

that you can go against the court Case and disagree with it. You will need to go to your Court Registry and ask for **Form 4 Response (Principal Relief)**. The Respondent must fill out Form 4 (3 copies) and file 1 copy in the Court Registry. The Respondent keeps one copy and serves the second copy on the Applicant as soon as possible but no later than **14 days** before hearing.

FAMILY COURT LOCATIONS

There are specialist Family Courts in Suva, Lautoka and Labasa, but every Court across the Fiji Islands can hear your Family Court matter.

Central/Eastern Division

Suva – Government Buildings, Telephone: 3211881, GPO Box 2215, Government Buildings, Suva.
Navua – Navua Magistrate's Court, Telephone: 3460644, 3460655, PO Box 678, Navua.
Nasinu – Nasinu Magistrate's Court, Telephone: 3390466, PO Box 7748, Nasinu.
Nausori – Nausori Magistrate's Court, Telephone: 3400006, PO Box 227, Nausori.
Vunidawa – Vunidawa Court – Ad hoc basis only, contact Nausori Magistrate's Court.
Korovou – Tailevu Court House, Telephone: 3430060, PO Box 102, Tailevu.
Levuka – Levuka Magistrate's Court, Telephone: 3440355, PO Box 66, Levuka.

Western Division

Lautoka – Lautoka Magistrate's Court – Telephone: 6660016, PO Box 103, Lautoka.
Lautoka High Court – Telephone: 6660877, PO Box 388, Lautoka.
Sigatoka – Sigatoka Magistrate's Court, Telephone: 6500067, PO Box 87, Sigatoka.
Nadi – Nadi Magistrate's Court, Telephone: 6701322, PO Box 1275, Nadi.
Ba – Ba Magistrate's Court, Telephone: 6674096, PO Box 430, Ba.
Tavua – Tavua Magistrate's Court – Telephone: 6680023, PO Box 516, Tavua.
Rakiraki – Rakiraki Magistrate's Court, Rakiraki. Telephone: 6693550.

Northern Division

Labasa – Magistrate's Court, Telephone: 8811772, PO Box 56, Labasa.
Nabouwalu – Nabouwalu Magistrate's Court – contact Nabouwalu Police Station: 8836022.
Savusavu – Savusavu Court, Telephone: 8850272, PO Box 160, Savusavu.
Taveuni – Taveuni Magistrate's Court, Telephone: 8880081, PO Box 31, Taveuni.

IF YOU NEED HELP.

Please contact:

Family Court Counselling Service, Suva Tel: 3211811, Lautoka Tel: 6668199, Labasa Tel: 8818924
Legal Aid Commission, Suva Tel: 3311195, Private Mail Bag, Suva, Nasinu Tel: 3390693, Nausori Tel: 3470003, Navua Tel: 3460012, Sigatoka Tel: 6500172, Nadi Tel: 6700030, Lautoka Tel: 6650011 Private Mail Bag, Lautoka, Ba Tel: 6678000, Tavua Tel: 6680102, Rakiraki Tel: 6694001, Korovou Tel: 3430027, Labasa Tel: 8815118, P.O.Box 1241, Savusavu Tel: 8853103
Department of Social Welfare (Child Welfare) Suva Tel: 3315754, Lautoka Tel: 6660241, Labasa Tel: 8811524



Fiji Women's Rights Movement

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www.judiciary.gov.fj

FAMILY COURT DISSOLUTION OF MARRIAGE (DIVORCE)



You must be separated for **12 months** before you can apply to the Family Court for dissolution of marriage or divorce. This means living separately from your husband/wife for a full year. You can live separately even if you stay in the same house.

Divorce is not about “whose fault” it was that ended your marriage. The Court only needs to know that you have been separated for at least one year.

Step 1 Dissolution of marriage is granted in two stages. If you have met all the requirements and if the Court is satisfied that proper arrangements have been made for the children under 18 years, the Court will grant a **CONDITIONAL ORDER**.

You cannot remarry after the Conditional Order is given.

