



## **Booklet explaining the new contested divorce litigation**

**Our fees:** we work at the hourly rate of 350 euros without VAT (+ 20% VAT if the client's tax residence is located in the EU) for the partner lawyer and 250 euros HT (+ possible VAT) for the associate lawyer

**Each file is very different. As an indication, however, it takes between 5 and 8 hours for the drafting of the complete document initiating proceedings.**

**The average time for the entire procedure is very variable. It usually lasts between 1 and 2 years.**

Since January 1, 2021, the contentious divorce procedure has been profoundly modified.

**It is now essential to have a lawyer for each spouse from the beginning of the procedure.**

The lawyer in charge of your case will contact you and ask you to answer a number of questions.

As soon as your file is received, your lawyer will contact you by e-mail or telephone to ask you to fill out a detailed questionnaire (Appendix No. 1) online in order to determine your situation precisely.

This will also be an opportunity to evaluate the chances of success of your requests, particularly with regard to the child support requested for your children or the terms of their custody, or any provisional measures maintained until the final pronouncement of the divorce.

Once completed, the document must be printed **in a single copy and sent by email or post mail.**

Your lawyer will also ask you for a certain number of documents (Appendix n°2). Those relating to civil status are mandatory. The others are used to support our requests, such as alimony for example.

To send us your documents, **please send us all the documents in A4 format, in 3 copies, in one same package** to facilitate processing.

The simplest way is to send everything by post. In case of urgency, they can also be sent by email.

#### Sending and acceptance of the draft petition (or joint petition)

1. **Your lawyer will draft your petition, (or your joint petition in case of agreement with your spouse on the principle of divorce)**, within an average period of 15 days, once you have sent all your documents.

You must **check the content of the act**, which will have been submitted to you by e-mail.

You will be able to send us your observations and questions and possible requests for modification on this project by email. We will then make the necessary modifications, until the act is approved by you.

It is possible to indicate two grounds for divorce at this stage:

- **Acceptance of the principle of the breakdown of the marriage: you and your spouse agree on the principle of the divorce but not on all the consequences of divorce.**

You will be able to formalize your agreement by private deed countersigned by lawyers in the 6 months preceding the divorce application or during the procedure (especially during the hearing on the provisional measures). Your divorce will then necessarily be pronounced on this basis.

- **Irretrievable breakdown of the marriage:** the spouse who initiates the divorce must demonstrate that spouses have been separated for more than 1 year or will be separated for more than 1 year at the time of the "assignment".

**N.B:** It is not possible at this stage to ask for a divorce for fault by demonstrating facts that constitute a serious or renewed violation of the duties and obligations of the marriage attributable to the spouse and which make it intolerable to continue living together. This basis can only be discussed later during the exchange of conclusions between lawyers, in order not to break the communication between the spouses.

The summons may also not mention the grounds for divorce.

The petition (as well as the future conclusions in response of your spouse), must include at least:

- **A paragraph on the consequences vis-à-vis the spouses:** the use by the wife of her husband's name, the amount of the compensatory allowance, the capital that the wealthier spouse will have to pay to the other spouse in consideration of the respective incomes and assets, but also of the duration of the marriage, the choices made by the spouses regarding their careers, etc...

The compensatory allowance may also take the form of an abandonment of property by one of the spouses to the other, e.g. his or her share in the common house.

- **A paragraph on patrimonial consequences:** a proposal for the distribution of common or undivided property (property purchased by two before the marriage or during the marriage by a married couple under the regime of separation of property).

This distribution, called liquidation of the matrimonial regime, will take place after the pronouncement of the divorce, in principle amicably, with the participation of a notary. If the spouses agree on a liquidation project, it is possible to submit an agreement to the judge so that he ratifies this agreement.

- **A paragraph on the consequences of divorce for the children:** habitual residence of the children, arrangements for visiting the other parent, amount of child support.

