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On Civil Marriage and its Effects
in the Emirate of Abu Dhabi
& REGULATION 8/2022

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ABU DHABI LAW NO. 14/2021

On Civil Marriage and its Effects in the Emirate of Abu Dhabi (*)

Amended by Law No. 15 of 2012, dated 08/12/2021.

We, Khalifa Bin Zayed Al Nahyan, Ruler of the Emirate of Abu Dhabi,

§ *After perusal of Law No. 1 of 1974 concerning the reorganisation of the Government Body in the Emirate of Abu Dhabi, as amended;*

§ *Law No. 2 of 1971 Concerning the National Consultative Council, as amended;*

§ *Law No. 23 of 2006 on the Judicial Department in the Emirate of Abu Dhabi, as amended;*

§ *Law No. 11 of 2017 Concerning the Notary Public in the Emirate of Abu Dhabi;*

§ *Civil Transactions Law promulgated by Federal Law No. 5 of 1985, as amended;*

§ *Federal Law no. 10 of 1992 Issuing the Law of Evidence in Civil and Commercial Transactions, as amended;*

§ *Civil Procedure Law promulgated by Federal Law No. 11 of 1992, as amended;*

§ *Federal Law No. 28 of 2005 on Personal Status, as amended,*

§ *Based on the proposal submitted to the Executive Council, and the approval of the Council thereon;*

Have issued the following Law:

ARTICLE 1: Definitions

Under the provisions of this Law, the following words and expressions shall have the meaning ascribed to them, unless the context requires otherwise:

Emirate	:	The Emirate of Abu Dhabi
Ruler	:	The Ruler of Abu Dhabi
Department	:	The Abu Dhabi Judicial Department
Chairman	:	The Chairman of Abu Dhabi Judicial Department
Law	:	The Family Law governing individuals subject to the provision of this law.
Court	:	The Family Court governing individuals subject to the provision of this law.
A foreigner	:	Deleted under article 2 of law No. 15 of 2021 dated 08/12/2021
Civil Marriage	:	The marriage of a man and a woman governed by the provisions of this law, on a permanent basis, in accordance with the provisions of this law.
Civil Marriage Register	:	The Register kept by the Department for the registration of marriage certificates issued to the persons governed by this law, including all marriages of persons governed by the provisions of this Law concluded or authenticated before the Department.
Divorce	:	The termination of marriage by the unilateral will of a spouse without the need to prove any damage.
Joint Custody	:	The right of parents to exercise their role in the upbringing and care of children after separation on an equal and joint basis, and the right of children not to be deprived of one of their parents as a result of divorce.
Will	:	A declaration made by any person governed by the provisions of this Law indicating their willingness to dispose of the funds wholly or partially, after his/ her death in accordance with the provisions of this Law.
Form	:	The bilingual application form provided by the Department to complete the procedure.
Persons Governed by the Law	:	Non-Muslim male and female foreigners or UAE nationals.

ARTICLE 2: Objectives of the Law

This law pursues the following objectives:

1. Provide a flexible and elaborate judicial mechanism for resolving family disputes of persons governed by the provisions of this law.
2. Consolidate the Emirate's position and global competitiveness as one of the most attractive destinations for human talents and skills.

3. Ensure the Emirate's leadership by enacting the first civil law governing family matters for those governed by the provisions of this law, in line with the international best practices.
4. Guarantee the right of the persons governed by the provisions of this law to be subject to an internationally recognised law that is close to them in terms of culture, customs and language.
5. Achieve and protect the child best interests, especially in cases of divorce or separation.
6. Reduce disputes and disagreements resulting from divorce.
7. Preserve the role of both parents in the post-divorce phase.

ARTICLE 3: Scope of Law

The provisions of article 3 is replaced by article 3 of law No. 15 of 2021 dated, 08/12/2021, as follows:

1. If a marriage takes place in accordance with this Law, this Law shall be applicable as regards to the effects of the marriage and its dissolution.
2. This Law shall apply to the wills and inheritances of the persons governed by the provisions thereof, as long as the inheritances or the bequeathed estates are present within the country.

