



THE COMPLETE GUIDE

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# Divorce in Italy, without the mistakes

The practical guide: how to start, timelines, documents, decisions.

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## What you will find in this guide

You are thinking about divorce and you want clear information, without the runaround. This guide was written for you: in ten minutes you will understand how divorce in Italy really works today, what the realistic timelines are, which documents you need and which mistakes to avoid. No impossible promises, no courtroom jargon.

### THE FOUR CHAPTERS

1. How to start — What you need to know before taking the first step.
2. How long it really takes — Realistic timelines, and what changes them.
3. Documents you will need — A precise checklist, organised by situation.
4. Mistakes to avoid — The most common traps, legal and personal.

### WHO WE ARE, IN TWO LINES

Divorziare is the online divorce service of Legalium S.r.l. STA, a law firm specialising in family law. We help couples married in Italy — whether they live in Italy or abroad — to separate and divorce by mutual consent, online, with dedicated lawyers and transparent pricing.

## Chapter 1 — How to start

The first mistake people make is to think of divorce as a single event. In fact, Italian law provides for two stages: first the **separation**, then the **divorce** itself. Since 2023, thanks to the Cartabia reform, both can be handled in a single procedure — but the **divorce** can only be granted after a minimum period from the **separation**.

In Italy today you can divorce in three ways: in court (judicial procedure), before the mayor at the Comune (only in simple cases, with no minor children and no financial arrangements) or through **assisted negotiation** — an agreement signed by the spouses with the assistance of two lawyers, with no court hearing.

This guide focuses on **assisted negotiation**, because it is the route we use at Divorziare and because today it is the fastest and least expensive option when the spouses agree on the terms.

**Assisted negotiation requires just one thing: that both spouses agree on the terms of their separation and divorce. You do not need to be friends. You need to be reasonable.**

### WHO IS ELIGIBLE

- A civil or Catholic (concordat) marriage recorded in the Italian civil registry.
- Both spouses of age and legally capable.
- Agreement on the terms: custody, maintenance, family home, assets.
- Italian citizenship or residence in Italy for at least one spouse. Other situations — for example foreign couples who married in Italy — are assessed case by case.



## Chapter 1 — How to start

Once you know the consensual route is the right one for you, two decisions remain: who to do it with, and where to begin.

### THE CONSENSUAL ROUTE, ONLINE

Assisted negotiation does not require you to go to court: it can be handled entirely remotely. The law requires two lawyers, one per spouse: at Divorziare we provide them, included in the plan. Everything happens through video calls, digital signatures and a single online platform. If you work, have children or live in a different city — or country — from your spouse, it is the natural solution.

### THE FIRST CONCRETE STEP

1. **Check the requirements.** You are married, you agree with your spouse on the basic terms, you have your marriage documents. Five minutes.
2. **Compare the plans.** On [divorziare.it/en](https://www.divorziare.it/en) you will find three fixed-price plans, starting from €725 per spouse. Separation and divorce included.
3. **Book a free consultation.** Fifteen minutes with a Divorziare lawyer, no commitment, to understand whether this is the right route for your situation.

**Do not sign anything before the consultation. One free call can save you months of confusion.**

## Chapter 2 — How long it really takes

The question we hear most often. The honest answer: it depends. But there is a reliable baseline.

For a consensual separation through assisted negotiation, it takes on average 6–10 weeks from signing the engagement letter to registration with the Comune. The divorce itself then requires a statutory 6-month wait from the separation. After that, another 4–6 weeks to close.

### TYPICAL TIMELINE

- |              |                                                       |
|--------------|-------------------------------------------------------|
| ● Day 1      | Consultation and document collection.                 |
| ● Day 2      | Draft agreements and review.                          |
| ● Day 3      | Signing of both agreements.                           |
| ● Weeks 4–5  | Public Prosecutor's clearance (if you have children). |
| ● Weeks 4–5  | Registration with the Comune → separation complete.   |
| ○ + 6 months | Statutory waiting period before the divorce.          |
| ○ + 1 week   | Divorce procedure and closing.                        |

### THE 5 FACTORS THAT CHANGE THE TIMELINE

1. **Minor children.** The Public Prosecutor's clearance is required: a few extra weeks.
2. **Complex assets.** Property, foreign accounts or a business require preliminary assessments.
3. **Speed in producing documents.** The real bottleneck: it depends only on you.
4. **Agreement settled, or still being negotiated.** Lingering disagreements between spouses stretch everything out.
5. **Time of year.** August and December slow things down due to seasonal closures.

