

Application for divorce after two years of non-cohabitation (pursuant to section 22 of the Marriage Act)

- If you have lived apart for at least two years, either of you can demand a divorce by filling in this form. The County Governor has the authority to deal with applications for direct divorce only when you agree that it is at least two years since cohabitation ceased.
- Carefully read the guidelines at the end of this application.

To the County Governor of
See point 2 of the guidelines

The elder spouse			
Personal Identity No. (11 digits)	Family name, first and middle names		
Address	Postal code	Postal district	
Municipality of residence	Nationality	Tel. No.	E-mail address

The younger spouse			
Personal Identity No. (11 digits)	Family name, first and middle names		
Address	Postal code	Postal district	
Municipality of residence	Nationality	Tel. No.	E-mail address

Marriage	
Where was the marriage contracted? Enclose marriage certificate if the marriage was contracted abroad.	Date of marriage

Joint residence - see point 2 of the guidelines
Address of parties' last joint residence

End of cohabitation/actual separation - see point 1 of the guidelines		
Cohabitation ceased (date)	Has cohabitation resumed? <input type="checkbox"/> No <input type="checkbox"/> Yes	If so, for what period?

Statement of non-cohabitation
A statement of non-cohabitation (page 3) must be filled out in connection with this application. The statement of non-cohabitation must be dated no more than four months prior to the date of this application.

Separation licence - see points 2 and 3 of the guidelines	
Has a licence or a judgment for separation been previously granted or pronounced?	<input type="checkbox"/> No <input type="checkbox"/> Yes
If so, when and by which court or County Governor?	
Has either of you instituted proceedings in a court of law to demand a separation or divorce without subsequently withdrawing the lawsuit?	<input type="checkbox"/> No <input type="checkbox"/> Yes
If so, when and in which court?	

Children of the marriage under 16 years of age - see point 3 of the guidelines		
Name	Address	Date of birth

Remember to enclose a mediation certificate if you have children of your marriage under 16 years of age. The certificate is valid for six months.

I/We demand a divorce pursuant to section 22 of the Marriage Act	
The elder spouse	The younger spouse
Place _____ Date _____	Place _____ Date _____
The elder spouse's signature	The younger spouse's signature
How do you wish the decision to be sent? See point 4 of the guidelines <input type="checkbox"/> As ordinary mail <input type="checkbox"/> Service with an acknowledgement of receipt or by registered mail	How do you wish the decision to be sent? See point 4 of the guidelines <input type="checkbox"/> As ordinary mail <input type="checkbox"/> Service with an acknowledgement of receipt or by registered mail
Appeal - see point 5 of the guidelines I waive the right to appeal the decision to grant a divorce licence <input type="checkbox"/> Yes <input type="checkbox"/> No	Appeal - see point 5 of the guidelines I waive the right to appeal the decision to grant a divorce licence <input type="checkbox"/> Yes <input type="checkbox"/> No

Attestation of signature	
Attestation, the elder spouse's signature	Attestation, the younger spouse's signature
In the following, two legally competent persons, if appropriate, a lawyer or public official, shall attest to the elder spouse's signature AFTER the elder spouse has signed.	In the following, two legally competent persons, if appropriate, a lawyer or public official, shall attest to the younger spouse's signature AFTER the younger spouse has signed.
Witness 1	Witness 1
Place _____ Date _____	Place _____ Date _____
Signature	Signature
Personal Identity No. (11 digits)	Personal Identity No. (11 digits)
Address	Address
Witness 2	Witness 2
Place _____ Date _____	Place _____ Date _____
Signature	Signature
Personal Identity No. (11 digits)	Personal Identity No. (11 digits)
Address	Address

- | Enclosures (the original documents or certified copies must be enclosed) |
|--|
| <ul style="list-style-type: none"> • Marriage certificate (only if the marriage was contracted abroad) • Mediation certificate - If the parties have children of their marriage under 16 years of age. The certificate is valid for six months. • Statement of non-cohabitation (page 3). |

Statement of non-cohabitation

Given as evidence in a divorce case between

Names of the spouses	
The elder spouse	The younger spouse

that has been brought before the County Governor of

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We, the undersigned witnesses, hereby declare that the spouses have lived apart in separate places for at least two years since they ceased cohabitation.

DATE the parties ceased cohabitation

We confirm that the parties have not subsequently resumed cohabitation. We are aware that section 20, second paragraph, of the Marriage Act states: "A separation ceases to have legal effect if the spouses continue or resume cohabitation. However, cohabitation for a transitional period until the cohabitation ceases, or brief attempts to resume cohabitation, will not have this effect."

Before signing this declaration, we read the "Guidelines for Spouses Applying for a Divorce", or in another way familiarised ourselves with the conditions on which a divorce may be granted.

We are aware that making a false statement is an act punishable by imprisonment for up to two years.

Attestation from two legally competent persons who know one or both parties	
Witness 1	Witness 2
Name	Name
Address	Address
Personal Identity No. (11 digits)	Personal Identity No. (11 digits)
Knows <input type="checkbox"/> Elder spouse <input type="checkbox"/> Younger spouse <input type="checkbox"/> Both	Knows <input type="checkbox"/> Elder spouse <input type="checkbox"/> Younger spouse <input type="checkbox"/> Both
Place Date	Place Date
Signature	Signature

When the County Governor receives the application, the statement of non-cohabitation must not be older than FOUR months.

If the County Governor finds it necessary in order to shed light on the case, the witnesses may be summoned to a meeting in person. When this is most practical, this meeting may take place at another public office at the place where the witness in question lives, cf. the Regulations of 18 November 1992 No. 981 concerning procedures for the County Governor in connection with separation and divorce, etc.

