Booklet explaining the divorce by mutual consent

(non contested divorce)

Our fees: we offer a flat rate of 3000 euros excluding VAT (plus 20% VAT if the customer's tax residence is located in the European Union). This package includes:

• A possible appointment (by Skype or by phone if necessary) of a maximum duration of one hour for the preparation of the file and the necessary orientations during the procedure;
• Drafting jointly with the counsel of your husband / wife of the divorce agreement settling the effects;
• Email exchanges between the lawyer and the parties for the constitution of the case (maximum 20 emails sent by the lawyer; unlimited reception). Registered shipment of the project to the client;
• One appointment to sign the convention
• Sending to the notary for the registration of the agreement;
• Sending to the tax service if necessary for registration of the agreement;
• Transcription of the decision on French civil status registers;

Recurring question: can this type of divorce be used when an element of foreignness exists (foreign residence or nationality)? there is no general barrier to using this type of divorce. The response calls for consideration on a case-by-case basis, depending on the country concerned and the needs of a possible forced execution in that country.

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The average time for the entire procedure usually lasts 1 month if no notarized liquidation of matrimonial property assets is to be done. Otherwise it takes about 3 months

Divorce by mutual consent requires the **agreement of both spouses.** They have to agree not only on the principle of separation but also on all its consequences.

Since January the 1st 2017, a new form of divorce without a judge has been applied in France.

It is now **essential to have one lawyer per spouse.**

The procedure is simple and quick.

DRAT OF THE *CONVENTION*

The procedure requires the **writing of one single document called "*convention de divorce*"** (divorce agreement).

This act is **drafted by the two lawyers of the spouses**, according to their wishes.

In case of common property, spouses will first have to consult a notary, who will establish an act of liquidation of the matrimonial regime (dividing of the assets).

The divorce convention will deal with the following points:

- Name,
- Who will keep the marital home,
- If some minor children are involved: establishment of the residence of the children, visitation rights and child's support,

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- Establishment or not of a compensatory allowance in favor of the spouse who is less wealthy[1],

- Liquidation of the matrimonial regime (dividing of the assets and debts),

- Revocation of donation between spouses which could have been established during the time of the marriage,

- Payment of taxes.

Henceforth, there is **no longer a hearing before the judge.**

Once the divorce agreement is drafted, each lawyer sends it to his or her client by registered letter with acknowledgment of receipt.

Upon receipt of the agreement, **we must wait 15 days before we all gather to sign the convention.** This period of reflection is indispensable and incompressible.

Once the agreement is signed by the parties and the lawyers together, the lawyers send it to the notary for registration within 7 days.

The notary then records the agreement in his or her records.

You will be **legally divorced on the day of registration by the notary.**

AFTER REGISTRATION OF THE DIVORCE CONVENTION

1. Your lawyer will have to **send a copy of the registration certificate given by the notary to the city hall of the place where the marriage had been celebrated**.

2. **The information will be sent to the city hall of the place of your birth** (or to the service of international marriages in Nantes, France, which then sends the information to the other countries) for it to be registered on your family booklets and birth certificates.

These formalities are **unavoidable** as they are **necessary to make the divorce decision enforceable against a third party.**

[1] It is a capital sum which aims to compensate the loss caused to the poorer of the two by the divorce. This capital sum can be paid in several monthly installments. It can also be a donation of property, or a usufruct given by the other spouse.

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LIST OF DOCUMENTS TO PROVIDE

NB : Each document should be provided in 3 copies

1. Double-sided copies of your IDs or passports
2. Complete copy of your less than three months marriage act (an extract + 2 copies) and the registration (or sworn translation)
3. Prenuptial agreement (if there is one)
4. Complete copy of your less than three months birth certificate and your spouse's (an extract + 2 copies)
5. Full copies of less three months birth certificates of your children (an extract + 2 copies)
6. Copy of your six last six pay slips and pay slip of December
7. Full last tax return
8. Full family book (*livret de famille*), if you have one
9. Description of your personal and common assets: buildings address, purchase price + deeds
10. Contracts of mortgage and consumer credit agreements + monthly amount to repay
11. Lease (if you do not own your home)
12. List and amount of all your personal expenses, with supporting documents: rent of the apartment, work, electricity, phone, Internet, food, transportation costs...
13. List and amount of all expenses for your children (if you have children), with evidence: food, transportation costs, school fees, leisure...
14. All elements regarding your partner that you can think of, especially his/her assets and income
15. Proof of Social Security (*attestation de sécurité sociale*) and double-sided copy of the *Carte Vitale*