Generally, applications concerning the children are modelled on those that may be made at the orientation hearing and on interim measures, unless there is a change in circumstances. It should be noted that the consequences for the children are the only ones that can be modified once the divorce judgment has become

final, i.e. once the time limit for appeal has expired. It will always be possible to bring an action before the Family Judge to modify these measures.

The summons must also include a section on the search for agreements outside the judicial framework (mediation in family matters or participatory procedure). This will allow you to request, if necessary, the homologation of partial or complete agreements reached with your spouse on the modalities of exercising parental authority and the consequences of divorce. It should be noted that the judge can now order the parties to meet with a mediator at any time.

If you have not reached agreements with your spouse, it is possible to make applications for interim measures (see paragraph below) in a separate part of the applications on the merits.

### **Request for a court hearing date and the summons of your spouse**

2. **Your lawyer will ask the court for a date for a so-called "orientation" hearing and for possible interim measures.**

The average time required to obtain a hearing date is 3 months in Paris. In case of emergency, to be justified, it is possible to obtain an earlier date. Your lawyer will inform you of the date obtained.

3. **Your lawyer will request service by bailiff on your spouse of your petition with the location, date and time of the hearing.**

The costs of service are at your expense. It is necessary to count approximately 100 euros if the service takes place in France.

If your spouse lives abroad, the French bailiff will send the petition with its translation into the official language of the country to its foreign equivalent who will then notify your spouse.

If you do not know your spouse's address, the bailiff's notification will be at your spouse's last known address, which is usually the marital home.

4. **Your spouse must choose a lawyer to assist him or her within 15 days of service.**

### **Optional: the request for interim measures applicable during the time of the procedure**

**For the duration of the procedure**, i.e. until the divorce is pronounced, **it is possible** (but not obligatory) for **you** to request the following provisional measures:

- Allocation of the marital home and furniture;
- In the presence of minor children: determination of residence, visiting rights and accommodation and
- Child support;
- Whether or not spousal support should be awarded to one of the spouses if there is a significant difference in income between the spouses;
- Payment of taxes;
- Payment of common debts;
- Allocation of clothing and personal belongings;
- When the patrimony is important or when certain properties are abroad, appointment of a notary and/or a qualified professional to carry out an inventory and draw up a liquidation plan;
- In case of a very large difference in income (more than 1000 euros): provision paid by one spouse to the other spouse to cover the costs of the procedure (lawyer, bailiff ...);
- In the event of a very large difference in income and if married under the community regime: provision paid by one spouse to the other spouse to be used on the liquidation of the matrimonial regime (for example, the spouse keeping the common conjugal home will pay in advance a part of the balance due to his or her spouse, the balance corresponding to the share accruing to the other spouse);
- Delivery of clothing and personal belongings;
- Appointment of a notary and/or a professional to draw up an inventory of the property and develop a partition project;

- Designation of a mediator to appease family relations.

**This list of provisional measures is not exhaustive**, as the Civil Code grants the judge the power to order any measure necessary to ensure the existence of the spouses and that of the children, taking into account any agreements between the spouses.

These provisional measures may be modified during the course of the proceedings in the **event of a new fact**.

The measures pronounced at the end of the hearing **will automatically cease to apply on the day of the pronouncement of the divorce**.

### Conduct of the Orientation Hearing and Possible Interim Measures

At the orientation hearing and on interim measures, the parties will either be assisted or represented by counsel.

**Your presence is therefore optional.**

Please note if you wish to be present:

- Do not forget your identity cards;
- If your spouse has a legitimate reason for absence (no time off, sick child, etc.), the judge will usually grant a postponement of the hearing to another date. However, it is very rare that the judge will grant a second postponement.

At this hearing, your lawyer may present your applications orally.

**The judge can always take into account the possible agreements of the parties and fixes the effective date of the provisional measures** (N.B.: he decides according to the objective elements presented by each of the spouses, in particular their income tax return).

