal separation, or annulment
§ 25-7. Pleadings in general; Amendments to complaint or application
§ 25-8. —Amendment; New ground for dissolution of marriage or civil union

FORMS:

- *Library of Connecticut Family Law Forms*, 2d ed., by MacNamara, Welsh, and George, editors, Connecticut Law Tribune, 2014.
Form 1-006. Request to amend complaint
Form 1-007. Request for leave to amend complaint and to cite in third party defendants

CASES:

- [Hepburn v. Brill](#), 348 Conn. 827, 847-848, 312 A.3d 1 (2024). "In contrast to the more restrictive civil rule of Practice Book § 10-60, Practice Book § 25-7, which governs amendments to pleadings in family matters, provides in relevant part that, "[i]f [Practice Book §]

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[25-2, 25-3 or] 25-4 is not complied with, the judicial authority, *whenever its attention is called to the matter*, shall order that the complaint or the application, as the case may be, be amended upon such terms and conditions as it may direct. ..." (Emphasis added.) Because the trial court should have allowed the plaintiff to amend the petition under the more liberal provision of Practice Book § 25-7, and the plaintiff has indeed amended the petition and the trial court has considered it, we, too, will consider the plaintiff's amended petition."

- [Buchenholz v. Buchenholz](#), 221 Conn. App. 132, 137, 300 A.3d 1233 (2023). "The court ultimately concluded that 'the defendant's behavior [was] the primary cause of the irretrievable breakdown of the parties' ... marriage' and dissolved the marriage 'on the ground of irretrievable breakdown caused ... by the defendant's fault.' In concluding that the parties' marriage had broken down irretrievably on the basis of the defendant's fault, the court explained 'that the cause of the irretrievable breakdown ... is the defendant's physical and sexual abuse of the plaintiff. An irretrievable breakdown may result from abusive behavior. ... Moreover, although fault was not [pleaded by the plaintiff], the court has the authority to amend [the complaint] to conform to the proof even after the evidence has been concluded. ... The court amends the [complaint] to conform to the extensive proof of the defendant's fault.'" (Citations omitted.)
- [LaFrance v. Lodmell](#), 322 Conn. 828, 846-847, 144 A.3d 373 (2016). "'While our courts have been liberal in permitting amendments ... this liberality has limitations. Amendments should be made seasonably. Factors to be considered in passing on a motion to amend are the length of the delay, fairness to the opposing parties and the negligence, if any, of the party offering the amendment.... The motion to amend is addressed to the trial court's discretion which may be exercised to restrain the amendment of pleadings so far as necessary to prevent unreasonable delay of the trial.... Whether to allow an amendment is a matter left to the sound discretion of the trial court. This court will not disturb a trial court's ruling on a proposed amendment unless there has been a clear abuse of that discretion.... It is [the] burden [of the party proposing the amendment] to demonstrate that the trial court clearly abused its discretion....'"
- [Viveros v. Viveros](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FA03-0193290-S (April 8, 2004) (2004 Conn. Super. Lexis 878) (2004 WL 886907). "On December 19, 2003 the plaintiff filed a request for leave to amend complaint. No objection was

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filed and the amended complaint is deemed filed by consent of the defendant. The amended complaint alleges adultery as the sole ground for dissolution. It is one of the many causes recited in § 46b-40(c), Conn. Gen. Statutes upon a finding that it occurred. In this case the plaintiff has not proven her allegation of adultery occurring prior to the irretrievable breakdown, [Venuti v. Venuti](#), 185 Conn. 156, 158, 440 A.2d 878 (1991). The defendant filed a cross complaint alleging that the marriage has broken down irretrievably. The plaintiff filed an answer admitting the allegation. The Court concludes that the marriage had broken down irretrievably by December 2002.”

