

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Boddie v. Connecticut

329 F. Supp. 844 (D. Conn. 1971) · Decided June 30, 1971

SUMMARY

The district court entered judgment following the Supreme Court’s decision in Boddie v. Connecticut. It held that applying Connecticut General Statutes § 52-259 to indigent persons unable to pay divorce fees and costs violated the Fourteenth Amendment’s Due Process Clause, and ordered the defendants to permit such persons to pursue divorce proceedings without payment of those fees and costs.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Per Curiam; J. Joseph Smith; M. Joseph Blumenfeld; T. Emmet Clarie
JURISDICTION	Connecticut
DECIDED	June 30, 1971
DISPOSITION	other
PROCEDURAL POSTURE	Following the Supreme Court's decision in Boddie v. Connecticut, the parties submitted proposed forms of judgment, and the three-judge district court entered judgment conforming to that decision.
PRECEDENTIAL VALUE	Published district court opinion and judgment
PARTIES	Boddie and other indigent plaintiffs v. Connecticut and defendants

TOPICS

- family law procedure
- divorce
- due process
- constitutional law
- summary judgment

PRACTICE AREAS

- family law
- constitutional law
- civil rights
- civil procedure
- remedies

QUESTIONS PRESENTED

- Whether Connecticut may require indigent persons who cannot pay fees and costs to pay those amounts as a condition of prosecuting divorce proceedings.
- What relief should be entered to conform the district court judgment to the Supreme Court's decision holding the fee requirement unconstitutional.

HOLDINGS

1. As applied to named plaintiffs and other indigent persons barred from obtaining a divorce because they cannot pay the required fees and costs, Connecticut General Statutes § 52-259 violates the Due Process Clause of the Fourteenth Amendment.
2. Defendants must allow indigent persons unable to pay the fees and costs incident to a divorce to prosecute their divorce proceedings without payment of those fees and costs.

KEY QUOTATIONS

“The defendants are ordered to allow plaintiffs and all other indigent persons unable to pay the fees and costs incident to a divorce to prosecute their divorce proceedings without payment of fees and costs.” (845)

FACTUAL BACKGROUND

The named plaintiffs and other indigent persons were unable to obtain divorces because they could not pay Connecticut fees and costs. The judgment addressed the application of Connecticut General Statutes § 52-259 to those persons and required access to divorce proceedings without payment of those fees and costs.

PROCEDURAL HISTORY

The case was heard on a motion for summary judgment before a three-judge district court, which had previously issued a decision reported at 286 F. Supp. 968. After the Supreme Court issued its opinion at 401 U.S. 371, the parties submitted proposed judgments. The district court entered judgment declaring the Connecticut filing-fee statute unconstitutional as applied to indigent divorce litigants and ordering defendants to permit such litigants to proceed without paying fees and costs.

DISPOSITION

other

CASES CITED

- Boddie v. Connecticut, 401 U.S. 371 (1971)

OPINION

PER CURIAM.

PER CURIAM: The parties have submitted proposed forms of judgment to conform to the Supreme Court’s opinion 401 U.S. 371, 91 S.Ct. 781, 28 L.Ed.2d 113 in this case. On consideration thereof the court has entered judgment as filed herewith.

We do not attempt to set any time schedule for the state courts to act in individual cases. We have no reason to believe that they will not act in regular course without undue delay. The so-called bona fide hearing appears to have been eliminated from the proposed rules, and properly so, since dismissal of applications as frivolous, surely within the court’s power if applied equally in fee paid

as well as indigent cases, might well amount to a denial of equal protection if applied only in the cases of indigents.

JUDGMENT This case came on for hearing on a motion for summary judgment before a three judge District Court, 286 F.Supp. 968, the Honorable J. Joseph Smith, United States Circuit Judge, and the Honorables M. Joseph Blumenfeld and T. Emmet Clarie, United States District Judges, presiding, and the case having been fully heard and a decision having been rendered, It is hereby ordered and adjudged that: 1.

Section 52-259 of the Connecticut General Statutes as applied to the named plaintiffs and all others who are barred from obtaining a divorce because of their inability to pay fees and costs because of indigency violates their right to due *845process of law guaranteed by the Fourteenth Amendment; 2.

The defendants are ordered to allow plaintiffs and all other indigent persons unable to pay the fees and costs incident to a divorce to prosecute their divorce proceedings without payment of fees and costs.