If you do not wish to apply for interim measure, you will need to indicate this to the judge before or at the hearing. The judge will then simply set a timetable to allow each party to exchange arguments.

### The exchange of conclusions

The parties will have to exchange their arguments through written conclusions drafted by their lawyers and according to the schedule set by the judge.

It will then be debated the grounds for divorce, necessarily to be invoked from this stage on (here the fault becomes invocable).

N.B: All these acts will be submitted to you for comments and/or approval. Each party usually writes one or two sets of conclusions.

### The final hearing and the divorce judgment

1. The judge sets an oral argument hearing once he or she feels the case is ready to be tried.

**Your presence or that of your spouse is not required.** The lawyers resume their last argumentation, without being able to formulate new requests.

2. **The judge definitively pronounces the divorce on the day of this last hearing.**
3. **Lawyers receive the judgment within one month of its delivery and send an original to each spouse.**

### The consequences of the divorce

Our firm also takes care of the formalities of transcribing the divorce on your civil status certificates: marriage certificate and birth certificate.

- 4. Your lawyer will send the divorce decree to the town hall of the place of marriage so that the town hall will mention the divorce in the margin of the marriage certificate.**
- 5. This city hall then sends the information to the city halls of your places of birth for transcription of the divorce on your birth certificates.**

If your marriage or birth took place abroad, the judgment is sent to the Chancellery in Nantes which will then send it to the local service concerned.

Our firm takes care of sending the judgment to the bailiff for service on the other party if the latter does not take the initiative, the bailiff's costs remaining at your expense.

Finally, our firm takes care of communicating the necessary documents to the notary appointed by the judge or chosen by you to proceed with the division of property.

N.B.: You and your spouse have **one month from the service of the divorce judgment to appeal it, either on all of the provisions or on only part of them.**

**Divorce entails the automatic revocation of matrimonial benefits (donations or legacies) taking effect upon the dissolution of the matrimonial regime or the death of one of the spouses.**

**By default, the divorce will take effect between the spouses, concerning their property, on the date of the divorce application** (it is possible to ask for the date of cessation of cohabitation as the starting date).

**Unless an agreement is drawn up during the proceedings, the division of property purchased during the marriage, in other words the liquidation of the matrimonial regime, takes place after the pronouncement of the divorce, in principle amicably and before a notary.**

## TO READ / TAX ASPECTS OF DIVORCE

### The sharing fee:

- **Definition:** Married couples or partners who are separating must share their movable or immovable property that they have acquired together or that they hold in undivided ownership. They must then pay a division fee (or sharing fee).
- **Exemption: when one or both spouses benefit from legal aid, there is exemption from sharing fee.**
- **When is it due?**
  - In the liquidation of a community regime (community of property reduced to acquests or universal community or partnership of acquests) in case of divorce or change of matrimonial regime;
  - In the case of compensatory allowance paid with community funds (which excludes allowance paid with own funds);
  - In the case of a division of undivided property (i.e. even in a regime of separation of property if the property was acquired by both spouses).

### - How much is it?

- o Today: 2.5% of the total amount of the common mass (including properties, earnings and salaries);
- o As of January the 1<sup>st</sup> 2021: 1.80% of the total amount of the common mass (including properties, earnings and salaries);
- o As of January the 1<sup>st</sup> 2022: 1.10% of the total amount of the common mass (including properties, earnings and salaries);

### - Calculation mode:

- o The sharing fee is due on the net assets. The debts are therefore deducted from the value of the assets. For example, if a house is valued at 200,000 euros but a mortgage is still outstanding for 100,000 euros, the net assets will be 100,000 euros.
- o When the divorce agreement is devoid of active mass to be shared and is subject to registration, the cost is flat-rate and is €125 (Article 680 of the CGI).
- o When the agreement shows a negative net asset, the cost is €25.
- o When the agreement shows a positive net asset, the cost is: net asset x 2.5% (sharing fee).