- [Welch v. Welch](#), Superior Court, Judicial District of Tolland at Rockville, No. FA00-0072505-S (May 17, 2002) (2002 Conn. Super. Lexis 1820) (2002 WL 1332028). “Here the defendant did not seek leave to amend her cross-complaint until after the trial. The plaintiff objects to the allowance of the amendment because it raises a new cause of action not previously alleged. In exercising its discretion in determining whether the court should allow the amendment, the court is guided by the considerations referred to in *Antonofsky* . . . Lastly, it is not fair to the plaintiff to allow the amendment where he has not been put on notice of it and where its necessity, if any, is caused by the defendant’s own failure to prove the grounds alleged in her cross-complaint. The request for leave to amend the cross-complaint is denied.”
- [Cugini v. Cugini](#), 13 Conn. App. 632, 636, 538 A.2d 1060 (1988). “The defendant also claims an abuse of discretion by the trial court in permitting an amendment to the complaint to allege as an additional ground for dissolution that he had been convicted of an infamous crime. This is one of the grounds upon which dissolution may be sought; General Statutes 46b-40(c)(9); and, in any event, it was not the ground upon which dissolution was granted in this case.”
- [Rodearmel v. Rodearmel](#), 173 Conn. 273, 274, 377 A.2d 260 (1977). “On the appeal, the defendant briefed six claims of error. Four of these are addressed to discretionary rulings of the court in granting the plaintiff permission to amend his complaint to add a new claim for relief, in assigning the defendant’s interest in the marital residence to the plaintiff, in not awarding a greater amount of alimony and in not awarding to the defendant additional counsel fees. We find no error in any of these rulings as to each of which the trial court has broad discretion.”
- [Kelsall v. Kelsall](#), 139 Conn. 163, 165, 90 A.2d 878 (1952). “An amendment to a complaint relates back to

the institution of the action for some purposes; . . . but when it sets up a new and different cause of action it speaks as of the date when it is filed To be valid, it must state a cause of action which exists at that time. A cause of action must arise from a single group of facts Acts amounting to intolerable cruelty and acts amounting to desertion do not constitute a single group of facts. They are separate and distinct. An amendment to a complaint for divorce on the ground of intolerable cruelty which sets up desertion in a new count is the statement of a new cause of action.”

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TEXTS & TREATISES:

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References to online databases refer to in-library use of these databases. Remote access is not available.

- *Divorce*
104. Amended and supplemental pleadings.
- 24 *Am Jur 2d* Divorce and Separation, Thomson West, 2018, with 2025 supplement (Also available on Westlaw).
I. Divorce and Separation Proceedings
D. Practice and Procedure in Divorce Actions
§§ 234-237. Amendment; Supplemental pleadings
- 27A *CJS* Divorce, Thomson West, 2016, with 2024 supplement (Also available on Westlaw).
IV. Proceedings, Trial, and Judgment
§§ 237-240. Amended and supplemental pleadings
- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
Chapter 19. Pleadings
§ 19:13. Amendment of pleadings
- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, by Wesley W. Horton, et al., 2024-2025 ed., Thomson West (also available on Westlaw).
Authors’ Comments for §§ 25-7, 25-8
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.
Chapter 25. Procedure in Family Matters, General Provisions
§§ 25-7 through 25-8.1. Amendments to complaint
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
Chapter 3. Dissolution of Marriage and Legal Separation
Part III. Preparing the Complaint and Cross Complaint

§ 3.21. Amending the complaint or cross
complaint

- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
Chapter VII. Amendments to Pleadings

Section 7: Request for Conciliation

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to attempts for reconciliation in action for dissolution of marriage, legal separation or annulment in Connecticut.

DEFINITIONS:

- "On or after the return day of a complaint seeking the dissolution of a marriage or a legal separation, but prior to the entry of judgment, and prior to the expiration of the ninety days following the return date, either spouse or the counsel for any minor children of the marriage may submit a request for conciliation to the clerk of the court. The clerk shall forthwith enter an order that the parties meet with a conciliator mutually acceptable to them or, if the parties cannot agree as to a conciliator, with a conciliator named by the court. The conciliator shall, in any case, be a clergyman, a physician, a domestic relations officer or a person experienced in marriage counseling." Conn. Gen. Stat. § [46b-53](#)(a) (2025)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2025).
[Chapter 815](#). Court Proceedings in Family Relations Matters
§ [46b-10](#). Attempt at reconciliation in action for dissolution of marriage, legal separation or annulment.
[Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
§ [46b-53](#). Conciliation procedures; privileged communications.

FORMS:

- *Library of Connecticut Family Law Forms*, Thomas D. Colin, editor, Connecticut Law Tribune, 2008.
Form 4-012. Request for conciliation
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
Form VI-D-1. Request for conciliation, p. 118

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Weinberg v. Weinberg](#), 89 Conn. App. 649, 653, 874 A.2d 321, 324 (2005). "The court did not abuse its discretion by denying the defendant's oral motion for conciliation. The statute under which the defendant sought conciliation does not mandate that the court order conciliation on request. Rather, it provides that a court may order conciliation. General Statutes § 46b-10. The court heard ample testimony from the plaintiff that the marriage had broken down irretrievably, and the court was, therefore, within its discretion to find that the marriage had broken down irretrievably."

