

## DIVORCE

### What are the kind of divorce?

- **DIVORCE BY MUTUAL CONSENT:**

The spouses agree on the marriage breakdown and its consequences. Divorce is ruled by the convention written down by the spouses and the lawyers. Recorded then before an attorney.

- **DIVORCE ON ACCEPTANCE OF THE PRINCIPLE OF MARRIAGE BREAKDOWN:**

The spouses agree on divorce but do not agree on the personal and financial divorce conditions.

- **DIVORCE FOR PERMANENT ALTERATION OF CONJUGAL BOND:**

One of the spouses asks for divorce if they do not live together since 2 years and there is an equivocal will to break.

- **DIVORCE FOR MISCONDUCT:**

One of the spouses asks for divorce in case of serious and repeated breach of duties and obligations making the common life intolerable.

### What is the procedure for divorce?

For all divorce procedures, **the lawyer is compulsory**. It is necessary then to get closer to a lawyer in order to start divorce procedure.

If the financial resources are not efficient, each spouse can request the jurisdictional aid to have a lawyer handled by the state.

The application file may be withdrawal at the tribunal reception or printed on internet.

Lien utile : <https://www.service-public.fr/particuliers/vosdroits/R1444>

The lawyer will seize the family court judge from High Court, efficient for divorces.

Divorce procedure takes place in two steps:

- A first conciliation hearing will allow the judge to attempt to reconcile spouses on the divorce consequences. At the end of this hearing, the judge will pronounce **a non -conciliation order** and could pronounce provisory measures during the procedure time.

- A second hearing will allow the judge **to pronounce the divorce and to establish the personal and matrimonial consequences** about it.

### **Divorce reform by mutual consent since the 1<sup>st</sup> of January 2017:**

Each part must be assisted with its own lawyer, the convention is drafted by parties accompanied by their respective council. Once the convention signed by all the parties, a two weeks time to think about it must be respected before the convention is registered by the attorney. The judge recourse is not necessary anymore, except if divorce affects a vulnerable person or if a child wish to talk to the judge. The divorce convention must solve all the divorce consequences, the parties must agree on everything.

### **What are the consequences of a divorce?**

The judge pronouncing divorce will solve all the divorce consequences, on the lawyers' proposal.

Will pronounce on **the spousal property sharing** (house, furniture, car...)

Will pronounce **on the children custody sharing**, including usual residence and visits.

Will pronounce on the financial consequences of the spouses breakdown with the possibility to impose the alimony support for the children and a compensation for the spouse whom the life level drops because of it.

### **Does an alternative to divorce exist for the separation of a married couple?**

If the spouses wish to break up without divorcing, it is possible to resort to **legal separation**.

The procedure is the same as the divorce one, before the family court judge, with a lawyer.

The family court judge will end the common life obligation between spouses and separation of property.

The spouses are still married but stop having a common life.

The financial and material obligations and the fidelity duty remain.