### Taxation of the compensatory allowance:

- **Definition:** The compensatory allowance is the benefit that allows to erase the financial imbalances caused by the divorce in the living conditions of former spouses.
- **What is its tax system?** As far as income tax is concerned, the tax system of the compensatory allowance is based on two major principles:

o *For the debtor of the compensatory allowance (the ex-spouse who pays it):*

§ Who fulfills his/her obligation in cash within twelve months from the date on which the judgment has become final: he/she benefits from an income tax reduction equal to 25% of the amount set by the judge, retained within the limit of €30,500 (Article 199 octodécies of the CGI) ;

If the sums have been spread over two years, the tax reduction is also spread over two years in proportion to the payments made.

- If the payments exceed €30,500 in total, the basis for calculating the tax reduction for the first year is obtained by multiplying the overall ceiling of €30,500 by the ratio between the payments made in the first year (line 7WN) and the total payments planned (line 7WO).
- If the total of the scheduled payments is less than €30,500, the basis of the tax reduction for the first year is equal to the amount of the payments made in the first year.

This tax reduction is also applicable:

§ Compensatory allowances paid in the form of the attribution of property or rights (1° of article 26 of law n° 2004-439 of May 26, 2004);

§ Capital payments in lieu of annuities (2° of Article 26 of Law 2004-439 of May 26, 2004).

For reporting purposes, the amount of the compensatory allowance eligible for the tax reduction should be indicated in the "compensatory allowances" section of the 2042 ITR tax return, box 7WN to 7WP as appropriate.

§ Who pays his or her obligation in cash over a period exceeding twelve months or when the compensatory allowance is paid in the form of an annuity: the payments, on the other hand, follow the alimony system. They are therefore deductible for the debtor, who benefits from a deduction from overall income for alimony (and not a tax reduction).

o *The former spouse receiving the compensation benefit:*

- Who receives his/her capital in cash within twelve months from the date on which the judgment has become final: he/she will not be taxed on the sums received;
- Who receives his/her capital in cash over a period of more than twelve months: it is taxed on the sums received according to the tax regime applicable to maintenance payments received. The starting point of the 12-month period is set at the date on which the court decision has become final (date on which the judgment became final). This date is to be determined according to the nature of the divorce.

### Taxation of Child Support:

- **Principle:** Alimony and similar income that you receive is in principle subject to income tax. Attention: You must declare the alimony you have received yourself. Indeed, these amounts are never entered on the pre-filled tax return that the tax authorities send you.
- **Deductible amounts:** in certain situations, you can deduct certain expenses from the amounts you receive (for example, court costs incurred for the payment or revaluation of a pension). The tax authorities apply an allowance of 10% on the total amount of pensions and annuities in your tax household. This deduction cannot be less than €393 per pensioner and cannot exceed €3,850 per tax household.

### Taxation in case of early sale of a real estate not constituting the principal residence of the spouses:

- **Which assets are concerned by the taxation of real estate capital gains?** The properties concerned are second homes, rental properties, vacant dwellings, business premises, land and shares in SCPI or those held in a SCI and building land.
- **What is the capital gains tax rate?** The net capital gain on real estate (after deductions) is subject to the flat-rate income tax deduction of 19%. In addition, social security contributions are levied at a rate of 17.2% (since January the 1<sup>st</sup> 2018). This gives a total tax rate of 36.20%. Since January the 1<sup>st</sup> 2013, a surtax of 2 to 6% has been added to the tax on capital gains on real estate when these exceed 50,000 euros. It is calculated on the total amount of the taxable capital gain, i.e. reduced by any deduction for the duration of the holding. It applies to capital gains on the sale of properties other than building land (and capital gains tax-exempt sales such as the principal residence).
- **- What are the cases of exemption?**
  - On "small sales": The sale of a property (or of each undivided share) whose transfer value does not exceed 15,000 euros;

- The "first time": Persons who do not own their principal residence during the four years preceding the sale, who sell a secondary residence for the first time, are exempt from capital gains tax on the condition that they become owners of their principal residence within two years following the sale. The exemption applies only to the fraction of the price that the seller uses in the acquisition of his principal residence;
- Another case: The sale of a dwelling located in France by a non-resident (a taxpayer not domiciled in France for tax purposes) is subject to a special tax regime. In certain cases, the capital gain is exempt from capital gains tax.