- [Cabrera v. Cabrera](#), 23 Conn. App. 330, 338, 580 A.2d 1227 (1990). "The public policy underlying this statute in general and the latter provision in particular must, in part, have been intended to encourage marital reconciliation by providing a safe, confidential setting in which problems as well as possible solutions could be explored fully and honestly."
- [Emerick v. Emerick](#), 5 Conn. App. 649, 657-658, 502 A.2d 933 (1985). "A conciliator is, by statutory definition, a clergyman, a physician, a domestic relations officer or a person experienced in marriage counseling. General Statutes 46b-53(a)."

WEST KEY NUMBERS:

ENCYCLOPEDIAS:

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TEXTS & TREATISES:

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- *Divorce*
87.5. Conciliation proceedings.
- 24 *Am Jur 2d* Divorce and Separation, Thomson West, 2018, with 2025 supplement (Also available on Westlaw).
I. Divorce and Separation Proceedings
D. Practice and Procedure in Divorce Actions
§§ 280-281. Conciliation proceedings
- 27A *CJS* Divorce, Thomson West, 2016, with 2024 supplement (Also available on Westlaw).
IV. Proceedings, Trial, and Judgment
§ 198. Conciliation proceedings
- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
Chapter 20. Pretrial Procedures and Preparation
§ 20:7. Requests for conciliation
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
VI. Pendente Lite Motions
Conciliation: Notes & Comments, p. 117.
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2024 ed., LexisNexis.
Chapter 3. Dissolution of Marriage and Legal Separation
Part VII. Providing for Conciliation
§ 3.31 CHECKLIST: Providing for conciliation
§ 3.32 Assessing conciliation procedures

Section 8: Request for New Trial

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to request for new trial in dissolution of marriage proceedings in Connecticut.

SEE ALSO:

- [Motion to Open Judgment in Family Matters](#)
- [Motion for Articulation](#)
- [Motion for Review](#)
- [Motion for Clarification](#)
- [Motion to Reargue](#)

DEFINITIONS:

- **Petition for a New Trial:** "The Superior Court may grant a new trial of any action that may come before it, for misleading, the discovery of new evidence or want of actual notice of the action to any defendant or of a reasonable opportunity to appear and defend, when a just defense in whole or part existed, or the want of actual notice to any plaintiff of the entry of a nonsuit for failure to appear at trial or dismissal for failure to prosecute with reasonable diligence, or for other reasonable cause, according to the usual rules in such cases. The judges of the Superior Court may in addition provide by rule for the granting of new trials upon prompt request in cases where the parties or their counsel have not adequately protected their rights during the original trial of an action." Conn. Gen. Stat. § [52-270](#)(a) (2023).
- **Motion for New Trial:** "Motions. . . for new trials, unless brought by petition served on the adverse party or parties, and motions pursuant to General Statutes 52-225a for reduction of the verdict due to collateral source payments must be filed with the clerk within ten days after the day the verdict is accepted; provided that for good cause the judicial authority may extend this time. The clerk shall notify the trial judge of such filing. Such motions shall state the specific grounds upon which counsel relies." Conn. Practice Book § [16-35](#) (2025).
- **Motion vs. Petition:** "So far as the right of appeal is concerned, there is a distinction between an order granting a **motion for a new trial** and a judgment entered upon a **petition for a new trial**, which may be instituted at any time within three years after a judgment is rendered The latter is appealable." [Hoberman v. Lake of Isles, Inc.](#), 138 Conn. 573, 576, 87 A.2d 137 (1952). [Emphasis added].

STATUTES:

- Conn. Gen. Stat. (2025).
[Chapter 903](#). New Trials

§ [52-270](#). Causes for which new trials may be granted.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025).
[Chapter 16](#). Jury Trials
§ 16-35. Motions after verdict: Motions in arrest of judgment, to set aside verdict, for additur or remittitur, for **new trial**, or for collateral source reduction [Emphasis added.]

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2024 ed., Thomson West (also available on Westlaw).
§ 26:5. Motion for new trial—Case tried to court
§ 26:11. New Trial demand—Complaint based on new evidence
- 1A *Connecticut Legal Forms*, by Douglass B. Wright, Atlantic Law Book Co., 1983.
Form 602.20. Petition for new trial
Form 602.27. Motion for new trial

