

## Application for divorce after separation by licence (pursuant to section 21 of the Marriage Act)

- Spouses who have been separated by licence for one year may apply to the County Governor for a divorce licence by filling in this form.
- Carefully read the guidelines at the end of this application.

<b>To the County Governor of</b>
See point 2 of the guidelines

<b>The elder spouse</b>			
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

<b>The younger spouse</b>			
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

<b>Marriage</b>	
Where was the marriage contracted?	Date of marriage

<b>Joint residence - see point 2 of the guidelines</b>	
Address of parties' last joint residence	

<b>Statement of non-cohabitation</b>	
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.	

<b>Separation - see point 2 of the guidelines</b>	
Separated by judgment/licence (public authority)	Date
When did you begin living apart?	
Have you moved together again during the period of separation? See point 3 of the guidelines.	<input type="checkbox"/> No <input type="checkbox"/> Yes
If so, for how long?	
Has either of you instituted divorce proceedings in a court of law?	<input type="checkbox"/> No <input type="checkbox"/> Yes
If so, when and in which court?	
Has the lawsuit been withdrawn?	<input type="checkbox"/> No <input type="checkbox"/> Yes

Children of the marriage under 16 years of age		
Name	Address	Date of birth

I/We demand a divorce pursuant to section 21 of the Marriage Act			
The elder spouse		The younger spouse	
Place	Date	Place	Date
The elder spouse's signature		The younger spouse's signature	
<b>How do you wish the decision to be sent?</b> 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		<b>How do you wish the decision to be sent?</b> 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	
<b>Appeal</b> - 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		<b>Appeal</b> - <b>see point 5 of the guidelines</b> 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"> <li>• Separation licence (if the licence has been issued by another public authority) or judgment with endorsement by the court of law stating when the licence/judgment becomes legally binding and the date the separation decision was served on the parties.</li> <li>• Statement of non-cohabitation (page 3)</li> </ul>

# 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

--

We, the undersigned witnesses, hereby declare that the spouses have lived apart in separate places 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	
<b>Vitne 1</b>	<b>Vitne 2</b>
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 SEPARATION GRANTED BY JUDGMENT OR LICENCE**

Pursuant to section 21 of the Marriage Act

## **1. Who can apply for divorce?**

A spouse who has been separated for one year may apply to the County Governor for a divorce licence. The time limit of one year is reckoned from the date on which a licence for separation was granted. If separation was granted by judgment, the one-year time limit is reckoned from the date on which the judgment was delivered.

## **2. Who deals with the application?**

An application for divorce is dealt with by the County Governor of 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.

## **3. Non-cohabitation**

It is a condition for divorce that you cease cohabitation within a reasonable period after being informed of the decision regarding separation. It is a further condition for divorce that you have not resumed marital cohabitation. If the spouses live together for a transitional period until they cease cohabitation, or make brief attempts to resume cohabitation, this will not cause the separation to cease to have legal effect

## **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 County Governor's decision 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 wish 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](http://www.skatteetaten.no).

### Arrangements agreed between the spouses

Arrangements that are agreed on or established in connection with separation also apply to the period after the divorce unless otherwise agreed or established. This applies for example to agreements concerning:

- parental responsibility for children of the marriage
- which parent the child/children shall live with
- access arrangements
- child maintenance
- maintenance payments to the spouse
- division of assets
- right to use the spouses' joint residence

There is nothing to prevent spouses from agreeing to change earlier arrangements in connection with the divorce. This also applies if the question has been decided by judgment or by the local office of the Norwegian Labour and Welfare Service or the County Governor.

### 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.

### When can I remarry

You cannot enter into a new marriage before you have received the divorce license. 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 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.

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 brochures

«Separation and Divorce»  
«Parental Responsibility and Right of Access»  
«Property Relations between Spouses»  
«Mediation for Parents»

These brochures can be obtained from the Norwegian Government website, [www.regjeringen.no](http://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