Step 2 A **FINAL ORDER** will be issued by the Court one month and one day after the date of your **CONDITIONAL ORDER**.

You can only remarry after the **FINAL ORDER** is granted.

You should arrange to pick up your **FINAL ORDER** from the Court Registry and keep it in a safe place. Also keep extra certified photocopies of your Final Order.

HOW TO APPLY FOR DISSOLUTION OF MARRIAGE

If you are applying for dissolution of marriage, you are called the **Applicant** and your husband or wife is called the **Respondent**.

Step 1 If you wish to apply for dissolution of marriage, go to the Registry of the Family Division of the Magistrate's Court in your area and fill out **Form 1 Application for Dissolution of Marriage**. You will need to pay a filing fee. Do not sign **Part F** now

READ FORM CAREFULLY.

Step 2 After filling in **Form 1**, go to a lawyer, Commissioner of Oath or Justice of the Peace.

Sign your application (**Form 1**) in front of one of them and they will sign too.

Step 3 Go back to your Court Registry with 3 signed copies of **Form 1** and the **original or certified** copy of your marriage certificate. A certified copy is a recent certified copy from the Births, Deaths, Marriages office. The original must be a recent one too. File 3 copies of **Form 1** in the Registry of the Family Division. You will need to pay a filing fee.

Step 4 The Registry of the Magistrate Court will give you a File Number and Hearing Date.

A Hearing Date is a date for you to appear in Court. The Court Registry will keep 1 Copy of **Form 1** and give you back 2 copies.

Step 5 If you and your husband/wife (also known as your spouse) have made **joint applications**, you will each keep one copy. If you are applying **on your own**, you keep 1 copy and serve the other copy on your spouse. This needs to be served by someone else and **NOT** by you. This can be hand delivered or posted 28 days before the hearing date if your spouse is in Fiji or 42 days before the hearing date if your spouse is out of Fiji. Ask the Court Registry about serving **Form 1**.

PROOF OF SERVICE

If you are the one applying for the divorce, service means that the Application for Divorce has been given to your husband/wife. If you are the Respondent, service means that the bailiff or some other person is giving you the Application for Divorce. When you are the one being given the papers, you are asked to sign to show that you have got it. If you refuse to take it, the bailiff or person serving can just leave it in front of you and then they will sign the form.

Step 6 Ask Court Registry for **Form 22** and **Form 21**. The person serving and delivering **Form 1** must fill out and sign **Form 22 Affidavit of Service**. The person receiving **Form 1** (the Respondent) must sign an **Acknowledgement of Service (Form 21)**

Step 7 You must file an **Affidavit of Service (Form 22)** and an **Acknowledgment of Service (Form 21)** in the Registry of the Family Court before your Hearing Date.

Step 8 The Respondent can oppose the application. This means if your husband/wife has served you with the divorce papers (**Form 1**), and you disagree with the divorce, you can do so. You will need to go to your Court Registry and ask for **Form 4 Response (Principal Relief)**. The Respondent must fill out **Form 4** (3 copies) and file 1 copy in the Court Registry. The Respondent keeps one copy and serves the second copy on the Applicant as soon as possible but no later than **14 days** before the hearing. You must say clearly why you oppose the divorce. You will need to pay a filing fee when filling **Form 4** at the Registry of the Family Court.

HEARING

This is when you will be appearing before the Counsellor or the Magistrate.

Step 9 If your Dissolution of Marriage is granted, the Court will make a **Conditional Order**.

You must wait **one month** before your Conditional Order becomes Final. Collect your certificate of **Final Orders** from the Registry one month and 1 day after the divorce is granted.

WHAT IF I DISAGREE?

APPEAL

If you disagree with some of the facts in the application for dissolution of marriage, you can lodge an Appeal but you must do this **before the Final Order is granted**. You must file your appeal by filling out **Form 26 Notice Of Appeal** and file it in the Court Registry which issued the Conditional Order. You will need to pay a fee for filing your application. The Respondent can oppose the application. This means