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Conroy v. Idlibi](#), 343 Conn. 201, 205, 272 A.3d 1121 (2022). “There are three limitations on a court’s ability to grant relief from a dissolution judgment secured by fraud: (1) there must have been no laches or unreasonable delay by the injured party after the fraud was discovered; (2) there must be clear proof of the fraud; and (3) there [must be] a [reasonable probability] that the result of the new trial [would] be different.’ (Footnote added; footnote omitted; internal quotation marks omitted.) [Reville v. Reville](#), supra, 312 Conn. 442; see also [Duart v. Dep’t of Corr.](#), 303 Conn. 479, 491, 34 A.3d 343 (2012) (requiring movant to demonstrate reasonable probability, rather than substantial likelihood, that result of new trial would have been different); [Billington v. Billington](#), 220 Conn. 212, 214, 595 A.2d 1377 (1991) (abandoning diligence requirement for motions to open dissolution judgments secured by fraud).”
- [Williams v. Williams, III](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FA11-4021238-S (March 12, 2018) (2018 WL 1736057). “The court considers a motion to open on the grounds of newly-discovered evidence under the criteria set forth by our Supreme Court in [Asherman v. State](#), 202 Conn. 429, 434, 521 A.2d 578 (1987), for evaluating a petition for a new trial based upon newly-discovered evidence. ‘Under the Asherman standard, a court is justified in granting a petition for a new trial when the petitioner demonstrates that the evidence offered in support thereof: (1) is newly

discovered such that it could not have been discovered previously despite the exercise of due diligence; (2) would be material to the issues on a new trial; (3) is not cumulative; and (4) is likely to produce a different result in the event of a new trial.’ (Citation omitted.) *Juma v. Aomo*, Superior Court, judicial district of Hartford, Docket No. HHD-FA-09-4046839-S (Jan. 24, 2012; Olear, J.). In addition to considering these specific criteria; ‘a court’s decision on the petition should be guided by the more general principle that a new trial will be warranted on the basis of newly discovered evidence only where an injustice was done and whether it is probable that on a new trial a different result would be reached.’ (Citation omitted; internal quotation marks omitted.) [Shabazz v. State](#), 259 Conn. 811, 821, 792 A.2d 797 (2002). ‘This strict standard is meant to effectuate the underlying equitable principle that once a judgment is rendered it is to be considered final, and should not be disturbed by post trial motions except for a compelling reason.’ (Internal quotation marks omitted.) [Asherman](#), *supra*, 202 Conn. at 434.

- [Baker v. Whitnum-Baker](#), 161 Conn. App. 227, 230, 127 A. 3d 330 (2015). “‘A petition will never be granted except upon substantial grounds. It does not furnish a substitute for, or an alternative to, an ordinary appeal but applies only when no other remedy is adequate and when in equity and good conscience relief against a judgment should be granted.... In considering a petition, trial judges must give first consideration to the proposition that there must be an end to litigation.’ (Internal quotation marks omitted.) [Murphy v. Zoning Board of Appeals](#), 86 Conn.App. 147, 152, 860 A.2d 764 (2004), cert. denied, 273 Conn. 910, 870 A.2d 1080 (2005).”
- [Marshall v. Marshall](#), 119 Conn. App. 120, 988 A. 2d 314 (2010). “The plaintiff does not contend that the defendant cannot satisfy the reasonable cause test for a new trial on the basis of the underlying facts. Instead, she maintains that the petition itself is technically deficient in that it fails to set forth adequately the claim that a new trial is warranted for ‘other reasonable cause.’ Consequently, the defendant’s petition for a new trial, according to the plaintiff, fails to state a cause of action on which relief can be granted. . . .” (p.141-142)

Upon our careful examination of the petition, construing it in the light most favorable to the defendant, we conclude that a claim for a new trial on the basis of ‘other reasonable cause’ was sufficiently pleaded.” (p. 142)

- [Bleidner v. Searles](#), 19 Conn. App. 76, 78, 561 A.2d 954 (1989). “A petition for a new trial is a statutory remedy

that is essentially equitable in nature. [State v. Grimes](#), 154 Conn. 314, 325, 228 A.2d 141 (1966). General Statutes 52-270 sets forth the limited circumstances in which a new trial will be granted. The petitioner has the burden of proving by a preponderance of the evidence that he is entitled to a new trial on the grounds claimed. *Johnson v. Henry*, 38 Conn. Sup. 718, 719-20, 461 A.2d 1001, cert. denied, 464 U.S. 1011, 104 S.Ct. 533, 78 L.Ed.2d 714 (1983). The petition is addressed to the sound discretion of the trial court. [Rizzo v. Pack](#), 15 Conn. App. 312, 315, 544 A.2d 252 (1988)."

