

## Application for separation (pursuant to section 20 of the Marriage Act)

- If you and your spouse, separately or jointly, no longer wish to live together, one or both of you may apply to the County Governor for separation by filling in this form. You need not agree on applying for separation. If you apply by yourself, the County Governor will contact your spouse.
- Carefully read the guidelines at the end of this application

<b>To the County Governor of</b>
See point 1 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? Enclose marriage certificate if the marriage was contracted abroad	Date of marriage

<b>Joint residence - see point 1 of the guidelines</b>
Address of parties' last joint residence

<b>Separation licence - see point 1 of the guidelines</b>	
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 in which court or by which 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?	

<b>Children of the marriage under 16 years of age - see point 2 of the guidelines</b>		
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.**

<b>I/We demand a separation pursuant to section 20 of the Marriage Act</b>	
<b>The elder spouse</b>	<b>The younger spouse</b>
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 3 of the guidelines. <input type="checkbox"/> As ordinary mail <input type="checkbox"/> Service with acknowledgement of receipt or by registered mail	<b>How do you wish the decision to be sent?</b> See point 3 of the guidelines. <input type="checkbox"/> As ordinary mail <input type="checkbox"/> Service with acknowledgement of receipt or by registered mail
<b>Appeal</b> - see point 4 of the guidelines I waive the right to appeal the decision to grant a licence for separation <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Appeal</b> - see point 4 of the guidelines I waive the right to appeal the decision to grant a licence for separation <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Attestation of signature</b>	
<b>Attestation, the elder spouse's signature</b>	<b>Attestation, the younger spouse's signature</b>
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.
<b>Witness 1</b>	<b>Witness 1</b>
Place _____   Date _____	Place _____   Date _____
Signature	Signature
Personal Identity No. (11 digits)	Personal Identity No. (11 digits)
Address	Address
<b>Witness 2</b>	<b>Witness 2</b>
Place _____   Date _____	Place _____   Date _____
Signature	Signature
Personal Identity No. (11 digits)	Personal Identity No. (11 digits)
Address	Address

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

<b>A licence for separation does not give the spouses the right to enter into a new marriage</b>
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# GUIDELINES FOR SPOUSES APPLYING FOR SEPARATION

Pursuant to section 20 of the Marriage Act

## 1. Who deals with the application?

An application for separation is dealt with by the Office of the County Governor in the county where you (the spouses) 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 a separation or divorce case has already been brought before a court of law, the County Governor may not deal with the case.

## 2. Mediation

If you have children of your marriage under 16 years of age, you must attend mediation. 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.

## Issues related to separation

### Family name

After the separation, you both 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).

### 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 to 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".

## 3. Service of the decision

The decision concerning separation 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.

## 4. Appeal

The decision of the County Governor to grant a licence for separation 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 may 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 the decision is served.

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](http://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) and 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 is the marriage dissolved?**

The marriage is not finally dissolved until a divorce has been granted. After one year of separation either of you may apply for a licence for divorce. After two years of non-cohabitation either of you may demand a divorce directly. (The provisions of the Marriage Act concerning divorce by judgment also apply during the period of separation).

### **When can I remarry?**

As long as you are separated, you may not enter into a new marriage. In order to enter into a new marriage, a main rule is that the distribution of the former joint estate must have commenced or been completed.

### **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 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