### The rules of verbal sharing:

- **What is verbal sharing?** It is a practice that consists, for spouses, in dividing their undivided or common property verbally, without having a deed drawn up. This is only possible in the absence of real estate. Nevertheless, if the spouses own real estate, they can sell it prior to the liquidation of their matrimonial regime, and verbally distribute the proceeds of this sale, considered as movable property.
- **Why use verbal sharing?** Verbal sharing is generally used to avoid the payment of sharing fees, which is not without risks.

A ministerial response dated January 22, 2013 (Ministerial Response, n°9548 VALTER, January 22, 2013), indeed came to specify that *"the verbal division between spouses of the proceeds of the sale of a common property which takes place before a divorce by mutual consent is not subject to the sharing fee"*.

This answer was reiterated on September the 1<sup>st</sup> 2020 (question by Mr. Vincent DESCOEUR) in the following terms: "

*Article 835 of the Civil Code provides, with regard to amicable sharing, that if all the undivided co-owners are present and capable, the sharing may take place in the form and according to the modalities chosen by the parties. Thus, partition is formed by the sole exchange of consent and may be done verbally, except where the undivided interest relates to property subject to land registration, in which case the act of partition must be executed by notarial act. With regard to taxation, Article 635 of the General Tax Code (CGI), 7° of 1 provides that deeds recording a division of property on any grounds whatsoever must be registered within one month of their date. Article 746 of the same code stipulates that the sharing of movable or immovable property is subject to a sharing fee or a 2.50% land registration tax, commonly referred to as a "right of sharing". The liability for the right of partition is therefore subject to the existence of a deed recording the partition. On the other hand, in the absence of a deed, a verbal division is not subject to the sharing fee. Consequently, the verbal division between spouses of the proceeds of the sale of a common property which takes place before a divorce by mutual consent, as provided for by Law no. 2016-1547 of November 18, 2016 on the modernization of justice in the 21st century, is not subject to the sharing fee. **On the other hand, if the spouses then note the division in a deed, whatever it is and thus including the divorce agreement, before, during or after the divorce proceedings, or if they mention the verbal division in a deed subsequent to this division, the deed noting the division must then be submitted to the registration formality and must give rise to the payment of the sharing fee under the conditions provided for in articles 746 and following of the CGI. It is also specified that the proceeds of the sale must, even in the absence of partition, be included in the liquidating statement of the matrimonial regime annexed to the agreement, which must include all the common or undivided property of the couple.** »*

This answer is always ambiguous.

Indeed, if the spouses are subject to a regime of separation of property and the only property acquired together is sold upstream and the price divided between the spouses, then yes, no division takes place at the time of the divorce strictly speaking and the right of division is not due.

On the other hand, if the spouses are under the community regime, the sale price, although put into separate bank accounts, is necessarily common and the divorce in principle entails a division of the sums. Now, since the reform of divorce by mutual consent, article 299-3 of the Civil Code must include, on pain of nullity, *"the liquidating statement of the matrimonial regime, where applicable, in authenticated form before a notary when the liquidation concerns property subject to land registration, or the declaration that there is no need for liquidation."*

With a community regime, and except for the cases in which the sale price would have been totally squandered, it is therefore difficult to see how the spouses could sincerely declare that there is no need for liquidation and avoid any right to partition. Verbal partition implies in all cases not making any mention of partition in the divorce agreement or in any future act, which is risky in a community regime. It should be remembered that in the event of a catch-up by the tax authorities, the increase in the division rights can go up to 80%, to which could possibly be



added the interest for late payment which is 0.40% per month. Attention also to the tax evasion that could be retained.