## Chapter 3 — Documents you will need

Documents are the real starting block. Having everything ready means saving weeks. Here is the complete checklist, organised by type. Nothing is optional, if it applies to you. If you live abroad, your lawyer will guide you on the equivalent documents.

### PERSONAL AND CIVIL-STATUS DOCUMENTS (both spouses)

- ☐ Valid identity document (identity card or passport).
- ☐ Italian tax code (codice fiscale).
- ☐ Up-to-date family status certificate (stato di famiglia).
- ☐ Certificate of residence.
- ☐ Marriage extract (estratto per riassunto) from the Comune where you married.
- ☐ For religious marriages: copy of the civil registration.

### MARRIAGE DOCUMENTS

- ☐ Full copy of the marriage record (atto integrale).
- ☐ Any marital property agreement (separation or community of property).
- ☐ Any previous separation ruling (if you are already separated).

**Civil-status certificates are valid for 6 months. Request them shortly before the case starts, not months in advance: you may have to obtain them again.**

## Chapter 3 — Documents you will need

### DOCUMENTS FOR CHILDREN (if any)

- ☐ Birth certificates (minor children and dependent adult children).
- ☐ Children's tax codes (codice fiscale).
- ☐ For minor children: details of the school they attend.
- ☐ Any ongoing educational or health plans.

**Many of these documents can be downloaded online with an Italian SPID digital identity — for example civil-status certificates via ANPR. It saves you days of queuing.**

## Chapter 4 — Mistakes to avoid

Over the years we have seen the same traps repeat themselves. The ones on this page are the most expensive: legal mistakes that can turn a simple procedure into a court case.

### **MISTAKE 1 — Making a verbal deal before speaking to a lawyer.**

Promises made at the kitchen table ("you keep the house", "I'll pay the bills") have zero legal value. Worse: if one of you changes their mind, they become the basis of the conflict. No agreement, not even an informal one, before you have spoken to a lawyer.

### **MISTAKE 2 — Underestimating child maintenance.**

Child maintenance is not a number negotiated on gut feeling. It is calculated on income, time spent with the children and standard of living. Get it wrong and you either overpay for years, or the Public Prosecutor challenges the agreement.

### **MISTAKE 3 — Ignoring the matrimonial property regime.**

Community or separation of property? Joint accounts? A mortgage in one name only? These details decide what gets divided and how. Treating them as "we'll sort it out later" is the fastest way to add months to the case.

### **MISTAKE 4 — Forgetting the family home.**

The right to live in the family home is separate from ownership. You can live in a home you do not own, or not live in a home you do own. Deciding straight away who stays, and on what terms, prevents disputes later.

### **MISTAKE 5 — Assuming "no children" means "no problems".**

Even without children you still need to settle any maintenance, the home, assets and debts. That is exactly what assisted negotiation is for: putting everything in writing in a legally valid form.

## Chapter 4 — Mistakes to avoid

Legal mistakes are only half the problem. The other half is personal: choices made under pressure that weigh on you for years.

### **MISTAKE 6 — Moving out before signing.**

Leaving the marital home before the formal agreement can be used against you. It does not automatically count as desertion, but it can complicate the allocation of the home and any maintenance. Wait for the written agreement, even if it takes patience.

### **MISTAKE 7 — Signing too quickly just to "get it over with".**

The urge to close the chapter is understandable, but the terms you sign stay with you for years. Give yourself 48 hours to reflect before signing the final version. No serious lawyer will ask you to sign on the spot.

### **MISTAKE 8 — Relying on hearsay for the terms.**

"My brother-in-law paid X", "my friend got Y". Every divorce is its own case: income, children, assets, length of the marriage. Comparing your terms with other people's is the quickest way to leave both of you unhappy.

**The universal remedy: two weeks before you sign anything, and a lawyer on your side. It always works.**



## How Divorziare works

Divorziare was created to strip the procedure of everything unnecessary: no queues at court, no weeks of waiting, no surprises on the bill. Everything online, but with real lawyers — not chatbots.

