

1 S.267

2 Introduced by Senator Flory

3 Referred to Committee on Judiciary

4 Date: January 3, 2018

5 Subject: Domestic relations; annulment and divorce; decrees nisi

6 Statement of purpose of bill as introduced: This bill proposes to change the
7 period of time in which the decree nisi in a divorce action becomes a final
8 order from three months to 90 days.

9 An act relating to timing of a decree nisi in a divorce proceeding

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 15 V.S.A. § 554 is amended to read:

12 § 554. DECREES NISI

13 (a) A decree of divorce from the bonds of matrimony in the first instance,
14 shall be a decree nisi and shall become absolute at the expiration of ~~three~~
15 ~~months~~ 90 days from the entry thereof but, in its discretion, the court ~~which~~
16 that grants the divorce may fix an earlier date upon which the decree shall
17 become absolute. If one of the parties dies prior to the expiration of the nisi
18 period, the decree shall be deemed absolute immediately prior to death.

19 (b) Either party may file any post-trial motions under the Vermont Rules of

1 Civil Procedure. The time within which any such motion shall be filed shall
2 run from the date of entry of the decree of divorce and not from the date the
3 nisi period expires. The court shall retain jurisdiction to hear and decide the
4 motion after expiration of the nisi period. A decree of divorce shall constitute
5 a civil judgment under the Vermont Rules of Civil Procedure.

6 (c) If the stated term at which the decree nisi was entered has adjourned
7 when a motion is filed, the presiding judge of the stated term shall have power
8 to hear and determine the matter and make new decree therein as fully as the
9 court might have done in term time; but, in the judge's discretion, the judge
10 may strike off the decree and continue the cause to the next stated term.

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on July 1, 2018.