CHAPTER I - CIVIL MARRIAGE

ARTICLE 4: Conditions for the Conclusion of Civil Marriages

For the conclusion of a civil marriage, the following conditions must be fulfilled:

1. The spouses must not be under 18 years of age. Their age shall be verified by any official document issued by the government of the country of which they bear the nationality.
- 2 Both spouses must explicitly give their consent to the marriage before the authenticating judge, and prove that no legal impediment to the marriage exists.
3. Both spouses must sign the declaration form.
- 4 Marriage cannot be established between brothers and sisters, nor with children, grandchildren or uncles.
5. Any other condition stipulated by a decision of the Chairman.

ARTICLE 5: Procedures for Contracting a Civil Marriage

1. Those governed by the provisions of this law may conclude their marriage before the Department Authentication Judge, by submitting an application on the Form provided for this purpose, subject to the other conditions and procedures laid down in this Law. They are exempted from submitting a pre-marriage medical examination certificate.
2. The marriage ceremony shall be conducted after the spouses would have filled in the Form provided for this purpose before the Authentication Judge. The spouses may agree on the terms

of marriage to which they will adhere and which will be their reference in terms of the rights of both husband and wife during their marriage and after divorce.

3. The marriage Form shall include a disclosure by the spouses of any prior marital relationship for each of them, with indication of the date of divorce, if any, and an acknowledgement that no other marital relationship exists.

4. The approved bilingual civil marriage Form shall be issued by a decision of the Chairman or his representative

5. After verifying that all conditions for concluding a civil marriage have been met, and following the procedures stipulated in this article, the Authentication Judge shall approve the marriage ceremony, which shall be recorded in the Register prepared for this purpose.

CHAPTER II - NO FAULT DIVORCE

ARTICLE 6: Unilateral Divorce

In order to effectuate Divorce, it suffices that one of the spouses declares before the Court the willingness thereof to separate and to end the marital relationship, without the need to justify such request, prove any damage suffered or to blame the other party.

ARTICLE 7: Divorce Procedures

1. Either spouse may file for divorce, without the need to prove prejudice, in the Form provided for this purpose in the Court, and the divorce shall be awarded by a judgment rendered by the Court after notification to the other party.

2. Divorce shall be granted at the first hearing following the case registration with the Court. Referral to Family Guidance shall not be needed.

3. Without prejudice to the provisions of the Civil Procedure Law, the Chairman of the Department or his representative shall issue a decision on the regulation of the registration procedures and the fees relating to the request provided for in this Article.

ARTICLE 8: Financial Claims Arising out of Divorce

Once the divorce judgment has been rendered, the wife can apply to the court to claim alimony from her ex-husband. Post-divorce claims are submitted to the court on the form prepared for this purpose ("*Post-divorce Claims Form*"). If the marriage contract is silent on the conditions or controls of such alimony or any other financial claims, the validation of the alimony and the duration thereof shall be determined at the discretion of the judge subject to the assessment of the following factors:

1. Number of years of marriage: the value of the alimony shall rise as the number of years of marriage increases.

2. Age of the wife: the value of the alimony decreases as the age of the wife decreases and vice versa.

3. The economic position of each spouse, as determined by an accounting report drawn up by one of the experts accredited by the Department and delegated by the Court to assess the economic position of each spouse.
4. Extent of the husband's participation in the divorce by way of negligence, error or perpetration of an act that led to the divorce.
5. Compensation by one of the spouses to the other for any material or moral damage caused to him/her as a result of the divorce.
6. Financial damages suffered by either spouse as a result of the unilateral divorce.
 7. Coverage by the father (ex-husband) of the expenses and costs related to the custody of the children by the mother during joint custody, for a temporary period not exceeding two years, according to the findings of the accounting expert report.
 8. Level of interest of the wife in taking care of the children or not.
 9. In any case, the divorced woman's alimony shall be forfeited in the event of marriage to another man.

