

# JOINT APPLICATION FOR DIVORCE

To be completed by the district court

*Please read the information while completing the form*

## APPLICANTS

<b>Spouse</b>
Given names:
Surname:
Pers. id. no.:
Full postal address incl. postal code:
E-mail address:
Tel. no. daytime:

<b>Spouse</b>
Given names:
Surname:
Pers. id. no.:
Full postal address incl. postal code:
E-mail address:
Tel. no. daytime:

## CHILDREN OF THE MARRIAGE

<b>State children of the marriage aged under 18 of whom you have joint custody</b>	
Name of child:	Pers. id. no.:
Name of child:	Pers. id. no.:
Name of child:	Pers. id. no.:
Name of child:	Pers. id. no.:

Any additional children should be shown under Other Petitions etc. on page 2

## DIVORCE

We request the district court to make a decree absolute dissolving the marriage between us	
The divorce <i>shall</i> be preceded by time for reconsideration. ①	Mark "X" <input type="checkbox"/>
The divorce <i>shall not</i> be preceded by time for reconsideration. ②	<input type="checkbox"/>

## CUSTODY

<b>Joint custody</b> ③
<b>Information:</b> If parents have joint custody of a child, and the court grants a divorce decree dissolving their marriage, the child continues to be in the custody of both parents ( <i>joint custody</i> ) if the parents do not ask the court to decree otherwise ( <i>sole custody</i> ).

<b>Sole custody</b> ④ ( <i>state only given name</i> )
shall have sole custody of all the children.
shall have sole custody of _____, _____ and _____
shall have sole custody of _____, _____ and _____

Any additional children should be shown under Other Petitions etc. on page 2

**OTHER PETITIONS ETC. ⑤**

[Empty box for other petitions etc.]

**APPLICATION FEE ETC. ⑥**

*Mark "X"*

SEK has been paid into the district court on the.

Identity certificates for marriage purposes and certificates of residence are enclosed for us both.

**SIGNATORIES**

Place	Date
Spouse's signature	

Place	Date
Spouse's signature	

## INFORMATION CONCERNING THE FORM

### GENERAL

It is the district court that has to decide on a joint application for divorce. The district court may in the course of its consideration of such an application also decide on other questions arising in connection with a divorce. This form is intended for use by spouses who are agreed on wanting a divorce and for all matters that they want the court to settle in that connection. For additional information, please see the brochure "Att skiljas när man har barn" [On separation when you have children], issued by the National Board of Health and Welfare.

Questions concerning custody, residence and access may – if the parents are agreed and their agreement is in the child's best interests – be regulated by written agreements signed by the parents and approved by the social welfare committee. The social services (family law) or family counselling service will answer questions on such agreements and provide special forms for that type of agreement.

Questions concerning maintenance support are dealt with by the Social Insurance Agency. (For further information, please see the brochure Underhållsstöd [Maintenance Support].)

The questions to be settled in connection with a divorce may often be so complex that counselling should be sought from a lawyer or other legal expert. The latter may for a charge give advice and information concerning relevant legal provisions. The possibility of obtaining legal aid in matters involving family law is limited. For legal aid to be granted in matters involving divorce or maintenance there have to be special reasons.

Page 1 contains questions concerning divorce and custody, on which the court always has to decide when there is a joint application for divorce.

The child's best interest must be considered first when deciding on all questions that involve custody, residence and access. When assessing what is in the child's best interests particular attention must be attached to the child's need for good, close contact with both parents. The child's wishes must also be considered bearing in mind the age and maturity of the child.

Page 2 contains space for other petitions etc; these may involve the child's right to access, the child's residence, liability for maintenance, right to continue to live in the common home, what is to apply during the time for reconsideration (see below) etc.

The application must always be signed by both of you.

When you have completed the application it must be submitted to the district court at the place where one of you is domiciled. Domicile normally means the place where one of you was registered for population purposes on 1 November in the year before the application. If neither of you is domiciled in Sweden the application must be made to Stockholm City Court. Where spouses with international connections are involved there are special rules governing when a Swedish court is competent to deal with an application for divorce.

### HOW TO FILL OUT THE FORM

#### DIVORCE

##### ① Divorce after time for reconsideration

The district court cannot grant you a divorce until a time for reconsideration of at least six months has elapsed

- if either of you lives permanently with your own child/ren aged under 16 years and has legal custody of the child/ren
- if both spouses ask for time for reconsideration

When you have submitted an application you will receive a notice from the district court. This will state the date on which the time for reconsideration begins, the earliest and latest dates on which you can proceed with the application and the case number given by the district court.

Proceeding with the application means that you confirm the intention to divorce. The application can be proceeded with in writing in a document which shows that you still wish to divorce. There is no specific form for this and it may be done on an ordinary sheet of paper. You must state there that you wish to proceed with the application for divorce and quote the district court case number. If you proceed with the application you must submit a new personal identity certificate for each of you. If neither of you proceeds with the application within a year from the start of the time for reconsideration, the case will be removed from the district court lists and you then remain married to each other.

##### ② Divorce without time for reconsideration

The district court may grant a decree divorcing you without prior time for reconsideration

- if neither of you has custody of and lives permanently with your own child aged under 16 years
- if you have been living apart for at least two years, irrespective of whether you have children aged under 16 years

If you have lived apart for at least two years you must be able to corroborate this. One method is by means of an extract from the population register.