GUIDELINES FOR SPOUSES APPLYING FOR A DIVORCE AFTER TWO YEARS OF NON-COHABITATION WITHOUT JUDGMENT OR LICENCE

Pursuant to section 22 of the Marriage Act

1. Who can apply for divorce?

If the spouses have not cohabited for at least two years and they **agree** that it is at least two years since cohabitation ceased, either of them may demand a divorce.

If one of you, owing to work or for other reasons, has resided outside your joint residence, the two-year time limit is reckoned only from the breakdown of your relationship. The period of non-cohabitation is usually reckoned from the time at which one of the spouses notifies the National Population Register that he or she has moved to a new address.

2. Who deals with the application?

An application for divorce after two years of non-cohabitation is dealt with by the County Governor in the county where you last lived together. If you have both moved out of the county concerned, the case will be dealt with in the county where one of you resides.

If the spouses do not agree that the conditions for a divorce are satisfied, the case must be brought before a court of law.

3. Compulsory mediation

If you have children of your marriage under 16 years of age, you must attend mediation before you can be granted a divorce. The purpose of the mediation is for you to reach agreement on parental responsibility, the parent with whom the child/children shall live and access arrangements for the other parent. The mediation is compulsory even in cases where you agree on an arrangement for the child/children.

Mediation may be conducted by any of the following:

- family care and family counselling offices
- certain clergyman
- health and social welfare personnel
- educational and psychological counselling services
- lawyers

Further details concerning this can be obtained from the Norwegian Directorate for Children, Youth and Family Affairs or from family counselling offices.

4. Service of the decision

The decision concerning divorce can be sent as ordinary mail or be served on the spouses. By service of the decision is meant that it is either sent as an ordinary letter with an acknowledgement of receipt to be returned to the County Governor or as registered mail. The decision may also be served by a process server, cf. section 165 of the Courts of Justice Act.

5. Appeal

The decision of the County Governor to grant a divorce licence may be appealed to the Norwegian Directorate for Children, Youth and Family Affairs within three weeks.

You may waive your right to appeal the decision. If this right is waived, the separation will take effect as soon as the County Governor has made a decision regarding separation, and the licence can be issued immediately.

If either of you wishes to institute legal proceedings concerning the validity of the decision of the Norwegian Directorate for Children, Youth and Family Affairs such proceedings must be instituted within one month after service of the decision.

Issues related to divorce

Family name

After the divorce, you keep the family name you had in the marriage. If you wish to change your name, you must submit a "Notification of Change of Name" form to the National Population Register. For more information, see Circular G-20/2002 on the Act of 7 June 2002 No. 19 relating to Personal Names (the Personal Names Act) or contact the National Population Register, www.skatteetaten.no.

Where will the children live?

If you have children of your marriage you must decide whether you wish to continue to have joint parental responsibility, which parent the children are to live with and what access arrangements the other parent shall have. It is important to focus on what is best for your children. Children over seven years of age have a right but not an obligation to express their views on these matters. This topic is raised during the compulsory mediation. The best solution is generally an agreement between you. Such an agreement should be drawn up in writing so that you avoid any later disagreement concerning what was agreed. Pursuant to the Children Act, parents may agree that their child or children shall live permanently with both of them, even if the parents live apart. This arrangement is called "divided residence".

If you reach agreement, you may jointly ask the County Governor to approve the agreement so that it may be enforced cf. section 55 cf. section 65 of the Children Act. If you do not reach agreement, you may bring the case before a court of law.

Maintenance payments for the child and, if relevant, for the spouse

An agreement between you is generally the best solution. If you do not reach agreement on the

maintenance payment, it is decided by the local office of the Norwegian Labour and Welfare Service. You can find more information about maintenance payments at www.nav.no.

The local office of the Norwegian Labour and Welfare Service can provide information on the recovery of maintenance payments (including agreed payments), on the advance payment and indexation of child maintenance payments.

The local office of the Norwegian Labour and Welfare Service also has information on benefits for single parents.

How shall we divide assets we have acquired jointly?

The usual issues concern who is to continue living in the joint residence and how your furniture, car and other property are to be divided. In this connection, too, it will often be best if you can come to a written agreement. If you do not reach agreement, these issues must be decided by a court of law (probate court) at the place where you live.

When can I remarry?

You cannot enter into a new marriage before you have received the divorce licence. The main rule is that, before either of you can enter into a new marriage, the distribution of the former joint estate must have commenced or been completed (see section 8 of the Marriage Act).

Where can I obtain further information?

The County Governor can provide further information on the legal provisions that apply in connection with separation and divorce and on the possibility of applying for free legal aid in matrimonial cases.

Relevant Acts

Act of 4 July 1991 No. 47 relating to Marriage.

Act of 21 February 1930 relating to Division of Estate.

Act of 9 December 1955 No. 5 relating to Recovery of Maintenance Payments.

Act of 17 February 1989 No. 2 relating to Advance Payment of Maintenance Payments.

Act of 28 February 1997 No. 19, Chap. 15, relating to Benefits for Single Mothers or Fathers.

Act of 7 June 2002 No. 19 relating to Personal Names.

Act of 8 April 1981 No. 7 relating to Children and Parents.

Relevant brochures

«Separation and Divorce»

«Parental Responsibility and Right of Access»

«Property Relations between Spouses»

«Mediation for Parents»

These brochures can be from the Norwegian Government website, www.regjeringen.no

Terms

Legally competent person – person over 18 years of age

Licence – authorisation, permit

Process server – official responsible for service of legal documents, e.g. a district sheriff (lensmann)

Public official – public servant at state or municipal level