A new application for the modification of the alimony value may be introduced every year or according to the evolution of the personal economic conditions.

CHAPTER III – CHILD CUSTODY

ARTICLE 9: Joint Custody

1. Custody of children is a common and equal right for both parents in the event of divorce, and children have the right to be raised and seen by both parents rather than by one parent exclusively, so as to safeguard their mental health and to limit the impact of divorce on them.
2. The general rule in child custody is that, in case of divorce, both father and mother shall share responsibility for the upbringing of the children, unless one of them gives written notice to the Court that he/she is relinquishing his/her right of custody, or applies to the Court to remove the other party from joint custody and to nullify his/her right of custody any reasonable grounds acceptable to the court such as capacity impediments or the risks involved in the association thereof with joint custody or if the joint custodian fails to fulfil his or her responsibilities.
3. In case of disagreement between the parents on any matter relating to joint custody, either of them shall have the right to object to the Court using the Form provided for that purpose or seek the intervention of the Court in the settlement of the dispute.

ARTICLE 10: Disputes Arising from Joint Custody

The Court shall have the discretionary power to make the decision it considers most appropriate in the best interests of the child in custody, based on the application of either parent after the divorce has taken place.

CHAPTER IV - INHERITANCE AND WILLS

ARTICLE 11: Distribution of the Estate

1. Testators governed by the provisions of this law shall have the right to bequeath by will all the assets they possess in the country to any beneficiaries of their choice
2. Where there is no will, half of the estate shall devolve to the husband or wife and the other half shall be divided equally among the children, without distinction as to gender. If the deceased is childless, the estate shall devolve in equal shares to the parents thereof, or half of the estate shall go to the surviving parent if the other is dead, and the other half to the siblings. If both parents are no longer alive, the estate shall be divided equally among the siblings without distinction as to gender.
3. Notwithstanding the provisions contained in Clause 2 above, any heirs of the individuals governed by the provisions of this law may request the application of the law applicable to estates, in accordance with the provisions of the Civil Transactions Law, unless there is a registered will stipulating otherwise.

ARTICLE 12: Procedures for Opening an Inheritance File and Distribution of an Estate

A guidance manual on succession procedures for persons governed by the provisions of this law shall be issued by a decision from the Chairman or his representative.

ARTICLE 13: Registration of Wills

1. Wills shall be registered in the Register kept for this purpose, in accordance with the procedures in force in the Department, and the Chairman of the Department shall issue the decisions and guidance manual for the registration and enforcement of wills registered by those governed by the provisions of this law.
2. The spouses may fill in a Will Registration Form when signing the marriage contract, in order to determine how the assets are to be distributed in the event of death of one of them.

CHAPTER V - PROOF OF PARENTAGE

ARTICLE 14: Establishing Child's Paternity

The paternity of the child is proven by marriage or by the declaration of the father or mother. The Chairman of the Department shall issue a decision laying down the conditions and procedures for issuing the birth certificate of the child at issue.

CHAPTER VI - GENERAL PROVISIONS

ARTICLE 15: Personal Status Cases of Persons Governed by this Law Are Not Referred to Family Guidance

The divorce cases filed by the persons governed by the provisions of this law shall be excluded from referral to Family Guidance committees, and shall be referred directly to the Court to be determined at the first hearing.

ARTICLE 16: Equality between Males and Females in Rights and Obligations

In implementing the provisions of this Law, equality between men and women in rights and duties shall be taken into account. This shall apply in particular to the following matters:

1. **Testimony:** equality of in-court testimony. The testimony of a woman governed by the provisions of this Law shall have the same value in court as the testimony of a man governed by such provisions, without any distinction.
2. **Inheritance:** Equality between men and women when distributing the estate in accordance with the provisions of this Law, regardless of the heir's gender, religion or nationality.
3. **Right to effectuate Divorce:** both spouses may, equally, and unilaterally, request to effectuate divorce, without prejudice to their rights as a result of divorce.
4. **Joint Custody:** the mother and the father shall have equal rights regarding the joint custody of the child until the latter reaches the age of 16, whereupon the child shall have freedom of choice.

