

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 1st 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.