- [Corbin v. Corbin](#), 179 Conn. 622, 626, 427 A.2d 432 (1980). "Whether the plaintiff's motion is treated as a motion to open judgment or as a petition for a new trial is immaterial. The granting or denial of such motions rests in the sound discretion of the trial court, reviewable only in the case of abuse One of the essential requirements for the granting of either motion is that the evidence which the party seeks to offer could not have been known and with reasonable diligence produced at trial Since it is undisputed that the evidence the plaintiff sought to introduce was known to him at the time of the trial, the court did not err in denying the plaintiff's motion."
- [Pass v. Pass](#), 152 Conn. 508, 511-512, 208 A.2d 753 (1965). "The rules for granting a new trial on the ground of newly discovered evidence are well established. The evidence must, in fact, be newly discovered, material to the issue on a new trial, such that it could not have been discovered and produced on the former trial by the exercise of due diligence, not merely cumulative and likely to produce a different result."

**WEST KEY
NUMBERS:**

- *Divorce*
151. New trial.

ENCYCLOPEDIAS:

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- 24 *Am Jur 2d* Divorce and Separation, Thomson West, 2018, with 2025 supplement (Also available on Westlaw).
I. Divorce and Separation Proceedings
D. Practice and Procedure in Divorce Actions
§§ 354-355. New trial
- 58 *Am Jur 2d* New Trial, Thomson West, 2023, with 2025 supplement (Also available on Westlaw).
§§ 7-12. Power to order
§§ 13-35. Right to new trial
§§ 36-314. Grounds for granting new trial
§§ 315-343. Procedure to obtain new trial

§§ 344-386. Hearing and determination of application
 §§ 387-395. Conditions to granting or denying of new trial
 §§ 396-398. Proceedings at new trial

- 27A *CJS Divorce*, Thomson West, 2016, with 2024 supplement (Also available on Westlaw).
 IV. Proceedings, Trial, and Judgment
 §§ 341-344. New trial or hearing
- 66 *CJS New Trial*, Thomson West, 2021, with 2024 supplement (Also available on Westlaw).
 §§ 1-40. In general
 §§ 41-175. Grounds
 §§ 178-316. Proceedings to procure new trial
 §§ 317-323. Proceedings at new trial
- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2024 ed., Thomson West (also available on Westlaw).
 Comments for §§ 26:5 and 26:11
- 6 Connecticut Practice Series. *Connecticut Trial Practice*, 2d ed, by Robert B. Yules, Thomson West, 2000, with 2024 supplement (also available on Westlaw).
 Chapter 11. Verdict and Motions After Verdict
 § 11.33. —Motion for new trial
 § 11.34. —Mispleading
 § 11.35. —Want of notice or opportunity to defend
 § 11.36. —Newly discovered evidence
 § 11.37. —Other reasonable cause
 § 11.38. —Procedure
- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, by Wesley W. Horton, et al., 2024-2025 ed., Thomson West (also available on Westlaw).
 Authors' Comments for § 16-35
- 8A Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 Chapter 52. Postjudgment Motions
 § 52:12. Claims based on newly discovered evidence—Request for new trial
- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
 Chapter 17. Motions After Verdict; New Trials
 § 202. Petitions and motions for new trial

TEXTS & TREATISES:

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Figure 1: Complaint for New Trial (Form)

_____	Superior Court
_____	Judicial District of _____
(First Named Plaintiff)	
v.	at _____
_____	_____
(First Named Defendant)	(Date)

Complaint for New Trial

1. The defendant brought an action against the plaintiff for breach of contract to this court, in which action a trial was thereafter had to the jury, upon issue joined on the answer of this plaintiff, and a verdict was rendered against this plaintiff for \$ _____ damages, which verdict was accepted by the court, and judgment rendered thereon on _____

2. At the trial it became and was a material question whether *(here state the particular point in dispute to which the newly discovered evidence relates)*.

3. Exhibit A, annexed, is a correct statement of all the evidence relevant to the issue produced by the defendant at the trial.

4. Exhibit B, annexed, is a correct statement of all the evidence relevant to the issue produced by this plaintiff at the trial.

5. Since the trial, this plaintiff has discovered material evidence in his favor, which evidence he failed to discover, and was unable to discover, before or during the trial, although he used all reasonable diligence in endeavoring to find testimony in his favor.

6. Said newly discovered evidence is the following, to wit:

(set out the names and residences of witnesses, and the substance of what they will testify; also any newly discovered documentary evidence).

7. The verdict and judgment against the plaintiff are unjust.

The plaintiff claims, that the former verdict and judgment be set aside, and that he be allowed a new trial of the cause.

(P.B. 1963, Form 398; see Conn. Gen. Stat., § [52-270](#).)