ARTICLE 17: A Specialised Court to Hear Matters of Personal Status Filed by

Those Governed by the Provisions of this Law

The provisions of article 17 are replaced under article 4 of law No. 15 of 2021 dated, 08/12/2021, as follows:

1. A specialised court shall be established in the Emirate to hear matters of personal status brought by those governed by the provisions of this Law.
2. The court provided for in this article shall consist of a single judge. The judge may be a non-Muslim.
3. All court forms and proceedings shall be bilingual, in Arabic and English.

A new article 17- bis is added pursuant to article 5 of law No. 15 of 2021 dated, 08/12/2021, as follows

ARTICLE 17 - BIS

The Court shall be competent to hear cases relating to matters of personal status of persons governed by the provisions of this Law which are brought against nationals and foreigners who have domicile, place of residence or place of work in the Emirate.

The court shall also be competent to hear personal status cases filed against a foreigner who does not have a domicile, place of residence or place of work in the Emirate, in the following cases:

1. If the case is an opposition to a marriage intended to be concluded in the Emirate in accordance with this Law.
2. If the case concerns a claim of revocation or annulment of a marriage or divorce, and the case is filed by a UAE national wife, or a wife who has lost the nationality of the State, where either of them is domiciled or is resident in the Emirate.
3. If the case concerns a claim of alimony for a wife or minor child, whenever they have a domicile, place of residence or place of work in the Emirate.
4. If the case relates to a matter of Personal Status that is subject to the application of this Law, and the claimant is a national, or a foreigner domiciled, resident, or having a workplace in the Emirate, if case the defendant has no known domicile or residence abroad.
5. If he/she has a chosen domicile in the Emirate.

ARTICLE 18

The laws and legislations in force in the country and the Emirate shall apply to matters for which no special provision is made in this Law.

ARTICLE 19: Issuance of Executive Decisions and Regulations

The Chairman shall issue the necessary regulations and decisions for the implementation of this Law.

ARTICLE 20: Coming into Force of the Law

This Law shall be published in the Official Gazette, and shall come into force one month after its publication.

Khalifa Bin Zayed Al Nahyan

Ruler of Abu Dhabi

Issued in the Official Gazette of the Emirate of Abu Dhabi in issue No. 11 on 15/11/2021, p. 5.

The title of Law No. 14/2021 is amended by Law No. 15 of 2012, dated 08/12/2021

REGULATION 8/2022

ADJD Chairman Decision No. 8 of 2022 on the Adaption of Civil Marriage and Divorce Regulations in the Emirate of Abu Dhabi

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REGULATION 8/2022

ADJD Chairman Decision No. 8 of 2022 on the Adaption of Civil Marriage and Divorce Regulations in the Emirate of Abu Dhabi

After perusal of:

- Law No. (1) of 1974 regarding the Reorganisation of the Government Body in the Emirate of Abu Dhabi, as amended;
- Civil Transactions Law promulgated by Federal Law No. (5) of 1985, as amended;
- Federal Law No. (10) of 1992 issuing the Law of Evidence in Civil and Commercial Transactions, as amended;
- Civil Procedure Law promulgated by Federal Law No. (11) of 1992, as amended;
- Federal Law No. 28 of 2005 regarding Personal Status, as amended;
- Law No. (23) of 2006 regarding the Judicial Department in the Emirate of Abu Dhabi, as amended;
- Law No. (3) of 2016 regarding Child Rights or Wadeema Law;
- Law No. (11) of 2017 regarding the Notary Public in the Emirate of Abu Dhabi;
- Federal Law No. (6) of 2018 regarding arbitration proceedings;
- Law No. (14) of 2021 regarding Civil Marriage and its Effects in the Emirate of Abu Dhabi, as amended; and
- The Cabinet Resolution No. (36) of 2021 regarding the use of digital transaction technologies in transactions and matters related to personal status

The Chairman of the Judicial Department has decided as follows:

ARTICLE (1)

The civil marriage and divorce regulations in the Emirate of Abu Dhabi, annexed hereto, shall be approved.

