

# Divorce in Greece general info



## There are Two Types of Divorce Proceedings:

### Uncontested Divorce

(or Divorce by Mutual Consent)

The spouses agree to dissolve the marriage.

They file a joint petition to the Single Member Court of the First Instance of their place of residence.

The marriage must have lasted one year or longer.

Two hearings must take place and the interval between the two hearings cannot be less than six months.

The spouses may attend the hearing or be represented by attorneys pursuant to Special Powers of Attorney which have been signed before a Notary Public and dated less than one month before the hearing.

If there are minor children, the spouses must submit a written agreement regarding the physical custody of the children and the non-custodial parent's rights to communicate with the children.

### Contested Divorce

Either one or each of the spouses separately files a lawsuit seeking dissolution of the marriage, before the Multi-Member Court of the First Instance of the spouses residence.

## Divorce Decrees and Jurisdiction

As of this writing, divorce requires a final court decision which is not subject to appeal or revocation. Recent draft legislation has been introduced which would allow uncontested divorces to be certified by a Notary Public. It remains to be seen whether this will be legislated and implemented.

Greek Courts have jurisdiction to issue divorces:

- If one of the spouses is a Greek citizen.
- If the spouses had their last common residence in Greece.
- If the defendant in a lawsuit for dissolution of marriage is a permanent resident of Greece.

Greek Courts assume jurisdiction to issue decisions regarding custody of minor children:

- If the child is a habitual resident of Greece.
- If the child's habitual residence cannot be established.

### On the Property of the Spouses

Joint ownership ends upon divorce

Each of the spouses is entitled to recover the movable property (chattel) which belongs to him/her or which has been exclusively used by him/her.

There is a rebuttable presumption that a spouse can claim a 1/3 interest in the gains or profits of the other spouse which took place during the marriage (including real property acquired in the name of the other spouse). This presumption may be rebutted by providing a lesser/greater or no contribution whatsoever to the other spouse's profits or gains.

It should be noted that property acquired prior to the marriage or during the marriage by gift or inheritance (or acquired using the proceeds from gift or inheritance) is neither subject to the above rebuttable presumption nor to division upon divorce, unless otherwise agreed pursuant to notarial act.

### On Minor Children

When a marriage is dissolved by divorce, legal custody of minor children is retained by both parents (i.e. management of children's property, representation of the child in legal transactions etc.).

Physical custody of minor children is usually granted to one of the parents by Greek Courts, however, it is possible for physical custody to be granted to both parents jointly, apportioned between the parents or custody may be granted to a third party.

The non-custodial parent, as well as grandparents and great grandparents, have the right to communicate with the children.

In the event of an uncontested divorce, the parents must submit a written agreement stipulating the physical custody of all minor children and providing for the non-custodial parent's visitation rights.

### On Financial Support of Children

Both parents are obligated to support minor children and children over 18, who do not have income from work/property or whose income is insufficient for their maintenance.

Each parent is obligated to support children, in accordance with his/her means.

### On Financial Support to other Spouse (Alimony)

When a marriage is dissolved by divorce, a former spouse who cannot maintain himself/herself from his/her own income or property is entitled to claim maintenance from the other spouse:

If, at the time the divorce is issued, the age or state of health of the spouse making the claim is such that he/she cannot be required to begin or continue to work in a suitable occupation in order to support himself or herself.

If the spouse making the claim has physical custody of a minor child and is therefore prevented from working.

If the spouse making the claim cannot find stable and appropriate employment or if he/she requires vocational training, in which case alimony may be granted for a period not to exceed three years from the date upon which the divorce was issued.

In any other case which mandates awarding alimony for reasons of equity.

The right to receive alimony may be denied or restricted for important reasons, particularly if the marriage was of short duration or if the spouse entitled to alimony is at fault for the divorce or if he/she caused his/her indigence intentionally.

Alimony ceases if the entitled person remarries or cohabitates permanently with a third party.

Registration of Greek Divorce Decisions:

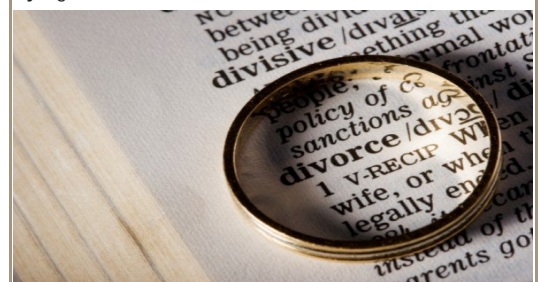
Final Divorce Decrees must be registered with the competent Registry and with the Family Status Register of the competent Municipality.

If the marriage was celebrated in a religious ceremony, the divorce must be registered with the competent Church Authority, a Certificate of Religious Marriage Dissolution must be obtained and submitted to the Municipal Registry.

Registration of Foreign Divorces in Greece:

In order for a Foreign (i.e. non-Greek) Divorce Decree to be valid and registered in Greece, a lawsuit must be filed before the competent Court of the First Instance, pursuant to the procedures for recognition of a foreign judgment.

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