

Translation from Tajik into English of an awareness-raising leaflet prepared in the framework of the Rule of Law Platform - Central Asia, a project funded by the European Union (© European Union)

Title	How to protect yourself and your child in the process of divorce?	
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This booklet is designed to help women who are going to defend their rights and the rights of their child(ren) in a divorce. If you risk being left with the baby without decent housing and material support, this booklet will help you to protect your rights.

The Family Code of RT states: if there is no written agreement between you and your husband on the main issues related to divorce, or if such an agreement violates your rights (interests), or the rights of your children, then the court will decide:

- which parent the minor children will live after the divorce;
- who will pay child support;
- at your request or at the request of your husband to divide your joint property;
- the size of your support from the husband after the divorce, if you have such a right.

How to resolve issues related to the divorce before trial?

1. You can offer your husband to sign an agreement to define the place of residence of the child (children), the procedure for communicating with children after the divorce, and on alimony and child support and your own support (if there is such a right).

- On staying of the child (ren) with you and the means by which they can communicate with your husband and possibly on which days of the week (or month);
- On staying of the child (ren) with your husband and the means by which they can communicate with you and possibly on which days of the week (or month);
- On staying of the child (ren) with you and staying of the child (ren) with your husband and the means by which they can communicate with you and with each other having defined possible days of the week (month);
- On determination of alimony support as a share of earnings or other income of your husband;
- Definition of fixed cash sum to be paid periodically;
- Definition of fixed cash sum to be paid once;
- On conclusion of marriage contract with definition of conditions that oblige the husband to provide material support of husband and children in marriage and (or) after the divorce;

- Agreement could prescribe other issues that are important both for you and for your husband.

It is better to discuss agreement with the participation of your parents and lawyers and with the participation of the parents and lawyers of your husband.

An agreement to pay alimony (size, condition and procedure for payment of alimony) is made between the person obligated to pay alimony and the recipient in writing, which should be certified by the notary.

If you are not married to the father of the child (ren) in need of support. You need to talk to the father of the child (ren) on possible arrangement of paternity and child support payments for the child (ren). In the case where the father of the child (ren) admits paternity and agrees to financially support the child (ren), he should do the following:

- apply to bodies of registry office on paternity of a child (ren);
- obtain a certificate in the registry offices to establish paternity and child's (children) birth certificate;

2. Suggest husband to divide joint property; you need to prepare so that your discussions were successful:

- compile an inventory of your joint property and separate from it;
- Discuss the options of joint property division taking into account the views of all of you and the interests of minor child (ren);

3. If you have been evicted from the house, where you lived with your husband, it is necessary to take measures to move into the living room. Invite local police inspector, chief of housing and neighbors as witnesses of your attempts to move in.

Speak with your husband about moving in of you and your child (ren) in the housing belonging to your husband, other persons, or in a rented room.

4. Issue proceedings to define the place of residence of the child (ren)

- the statement should ask the court to determine the place of residence of the child (ren) according to options proposed by you;
- if your application has not been filed, and the court addresses the issue of divorce, you should declare verbally in the court that there is debate between you and your husband about where the children will live, and to offer your version of the decision to the court.

Apply to the court to levy maintenance from your husband

- apply to the court (file statement of claim) for recovery of maintenance for the child (ren) and your

support (if there are grounds). Specify the requirement in what form support should be recovered;

- apply to the court with a counter statement (if an application is filed for divorce by your spouse) for recovery of maintenance for the child (ren) and your support (if there are grounds);
- state orally during the trial on divorce (in case of no written statement) that the court to decide the issue of alimony. State the requirement in what form and for whom support should be recovered.

In case if place of residence of your husband is not known, ask to place him on the list of wanted persons.

- apply to the court with a claim for recovery of child support and your support indicating that the place of residence of your husband is unknown to you. Ask the court to collect child support and to declare the defendant wanted.

5. In case of refusal of child's father who is not married to his mother (or in the case of death of the father) to establish paternity with registry offices:

- apply to the court with a claim to establish paternity and recover support for the child (ren);

For division of joint property in the court.

- apply to the court with a claim on division of joint property. In your statement to offer your option of property division justifying it. Specify the requirement to consider the interests of the child (ren) in division of property;
- apply to the court with a counter statement of claim (if an application is filed for divorce by your husband) on division of property;

6. Apply to the court to move in.

- apply to the court with a claim on settling you and your child (ren) in the living room, where you lived with your husband. You and your child(ren) are family members of the owner and you have the right to use (stay) in the housing belonging to him based on ownership right. Such a right is reserved for you and for your child(ren) after the divorce. (article122 FC RT);
- apply to the court with a claim to recognize you and your child(ren) as family members of the owner if other person is the owner of the housing.

When applying to the court, as well as during the trial itself, certain procedures should be followed that you should coordinate with professional lawyer. It is best for you to contact a lawyer who will provide legal assistance throughout the legal dispute.

If you need legal protection, you can contact the League of Women Lawyers of Tajikistan at the following addresses:

Dushanbe, Ayni str., 53, apt. 3

Tel: 221-13-33

Khujand, Tamburi str., 1 “B”

Tel: 4-55-97