### THE 4 STAGES

1. **Free consultation.** 15 minutes with a Divorziare lawyer, no commitment.
2. **Online questionnaire.** Enter details, upload documents, save and resume later.
3. **Drafting and signing.** Divorziare's lawyers prepare the settlement and negotiation agreements. You and your spouse sign digitally.
4. **Filing and closing.** We handle the Prosecutor, the Comune and final paperwork.

### WHAT IS ALWAYS INCLUDED

- Separation + divorce in the same procedure.
- Two lawyers, one for each spouse.
- Paperwork, digital signatures, all filings.
- Real-time updates on your case.
- Assistance in English throughout.

### THREE PLANS, FIXED PRICE

- **Essential** — €725/spouse — Couples without children, straightforward assets.
- **Complete** — €990/spouse — With children or more complex assets.
- **Dedicated** — €1,150/spouse — Dedicated lawyer, post-case assistance.

**You start with a €150 deposit; the rest in two instalments, before each stage.**

## Mini-glossary

Eight terms you will come across during the procedure.

### Separation (*separazione*)

The spouses stop living as husband and wife but remain legally married.

### Divorce (*divorzio*)

Dissolution of the marriage, or of its civil effects for religious marriages.

### Assisted negotiation (*negoziazione assistita*)

Law 162/2014: two lawyers draw up an agreement with the force of a court ruling.

### Negotiation agreement (*convenzione di negoziazione*)

Initial document: both parties commit to negotiate in good faith within a set time.

### Settlement agreement (*accordo*)

Final document signed by the spouses and both lawyers, with all the agreed terms.

### Public Prosecutor's clearance (*nulla osta del PM*)

The Prosecutor's authorisation, required when there are minor children.

### Registration (*trascrizione*)

Recording of the agreement in the civil registry of the Comune where you married.

### Maintenance (*assegno di mantenimento*)

Periodic support for the weaker spouse or the children. Distinct from the divorce allowance.

## Frequently asked questions

### **Q1. Can I divorce if my spouse does not agree?**

Assisted negotiation requires agreement on the terms. Without it, the only route is court (judicial procedure). A free consultation helps you understand which route to take.

### **Q2. How much does it really cost, all included?**

From €1,450 per couple (Essential, two spouses) to €2,300 (Dedicated). Stamp duties and municipal fees are included in our plans. You start with a €150 deposit. For international cases, translation, apostille or consular fees may apply.

### **Q3. Can I use Divorziare if I live abroad?**

Yes. If at least one spouse is an Italian citizen or resident in Italy, the procedure is fully online: digital signatures, video calls, documents uploaded remotely. If you married in Italy but neither of you is Italian or lives there, we assess your eligibility first — before you commit to anything.

### **Q4. Do I have to separate first and then divorce?**

Yes, separation remains a mandatory step. Since 2023 (Cartabia reform) both can be handled in a single procedure, but the divorce only takes effect 6 months after the consensual separation.

### **Q5. What if I change my mind during the case?**

Until the agreement is signed, the procedure can be stopped. Whatever you have paid for a stage that has not started is refunded under our contractual terms.

### **Q6. Do the children have to take part?**

Minor children do not take part directly. Children over 12 may be heard by the Public Prosecutor to check that the agreement protects their interests. This happens in a non-traumatic way, outside the courtroom.

## SUMMARY

# Everything you need, in a few lines.

### TYPICAL TIMELINE

Separation: 6–10 weeks. Divorce: +6 months by law, +1 month.

### COST

From €725 to €1,150 per spouse. All inclusive.

### FIRST STEP

Free 15-minute consultation, no commitment.

### WHO ASSISTS YOU

A dedicated Divorziare lawyer for each spouse.



**Need assistance?**

Book your free consultation at [www.divorziare.it/en](http://www.divorziare.it/en)

## Information and contacts

Divorziare is the online divorce service of Legalium S.r.l. STA, a law firm specialising in family law. We operate throughout Italy, online, with a team dedicated exclusively to separation and divorce.

### CONTACTS

**Web** [www.divorziare.it/en](http://www.divorziare.it/en)

**Email** [info@divorziare.it](mailto:info@divorziare.it)

**Toll-free (from Italy)** 800 826 503

**WhatsApp** +39 351 388 1976

**Telegram** +39 351 388 1976

### REGISTERED OFFICE

Legalium S.r.l. STA · Via dell'Arte 19/A, 00144 Rome (RM), Italy.

VAT no. 18500701000 · REA RM-1789152.

### DISCLAIMER

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