Useful Sites for the issuance of acts:

www.acte-etat-civil.fr

https://pastel.diplomatie.gouv.fr/Dali/index2.html (if birth or mariage abroad)

https://www.vitalchek.com/vital-records (for US civil records)

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DECLARATION OF HONOUR / DECLARATION SUR L'HONNEUR

Article 272 of the French Civil Code: *« In the context of the establishment of a compensatory allowance, by the judge or by the parties, or in case of review of the application, the parties shall provide the judge a declaration on their honor certifying the accuracy of their resources, income, assets and living conditions. »*

Article 272 du Code Civil: « *Dans le cadre de la fixation d'une prestation compensatoire, par le juge ou par les parties, ou à l'occasion d'une demande de révision, les parties fournissent au juge une déclaration certifiant sur l'honneur l'exactitude de leurs ressources, revenus, patrimoine et conditions de vie* ».

Full name/ *Nom, prénom:*

Date and place of birth/ *Date et lieu de naissance:*

Profession/ *Profession:*

INCOMES (annual basis)/ *REVENUS (base annuelle)* :

Wages/ *Salaires:*

Alimonies received/ *Pensions:*

Retirement/ *Retraite:*

Non-market benefits/ *Bénéfices non commerciaux:*

Business profits/ *Bénéfices industriels et commerciaux:*

Farm Income/ *Revenus agricoles:*

Investment income/ *Revenus mobiliers:*

Land revenue/ *Revenus fonciers:*

TOTAL INCOME/ *TOTAL DES REVENUS:*

SOCIAL BENEFITS (annual basis)/ *PRESTATIONS SOCIALES (base annuelle):*

CHARGES/ *HOUSEHOLD EXPENSES:*

Rent/ *Loyer:*

Debts and mortgages/ *Crédits:*

Taxes/ *Impôts:*

Other/ *Autres:*

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ASSETS/ *PATRIMOINE :*

	Own assets/ *Patrimoine propre ou personnel*		Common assets or undivided assets/ *Patrimoine commun ou indivis*	
	Description/ *Désignation*	Value/ *Valeur*	Description/ *Désignation*	Value/ *Valeur*
Property/ *Immobiliers*				
Furniture/ *Mobiliers*				
Bank accounts/ *Comptes bancaires*				
Cars/ *Voitures*				
Other/ *Autres*				

I, undersigned
Je soussigné (e),

Living in:
Demeurant:

Hereby certify the accuracy of the information above.
Certifie sur l'honneur l'exactitude des renseignements ci-dessus.

Made in:
Fait à:

On (date):
Le:

Signature

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ATTESTATION
Pursuant to Article 229-1 of the Civil Code

I undersigned Mr./Mrs.
Date and place of birth
Living in

Certifies to have informed my child(ren) capable of discernment, of his/her/their rights to be heard in application of article 388-1 of the Civil Code in the procedure concerning him/her/them:

¬ (Name, First name) Born on

- Does not wish to be heard
- Wants to be heard assisted by a lawyer
- Wants to be heard alone
- Wants to be heard accompanied by a person of his choice

¬ (Name, First name) Born on

- Does not wish to be heard
- Wants to be heard assisted by a lawyer
- Would like to be heard alone
- Wants to be heard accompanied by a person of his choice

¬ (Name, First name) Born on

- Does not wish to be heard
- Wants to be heard assisted by a lawyer
- Would like to be heard alone
- Wants to be heard accompanied by a person of his choice

Done in
The

Signature

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