

## **Divorce in District of Columbia**

### **Uncontested Divorce in the District of Columbia**

A divorce is uncontested when the following requirements are satisfied:

1. There are no children (born or adopted) that are younger than 18 years old;
2. The spouses have divided marital property and/or marital debts through mutual agreement (without Court's assistance);
3. Neither spouse wishes to be paid alimony; and
4. Either one or both spouses have resided in District of Columbia for at least six months or have been stationed in DC as a member of the military for at least six months.

### **Default Divorce in the District of Columbia**

A decree for a divorce, or a decree annulling a marriage, may not be rendered on default, without proof; and an admission contained in the answer of the defendant may not be taken as proof of the facts charged as the ground of the application, but shall be proved by other evidence in all cases.

### **Alternatives to Divorce in the District of Columbia**

A legal separation is when the parties live separately but remains legally married to one another.

A legal separation from bed and board may be granted if:

1. Both parties to the marriage have mutually and voluntarily lived separate and apart without cohabitation; or
2. Both parties to the marriage have lived separate and apart without cohabitation for a period of one year next preceding the commencement of the action.

An annulment is sought in order to nullify the marriage and disavow its existence, returning the parties to their prior single status, as if they never married. The person seeking the annulment has the burden of proving to the court that one of the conditions of nullity has been met in order to have the annulment approved. Annulments are most often sought by people who feel stigmatized by the status of being divorced, or for ease of remarriage in their particular religion. Marriage contracts may be annulled in the following cases:

1. Where such marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage had been lawfully dissolved;
2. Where such marriage was contracted during the insanity of either party (unless there has been voluntary cohabitation after the discovery of the insanity);
3. Where such marriage was procured by fraud or coercion;
4. Where either party was matrimonially incapacitated at the time of marriage without the knowledge of the other and has continued to be so incapacitated; or
5. Where either of the parties had not attained the age of legal consent to the contract of marriage (unless there has been voluntary cohabitation after attaining the age of legal consent), but in such cases only at the suit of the party who had not attained such age.