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Divorce by mutual consent: can the provisions be challenged or amended?

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You have divorced by mutual consent and want to challenge a decision or change the content of the agreement? The regulations differ depending on whether the agreement was registered with a notary or validated by the judge. We'll tell you what you can do.

Deposited with a notary

Can the agreement be challenged in the case of a divorce by mutual consent? ^

The procedure for divorce by mutual consent (<https://www.service-public.gouv.fr/particuliers/vosdroits/F10567?lang=en>) **does not provide for the possibility of appeal.**

In the event of a conflict arising during the proceedings with the other spouse, you may **cancel** the procedure for divorce by mutual consent for to proceed to another divorce proceeding (<https://www.service-public.gouv.fr/particuliers/vosdroits/F12561?lang=en>) .

You are authorized until the filing of the divorce agreement as minutes in the notary's office, to apply to the court for separation or judicial divorce (<https://www.service-public.gouv.fr/particuliers/vosdroits/F12561?lang=en>) . In this case, your lawyer must file a subpoena for contentious divorce (<https://www.service-public.gouv.fr/particuliers/vosdroits/F12561?lang=en>) at the Registry of the Judge for Family Affairs.

The divorce agreement may be challenged before the court in the **five-year period**, for the following reasons:

- Error, dol or violence against a spouse
- Disappearance of an essential element of the Convention
- Unpredictable change in situation
- Non-compliance with the general duty of information owed by the lawyer
- State of dependency of a spouse (loss of economic, emotional or even psychological autonomy of one spouse in relation to the other).

Can the provisions of the divorce agreement be amended in the event of a change in circumstances? ^

In the event of a change in your child's needs (continuation of higher education...) or in your situation (relocation, unemployment...), the measures concerning the child can be modified (maintenance, access and accommodation...).

If you agree, you can establish a parental agreement (<https://www.service-public.gouv.fr/particuliers/vosdroits/F38331?lang=en>) approved by the Jaf or countersigned by counsel.

If you disagree, the Jaf can be seized to resolve the dispute. You must use a form:

Application to the family judge (parental authority, right of access, maintenance...)
(<https://www.service-public.gouv.fr/particuliers/vosdroits/R15764>)

The lawyer's not **not obligatory** for this procedure.

The compensatory benefit (<https://www.service-public.gouv.fr/particuliers/vosdroits/F1760?lang=en>) may also be amended, under certain conditions, in a convention approved by the Jaf or by a court decision in the event of a conflict between the former spouses.

Validated by the judge

Can the decision be challenged in the case of a divorce by mutual consent? ^

In the divorce proceedings by mutual judicial consent (<https://www.service-public.gouv.fr/particuliers/vosdroits/F10567?lang=en>) , decisions which may be the subject of an appeal (<https://www.service-public.gouv.fr/particuliers/vosdroits/F1384?lang=en>) are:

- Ordinance of adjournment or obsolescence
- Judgment that denies divorce.

The appeal period is **15 days from the date of the decision**.

The decision of the Family Court Judge who counterpart the agreement and pronounces the divorce may be the subject of an appeal in cassation (<https://www.service-public.gouv.fr/particuliers/vosdroits/F1382?lang=en>) .

An appeal on a point of law may be made if the procedure has not been followed (e.g., the consent of one of the spouses has been defective, dol).

This appeal renders the divorce agreement inapplicable. This procedure makes it possible to suspend the effects of divorce (liquidation of the community, etc.), **but not the measures concerning children** (exercise of parental authority, maintenance, etc.).

The time limit for bringing an appeal on a point of law shall be within **15 days from delivery of the decision**.

Can the decision be changed later if the situation changes? ^

In the event of a change in your child's needs (continuation of higher education...) or in your situation (relocation, unemployment...), the measures concerning the child can be modified (maintenance, access and accommodation...).

If you agree, you can establish a parental agreement (<https://www.service-public.gouv.fr/particuliers/vosdroits/F38331?lang=en>) approved by the Jaf.

If you disagree, the Jaf can be seized to resolve the dispute. You must use a form:

Application to the family judge (parental authority, right of access, maintenance...)
(<https://www.service-public.gouv.fr/particuliers/vosdroits/R15764>)

The lawyer's not **not obligatory** for this procedure.

The modification of the compensatory benefit (<https://www.service-public.gouv.fr/particuliers/vosdroits/F1760?lang=en>) may be made, under certain conditions, in a convention approved by the Jaf or by a court decision in the event of a conflict between the former spouses.

Statute and miscellaneous references ^

Civil Code: Articles 373-2-6 to 373-2-13 (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006165500/?lang=en>)

Code of Civil Procedure: Articles 1075 to 1087

(https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070716/LEGISCTA000006165234/?lang=en)

Articles 1083 to 1087 of the Code of Civil Procedure

Code of Civil Procedure: Articles 1088 to 1105 (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000033747796/?lang=en>)

Code of Civil Procedure: Article 1143 (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000033740281?lang=en)

Online services and forms ^

Application to the family judge (parental authority, right of access, maintenance...)

(<https://www.service-public.gouv.fr/particuliers/vosdroits/R15764?lang=en>)

Form

FAQ

Is the lawyer obligatory in a civil trial? (<https://www.service-public.gouv.fr/particuliers/vosdroits/F35132?lang=en>)

How is the lawyer paid? (<https://www.service-public.gouv.fr/particuliers/vosdroits/F15018?lang=en>)

Additional topics



Divorce, legal separation (<https://www.service-public.gouv.fr/particuliers/vosdroits/N159?lang=en>)

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Divorce by mutual consent (<https://www.service-public.gouv.fr/particuliers/vosdroits/F10567?lang=en>)

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