Validity of foreign divorce

Number: INFORMAL

Date: October 30, 2007

The Honorable Wolff
Judicial Officer
Der Prasident
Des Oberlandesgerichts Munchen
Prielmayerstrasse 5
80097 Munchen

Re: Recognition of Foreign Divorce Decrees; Divorce Decree issued in Mexico

Dear Sir or Madam:

Thank you for contacting the Florida Attorney General's Office regarding whether Florida would recognize a divorce decree issued by a Mexican court. Attorney General McCollum has asked me to respond to your letter.

After reviewing the information you have submitted, it does not appear that this is a matter over which this office has jurisdiction. The Florida Attorney General's jurisdiction is limited by statute and this office has no power to validate foreign divorce decrees. However, in an effort to assist you in some way, I am enclosing copies of material from a Florida legal treatise discussing divorce decrees of foreign nations and citing the Florida cases and statutes upon which it relies. As you will see, Florida courts will not recognize a judgment of divorce rendered by the courts of a foreign nation as valid to terminate the existence of a marriage unless at least one of the spouses has established a good faith domicile in the foreign nation at the time the decree was rendered. The text notes that "[l]iving for a few days in a transient hotel in Mexico, or for six days in the Dominican Republic is not enough to establish domicile." *See* 26 Fla. Jur. 2d s. 1286, "Family Law." As you have advised that neither of the parties had residence or domicile in Mexico at the time of the divorce, it does not appear that Florida would recognize this divorce as valid in this state.

I trust that these informal comments and the copies I am sending you will be helpful to you in your resolution of this matter. Thank you for contacting the Florida Attorney General's Office for assistance.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

GH/t

Enclosure