## APPENDIX 1

### QUESTIONNAIRE TO FILL IN

#### I. YOUR CIVIL STATUS

1. Title: Sir / Madam
2. Date of Birth:
3. Place of birth:
4. Your social security number:
5. Your care center:
6. Your complete address:
7. If you live abroad, cross here:
8. Would you keep using of the name of your spouse or do you agree that your spouse continues to use your name?
9. Eternally?
10. Until the partner get married?

#### II. CIVIL STATUS OF YOUR SPOUSE

1. Title: Sir / Madam
2. Date of Birth:
3. Place of birth (if known):
4. Nationality:
5. His/ her social security number (if known)
6. His/ her headquarters (if known)
7. Full address (if known):
8. If unknown address, cross here:
9. If your spouse resides abroad, cross here:

#### III. CHILDREN

1. Do you still have common dependent children ?
2. If so, how many?
3. Ages:
4. Address of your children (if different):
5. If the address of your children is located abroad, cross here:
6. Who do you want your children live mainly with? you / spouse
7. Who will pick the child up? you / spouse
8. How do you consider the terms of visitation and hosting rights of the other parent?
  - i. Simple visitation once a week on Saturday
  - ii. Visitation rights and hosting a weekend of two and half of school holidays
  - iii. Extended Visitation rights and hosting during all weekends, school holidays and every Wednesday
  - iv. Other modalities: Please, specify:
9. If there is a risk of kidnapping, would you ask a prohibition to leave the country to be included in the passport of your minor child?
10. How much do you ask or do you suggest for child's support per child and per month?
11. Have you got any idea about what your spouse wants regarding the residence of the children and the amount of child's support? If yes, please specify:

12. Do you have other children? yes / no
13. If so, how many?
14. If yes, ages:
15. If so, do they live with you? yes / no
16. If yes, do you perceive or do you pay child's support?
17. How much a month?
18. Does your spouse have any other children?
19. If so, how many?
20. If yes, ages:
21. If so, do they live with him? yes / no
22. If yes, does he perceive or pay child's support?
23. How much a month?

#### IV. INCOMES AND ASSETS

1. Have you entered into a prenuptial agreement?
2. Has your matrimonial regime been changed during the marriage?
3. Did you receive any donations taking effect immediately during the marriage?
4. Have you made donations or bequests taking effect on the dissolution of the matrimonial regime and your death?
5. What is your profession?
6. How much do you earn a month (average net earnings over the last 12 months)?
7. What is the net amount of your last taxable income (tax return on income)?
8. Do you have any other income such as:
  - i. Allowances. If yes, please specify the amount:
  - ii. Alimony. If yes, please specify the amount:
  - iii. Rental income. If yes, please specify the amount
  - iv. Other income. If yes, please specify the title (retirement, disability pension) and the amount:
9. What are the amount of your charges concerning the following points:
  - i. Rent:
  - ii. Mortgage Brokers:
  - iii. Other credit (please, specify):
  - iv. EDF / GDF (Electricity and Gas):
  - v. Insurance (please, specify):
  - i. Landline
  - ii. Mobile:
  - iii. Internet:
  - iv. Housing tax:
  - v. Property tax:
  - vi. Last income tax amount:
  - vii. Amount wealth tax:
  - viii. Alimony paid to a child or ascending:
10. Is there any other dependent persons other than your children (parent, brother or sister, ...) living with you?
11. What is the occupation of your spouse?
12. How much does your spouse (approximately) earn?
13. Does he/she benefit for other income? If yes, please specify what kind and the amount:
14. Does he/she live with someone?
15. If yes, Do you know the occupation and the approximativ income of the person?
16. Approximate amount of expenses of your spouse:
17. Is there a significant difference in income between you and your spouse (over 300 euros)?
18. If yes, would you like to get support for yourself for the duration of the procedure?
  - i. How much?
19. If you are the most fortunate, would you pay a monthly amount to your spouse for the duration of the procedure?
  - i. If so, how much?
20. Do you have common real property? if you are married under the separation of property regime, do you have jointly real property?
21. Have you or your spouse, your own property? (It means property acquired before the marriage by inheritance or if you are married under the separation of property regime, it deals with property acquired during the marriage)
22. If so, how many?