## **CUSTODY**

### **③ Joint custody**

Parents who are married to each other normally have joint custody of the child/ren of their union. When there is a divorce, custody of the child/ren normally continues to be held jointly unless the court decides otherwise at the request of the spouses.

### **④ Sole custody**

The spouses may in case of divorce agree that one of them is to have sole custody of one or more children if these are aged under 18 years. If you are agreed that one of you is in future to have sole custody of the child/ren you must state this. If you wish for a decision on the matter of custody that will apply for the period until the question has been settled by a court judgment or decision that has become non-appealable or the parents have reached agreement on the matter and the agreement has been approved by the social welfare committee (an interim decision), you must state this specifically. This can conveniently be done under the heading Other Petitions etc. on page 2 of the form.

You may always contact the social services (family law) department in your municipality with regard to questions of custody, residence and access. You may also turn to your lawyer or other legal expert.

### **⑤ OTHER PETITIONS ETC.**

#### **Child/ren's residence**

If the spouses have joint custody the district court may decide with which of the parents the child should live. Such a petition may be presented here. The best interest of the child should decide. Parents may also agree in writing, with the approval of the social welfare committee, on where the child is to reside (cf above).

If you wish for a decision on the matter of custody that will apply for the period until the question has been settled by a court judgment or decision that has become non-appealable or the parents have reached agreement on the matter and the agreement has been approved by the social welfare committee (an interim decision), you must state this specifically on the form.

#### **Right of access etc.**

The district court may decide on the child's right of association on the basis of the best interest of the child. A request for this may be made here. The child's parents have a joint responsibility for ensuring that as far as possible the child's need for association with a parent with whom the child does not reside is met. The parents may naturally reach agreement themselves on how access is to take place. They may also, with the approval of the social welfare committee, agree in writing on the child's right to access (cf above).

If you want the district court to decide on the right of access to the child/ren, you must fill in which of you it is that the child/ren is/are to have right of association with and when the child/ren is/are to meet the parent. The time for access must be given so clearly that no doubt can arise concerning how the agreement is to be interpreted with regard to year, date and time. E.g. "on and from (date, weekday or public holiday) ... up to and including (date, weekday or public holiday)..." "two weeks during the period ..." etc.

If you wish for a decision on the matter of custody that will apply for the period until the question has been settled by a court judgment or decision that has become non-appealable or the parents have reached agreement on the matter and the agreement has been approved by the social welfare committee (an interim decision), you must state this specifically on the form.

The district court may also – if the child lives with only one parent – decide that the other parent is to make a fair contribution to the cost of travel when the child associates with the other parent. A request concerning this is to be made here. Alternatively the parents may naturally resolve the question of costs of access by agreement. The municipalities have produced a form for the purpose.

#### **Maintenance to children**

All parents have a liability to contribute to their children's support as far as they are financially able to do so. When a child lives with only one of the parents, the other parent is normally liable to contribute to the child's support by paying a maintenance allowance. As parents you can yourselves agree on the amount of the maintenance allowance. If you do not reach agreement, the maintenance allowance can be determined by a court judgment. Questions surrounding the calculation of maintenance allowance are complex, however. It is there-

fore advisable to contact a lawyer or other legal expert if you want to have the maintenance allowance determined by a court judgment.

In addition to the provisions on maintenance allowance there are also rules on maintenance support. On application and provided that certain conditions are satisfied, maintenance support will be paid out by the Social Insurance Agency to children living permanently with only one of her/his parents or to children with alternating residence. As a rule the parent who is not living with the child is fully or partially liable for repayment to the state of maintenance support that has been paid out. The person who is liable for repayment under the rules on maintenance support is regarded as having discharged her/his liability for maintenance up to the amount paid as maintenance support to the child.

### **Right to continue to reside in the joint home (right to remain in residence)**

When there is divorce the spouses may decide which of them is to have the right to continue to live in their joint home. The maximum period for which the agreement may apply is until division of the couple's matrimonial property has taken place.

If you are agreed that only one of you is to continue to reside in your joint home and you wish the district court to decide on this, you must state which you is to have the right to remain in residence.

### **Interim decision**

With regard to questions concerning custody, residence, access and security of residential possession the district court may issue a decision that will apply for the period until the question has been settled by court judgment or a decision that has become non-appealable or – as far as custody, residence and access are concerned – until the question has been settled by an agreement between the parents that has been approved by the social welfare committee. If you want the district court to make such a decision you must specifically request this in the application (cf above).

A judgment becomes non-appealable three weeks after it has been announced provided that none of the parties has appealed against it. An agreement approved by the social welfare committee becomes valid on approval being granted.

If conditions should change during the time for reconsideration you may ask the district court to vary its interim decision with regard to one or more matters.

### **Withdrawal**

If you change your mind and no longer wish to divorce, you may withdraw your application by together signing a statement that you send to the district court. The case will then be deleted from the district court lists and you are then still married to each other. If anything should be unclear regarding the form, you may contact the district court for additional information.

### **⑥ APPLICATION FEE ETC.**

You must pay an application fee when applying for divorce. Please pay the fee to the district court by using the online payment service for application fees - visit [betala.domstol.se](http://betala.domstol.se).

The fee is paid only on applying and need not be paid on proceeding with an application made earlier.

Together with the application you must submit a personal identity certificate, regarding divorce, for the both of you. You can order the certificate from the local tax office/s where you are registered for population purposes. It must not be more than three months old.