

Can I appeal the Order?

- If you are not satisfied with the Order made by the Magistrate, using *Notice of Appeal* (FORM 26) you may Appeal to the Family High Court, within 28 days from the date of the Order.
- You will have to pay filing fees to the Family Court Registry.
- If you cannot afford the filing fees, Legal Aid may be able to help you make other arrangements
- If you need legal help, visit the Legal Aid office nearest you.

(Footnotes)

¹ If you do not know your spouses address see pamphlets on *Service*.

² To find out how to do this properly see pamphlet on *Service*.

³ See pamphlet on Maintenance or Contribution, Property Settlement and Residence and Contact.

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Dissolution Of Marriage

(DIVORCE)

What is a Dissolution of Marriage?

- When a husband or a wife wants to end their marriage, they must apply to the Family Court for a dissolution of marriage (divorce).
- You can only get a divorce if you can prove to the Court that;
 - you have lived apart from each other for 12 months or more, and
 - it is not likely that you and your spouse will get back together.
 - either you or your spouse is a citizen or resident of Fiji.

How do I get a dissolution of marriage?

- Pick and fill an *Application for Dissolution of Marriage* (FORM 1) from the Family Court Registry nearest you.
- Get a copy of your Marriage Certificate and if you have children less than 18 years, get a copy of each child's Birth Certificate.
- You have to pay filing fees to the Family Court Registry.
- If you cannot afford that filing fees, Legal Aid may be able to help you make other arrangements.
- You must also know the address of your husband/wife.¹
- If you need help, visit the Legal Aid office nearest you.

What Happens Once I have completed the Form?

- Once you have filled the form, make 2 copies and take it back to the Family Court Registry.
- The Family Court Registry staff will stamp and write a date on your form for you to come to court.
- **Before** the Court date, your spouse must be given a copy of the Dissolution of Marriage Form (FORM 1). You cannot give this form, it has to be done by another person.²
- Whether you have served the form on your spouse or not you still have to appear in court on the date written on the form.
- The Magistrate will first check to see if the parties can still live together as husband and wife. If yes, you will be given a date to talk to the counselor.
- If you appear and your spouse does not appear then the Magistrate can still grant divorce.
- If you cannot live together with your spouse, your marriage will automatically get dissolved.
- If you cannot live together with your spouse and you have children, you will need to satisfy the court that the welfare of the child(ren) has been looked after before granting divorce.
- You will be informed by court when to pick up the divorce certificate one month and one day after the Court grants the divorce.
- If you need to have your orders finalized before the required one month you can fill

in an *Application* (FORM 12) asking for the order in less than one month.

- You must also fill in an *Affidavit* (FORM 23) telling the Court your reasons for needing the divorce to be finalized quickly.
- If you have to make arrangements for your children, maintenance and/or settlement of property, the Court can deal with these separately.³

What can I do if given a dissolution of marriage Application Form?

If you agree with what is written in the Form then you DO NOT have to do anything.

A divorce will be automatically granted, and you can pick your Dissolution of Marriage Final Orders after one month and a day.

- If you DO NOT AGREE with what is written in the form, then you **MUST** appear in Court on the date given on the Dissolution of Marriage Application Form (Form 1).
- You have to pay filing fees to the Family Court Registry.
- If you cannot afford that filing fees, Legal Aid may be able to help you make other arrangements.
- You also have to fill a *Response for Marital Proceedings* (FORM 4) which you can pick from the Family Court Registry nearest you. This MUST be done within 28 days.