REGISTRATION IN FRANCE OF A NEW YORK OR NEW JERSEY JUDGMENT OF DIVORCE

When one party in a U.S.-granted divorce is a French citizen, the divorce must be registered and officially recognized in France. The Consulate General of France may not register a second marriage until the divorce has been registered and mentioned in the margin of the birth and marriage certificate. To do so, the parties must obtain a <u>certified translation</u> of the judgment or decree of divorce and a translation of the <u>certificate of non-appeal</u>, also called a Certificate of Divorce Absolute or, in the County of New York, a Search Certificate. These translations must be apostilled (see <u>Apostille</u> and <u>How to Get an Apostille</u> in the State of New York). The Certificate of Non Appeal stipulates that the divorce is irrevocable and that the time for filing notice of appeal has expired. You may obtain this document at the county clerk's office in the county were the judgment was filed.

State of New York

New York County Clerk 60 Centre Street Room 141 Basement New York, NY 10007 Tel: +1 (646) 386-5955

<u>Queens County Clerk</u> 88-11 Sutphin Boulevard Jamaica, New York 11436 Tel: (718) 298-0600 Bronx County Clerk's Office 851 Grand Concours Room 118 Bronx, NY 10451 Tel: (718)-618-3357

<u>King's County Clerk</u> 360 Adams Street Room 189 Brooklyn, NY 11201 Tel.: (347) 404-9772

State of New Jersey

Many of our clients, who called the Superior Court of New Jersey (609-292 4822) to ask for a certificate of non-appeal, were told that such a document does not exist. This document does exist, in different form. It is delivered by the Appealant Division of the Superior Court of New Jersey (see an example of a <u>New Jersey certificate of non-appeal</u>). You can obtain this document by mail. Write a letter requesting it, include a self-addressed stamped envelope or your return address, attach a copy of your judgment of divorce, along with a \$5.00 check payable to the Treasurer of the State of New Jersey to the following address:

Attn: John Grant <u>Superior Court of New Jersey</u> Appellant Division P.O Box 006 Trenton NJ 08625

We inform

Note that your divorce attorney can write a short letter stating that no appeal was filed. This letter will have the same effect than the production of a certificate of non-appeal

These documents, along with a <u>Letter of request to the Procureur de la République</u> (in French) must be sent to one of the following addresses:

If the marriage took place in the US or outside of France:

For a marriage celebrated abroad and transcribed in the Consular registers the, competent court in the Tribunal de Grande Instance (TGI) in Nantes.

Monsieur Le Procureur de la République Tribunal de Grande Instance de Nantes, Quai François Mitterrand 44921 Nantes Cedex 9 France

If the marriage took place in France:

For a marriage celebrated in France the relevant jurisdiction is TGI of the venue of the marriage.

<u>Monsieur Le Procureur de la République</u> Près le Tribunal de Grande Instance de [Fill in the jurisdiction where the marriage took place and find the address at the following link: <u>Tribunal de Grande Instance in France</u>]

Following the decision, the Prosecutor of the competent TGI will order the affixing of a statement of dissolution of marriage in the margin of the corresponding French vital statistics documents and the family booklet (*livret de famille*) will be updated.

The process is basically the same for divorces pronounced in other States.

See under our Check List

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CHECK LIST

- 1. Get a copy of the Final Judgment of Divorce. The original document must contain: the identification of the court that ruled on the divorce and with judgement date and registration number of the final and irrevocable divorce, the official seal of the court that granted the divorce, the identity and signature of the judge.
- 2. Have the judgment of divorce translated in French and, if the judgment was pronounced in the State of New York or New Jersey, have also the Search Certificate / Certificate of non-appeal translated.
- **3.** Get a complete copy of the marriage certificate from the city hall which celebrated your marriage, if it took place in France. If it was held abroad by completing the online form at: <u>https://pastel.diplomatie.gouv.fr/Dali/index2.html</u>
- 4. Get a complete copy of your birth certificate, updated with any marginal mentions. It can be obtained at the city hall of your place of birth if you are born in France. If you are a French citizen born abroad, complete the form online at: <u>https://pastel.diplomatie.gouv.fr/Dali/index2.html</u>
- 5. Photocopy of your national identity card or, if valid, your French passport.
- 6. Photocopy of your ex-spouse's passport (if this is not possible, mention the reason for failure to obtain it in the letter to the *Procureur de la République* (public prosecutor) of the competent TGI, (an example is here attached)
- 7. A letter on plain paper addressed to the Procureur de la République of the competent TGI (<u>Letter of request to the Procureur de la République</u>)
- 8. Proof of residence at the time of divorce proceedings or, alternatively, a declaration on your honor certifying your address at time of divorce proceedings.

These documents must be sent to *Monsieur Le Procureur de la République près le Tribunal de Grande Instance de Nantes* if the marriage was performed outside of France and to *Monsieur Le Procureur de la République près le Tribunal de Grande Instance de* [the jurisdiction where the marriage was performed] if the marriage was performed in France (see complete addresses in the previous pages).