ARTICLE (2)

The Undersecretary shall issue the necessary guidance manual for the application of the attached regulations and shall issue the necessary decisions for the implantation thereof.

ARTICLE (3)

This Decision shall come into force effective from that date of its issuance, and shall be published in the official gazette.

Issued on the 1st of February 2022

Mansour bin Zayed Al Nahyan
Chairman of the Judicial Department

Regulations on Civil Marriage and Divorce Procedures in the Emirate of Abu Dhabi

Chapter One

General Provisions

Article 1

Definitions

In the application of the provisions of this resolution, the following words and expressions shall have the meanings assigned to each of them, unless the context requires otherwise:

Country	:	The United Arab Emirates
Emirate	:	The Emirate of Abu Dhabi
Ruler	:	His Highness Ruler of Abu Dhabi
Department	:	The Judicial Department - Abu Dhabi
Chairman	:	The Chairman of the Judicial Department
Undersecretary	:	The Undersecretary of the Judicial Department
Law	:	Law of Civil Marriage and Divorce Procedures in the Emirate of Abu Dhabi
Court	:	The Civil Family Court of the Department, including the civil notarization service.
Civil marriage	:	Any marriage that is conducted and registered in accordance with the laws and regulations irrespective of any religious law.
Civil Marriage Registry	:	The registry maintained by the Department in which all civil marriages conducted and concluded before the department shall be registered.

Civil Divorce	:	The dissolution of marriage in accordance with the laws and regulations, without regard to a specific religious law.
Civil Family Matters	:	Claims and disputes related to civil marriage and its effects, such as civil divorce, joint custody, financial rights arising from divorce, wills, civil inheritance, proof of lineage and adoption.
No -Fault Divorce	:	The dissolution of marriage at the unilateral will of either spouse without the need to prove the wrongdoing or fault on either side.
Joint Custody	:	The right of parents to exercise their role in raising and caring for children after separation on an equal and joint basis, and the right of children not to be deprived of either parent because of divorce.
Judge	:	The judge who considers the applications submitted before the court, including a trial judge, a notarization judge, a summary matters judge, and an enforcement judge.
Arbitration	:	An alternative method to court litigation, by which the parties select an arbitral tribunal to hear the dispute.
Arbitrators' Registry	:	The registry of arbitrators accredited by the Department to settle disputes related to civil family matters.
Child Best Interests	:	Prioritizing the interests of a child over any other considerations, whatever the circumstances and whatever the interests of the other parties are.
Child	:	A person who has not reached the age of (16) calendar years.
Form	:	The bilingual application form provided by the Department electronically for completing any proceedings.
Legal Custody	:	The rights and duties of a father or mother (or both) to make key decisions related to a child's affairs and life, such as medical care, education, and others.
Physical Custody	:	The right of a father or mother to live with the child after divorce. The physical custody may be joint or sole.
Expert Report	:	A bilingual report submitted by an accounting expert who is assigned by a court pursuant to a decision for the purpose of calculating the value of alimony or marital compensation, through the examining of the financial and economic position of the spouses such

as their sources of income and the size of wealth and assets.

Court Expert : One of the experts registered in the experts' roll at the Judicial Department, who shall be specialized in accounting matters and fluent in English language.

Persons covered by this Law : Foreigners or non-Muslim citizens irrespective of their gender.

Article (2)

Civil Registration Services

A court attestation officer shall conclude and register civil marriages for visitors and residents in the UAE, and the registration of civil wills for those persons covered by the provisions of this law, taking into account the legally established rules and provisions.

