

## **SEPARATION/DIVORCE IN FRONT OF THE CIVIL REGISTRAR**

Spouses who do not have minor children or children over 18 who are not economically self-sufficient or children over 18 who are incapable, severely disabled (art. 3, Law 5/02/1992 n. 104) or economically not self-sufficient, born to the couple, may appear in front of the civil registrar of the Municipality to declare separation, divorce agreement or modify previous separation conditions (art. 12 Law 162/2014)

**Legal assistance is optional.**

### **How to do**

An application for separation or divorce may be made to:

- Municipality of residence of one of the spouses;
- Municipality where the marriage was celebrated;
- Municipality where the marriage celebrated with religious rite or abroad has been transcribed.

This simplified procedure is available to spouses under the following conditions:

- consent of both spouses: if one of them does not want to go to the Municipality, you must appeal to the court and proceed in accordance to the Law. The same applies if the parties do not agree in advance on one of the points of the separation/divorce;
- absence of children in common who are minors or of legal age who are incapable or with a serious disability or who are not economically self-sufficient;
- no asset transfer agreement (but it is possible to provide for the payment of a periodic support or divorce allowance).

The previous separation of spouses, which must have continued uninterruptedly, remains a prerequisite for divorce:

- at least 12 months after the spouses have appeared before the President of the Court, in the case of judicial separation (judgment of the Court);
- for at least six months, in the case of consensual separation (by agreement approved by the court).

Where separation proceedings are conducted by negotiation assisted by lawyers or by proceedings in front of the registrar, the period of six months which must elapse before the application for divorce starts from the date certified in the agreement reached with assisted negotiation or from the date of the act containing the separation agreements concluded in front of the civil registrar.

## **Preliminary stage**

Each of the spouses fills out a declaration to start the procedure of consensual agreement for separation or divorce in which he/she communicates his personal data and the decision to proceed with the separation or the divorce; the registrar verifies the data declared with the form and automatically takes over the documents of use in the proceedings held by another Italian public administration (In the event of divorce, a final judgment or final judgment should be lodged). In all other cases, the citizen, in order to conclude the agreement must submit the documents required to prove the requirements and conditions prescribed by law.

Once it has all the necessary documents, the Office shall, in agreement with the parties concerned, fix the date of the drafting of the agreement. The two forms of declaration for initiation of consensual agreement procedure for separations and divorces can be transmitted to the registry office:

- by hand (even by just one of the spouses);
- by email [demografico@comune.laloggia.to.it](mailto:demografico@comune.laloggia.to.it)
- via PEC [protocollo.laloggia@legalmail.it](mailto:protocollo.laloggia@legalmail.it)

A copy of the valid identity documents of both spouses must be attached to the form.

## **Drafting of the agreement**

On the agreed day, the spouses must present themselves together with a valid identity document, to the divorce office to make the required declarations and to sign the subsequent agreement. In the case of legal assistance, the lawyer in charge must be provided with a valid identity document and a professional card belonging to the Bar.

If the spouses do not know Italian, they must be assisted by an interpreter at the various stages of the procedure.

## **Confirmation of the agreement**

The day of the agreement is fixed the date for the confirmation of the agreement, which must be not earlier than 30 days from the agreement: on that date the spouses will have to show up to make the registrar a further declaration confirming the validity of the agreement. Failure by the spouses to appear is equivalent to failure to confirm the agreement.

If the spouses do not know the Italian language, they must also be assisted at this stage by an interpreter. The agreement shall take effect from the date of its signature.

Confirmation is not required in cases where only the conditions of separation or divorce change.

## **Costs**

Prior to the drafting of the agreement, the spouses must arrange for the payment of the fixed fee of € 16 by bank transfer (Banca Intesa Sanpaolo La Loggia).

Iban Code: IT05R0306930551100000300003 "Reason for payment: separation/divorce + Surname/Name of the spouses"