- 23.** Value of each property (Approximatively):
- 24.** Who owns the marital home?
- i. You exclusively
  - ii. Your spouse only
  - iii. Both of you
    - 1. Property purchased during the marriage:
    - 2. Property purchased before marriage:
  - iv. Rental property
- 25.** Are you still living in the marital home?
- 26.** If yes, would like to get the enjoyment (right of housing) of it for the duration of the procedure?
- 27.** If not, do you agree that your spouse will live there for the duration of the procedure?
- 28.** For free?
- 29.** If not, how much would you expect for the rent?
- 30.** Would you like to get the marital home after the divorce (by paying its share to your spouse if necessary)?
- 31.** Do you own other significant elements? (please, specify the amount or value available and if proper or common)
- i. Car
  - ii. Securities / shares
  - iii. CODEVI
  - iv. Savings account
  - v. Housing savings plan
  - vi. Life Insurance
  - vii. Shares of companies
  - viii. Redundancy
  - ix. Stock options
  - x. Works of art
  - xi. automobiles
- 32.** Does your spouse own other significant elements? (specify the amount or value available and if proper or common)
- i. Car
  - ii. Securities / shares
  - iii. CODEVI
  - iv. Savings Account
  - v. Housing savings plan
  - vi. Life Insurance
  - vii. Shares of companies
  - viii. Redundancy
  - ix. Stock options

## **V. THE REASON OF SEPARATION**

- 1. Have you already been separated ?
  - i. If yes, have you been separated for more than two years?
- 2. Is your spouse likely to accept the principle of separation?
- 3. Is there any reproach you could blame your spouse for, like violence, insults, adultery ...?
- 4. If yes, what are they/ is it?
- 5. Do you have any evidence (bailiff; correspondence not obtained in violation of the privacy, statements of friends and relatives ...)?

## APPENDIX 2

<b>DOCUMENTS TO BE RETURNED IN 3 COPIES</b>
---

**NB: Each document is to be returned in 3 copies.**

1. Double-sided copy of your passport or ID
2. Complete copy of your less than three months marriage act (an extract + 2 copies) and the registration or translation
3. Prenuptial agreement (if there is one)
4. Complete copy of your less than three months birth certificates and your spouse's (an extract + 2 copies)
5. Full copies of less than three months birth certificates of your children (an extract + 2 copies)
6. Copy of your last six payslips and the payslip December
7. Full last tax return
8. Full family book ("*livret de famille*"), if you have one
9. Description of your personal and common estate: address, purchase price, deeds
10. Contracts of mortgage and consumer + 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, telephone, internet, food, transportation costs ...
13. List and amount of all expenses for your children, with evidence: food, transportation costs, fees of the school, leisure ...
14. All elements concerning your spouse you can think of, and especially about assets and incomes
15. Proof of Social Security ("*attestation de sécurité sociale*") and double-sided copy of the "*Carte Vitale*"(green card)

Useful Sites for the carrying out these acts:

[www.acte-etat-civil.fr](http://www.acte-etat-civil.fr)

<https://pastel.diplomatie.gouv.fr/Dali/index2.html> (if birth or marriage was abroad)

## APPENDIX 3

### 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*:

Pensions/ *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/ CHARGES:**

Rent/ *Loyer*:

Credits/ *Crédits*:

Taxes/ *Impôts*:

Other/ *Autres*:

ASSETS/ PATRIMOINE :

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

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