Article (3)

Subject-Matter Jurisdiction of the Court

The court is competent to hear civil family matters for foreigners or non-Muslim citizens in relation to civil marriage, divorce and its effects, and to consider and authenticate the following issues:

1. Hearing all disputes and claims related to civil marriage and divorce and its effects on those covered by the provisions of this law.
2. Issuing interim and urgent decisions regarding claims for provisional alimony, travel ban, seizure of funds, assignment of the expert, child travel, production of birth certificates, proof of parentage, and other provisional matters related to family disputes arising from civil marriage, even if they are not relevant to the original case.
3. Registering and enforcing civil wills and inheritances, whenever the estate or the bequeathed assets are existing in the country.
4. Resolving disputes related to custody, taking into account the child best interests.
5. Issuing the necessary orders for the distribution of civil estates and the appointment of an administrator to run the estate.
6. Deciding on interlocutory applications and preliminary issues related to any predicate case that falls within its jurisdiction.
7. Deciding on every petition related to the case as long as its consideration is required to deliver justice.
8. Any other matters issued by a decision of the Chairman.

Article (4)

Territorial Jurisdiction of the Court

The court is competent to hear civil family matters related to persons covered by the provisions of this law, when they have a domicile, residence, or current or former place of work in the Emirate, or if the property in dispute is located in the state.

The court jurisdiction is also maintained if the defendant is a foreigner who has no domicile, residence or place of work in the Emirate, or if he does not have a known domicile or place of residence abroad, in the following cases:

1. Disputes related to civil marriages concluded in the Emirate.
2. Cases of civil divorce and its effects when the Emirate of Abu Dhabi is the place of residence, place of work, or domicile of either of the spouses.
3. If the defendant has a chosen domicile in the emirate.
4. If the case is related to assets located in the Emirate or to the enforcement or distribution of an inheritance, legacy or a will registered therein.
5. If the wife is the claimant and has a domicile, workplace or residence in the Emirate.
6. If the case is related to alimony or financial rights arising from divorce, as long as the party seeking the alimony, the wife or the minor has a domicile in the Emirate.
7. If the claimant has a domicile, residence or place of work in the Emirate, but the defendant has no known domicile abroad, or if the domestic law is applicable to the case.
8. If one of the defendants has a domicile, place of residence or place of work in the Emirate.

The court shall rule on its own initiative that it lacks jurisdiction if it becomes clear that it does not have jurisdiction to hear the case in accordance with the aforementioned provisions.

Article (5)

Persons Covered by the Provisions of this Law

The provisions of the law shall apply to civil marriage and its effects and all civil family matters in accordance with the following cases:

1. Non-Muslim citizens.
2. A foreigner who holds the nationality of a country that does not apply the provisions of Islamic law mainly in family matters, according to the list contained in the guidance manual issued by the chairman of the Department. In the event of a foreigner having multiple citizenship, the nationality used for his/her residence in the country shall be applied.
3. Marriage being held in a country that does not apply the provisions of Islamic law mainly in family matters, according to the list contained in the guidance manual issued by the chairman of the Department.
4. If the marriage was concluded in accordance with the provisions of civil marriage.
5. Any other case for which a decision is issued by the Chairman.

Article (6)

Court Composition

1. The court is composed of a single judge, who may be a non-Muslim.
2. All court forms and procedures shall be bilingual in Arabic and English, and the undersecretary shall issue the necessary decisions to issue the bilingual forms.

Chapter Two

Civil Marriage

Article (7)

Civil Marriage

A marriage is deemed civil if it is conducted and registered in accordance with laws and regulations without regard to any specific religious law.

Article (8)

Conditions for Concluding Civil Marriage

A civil marriage is concluded if the following conditions are met:

1. **Age:** both husband and wife have reached at least (18) calendar years, and age is proven by any official document issued by the country to which they belong.
2. **The free will of those wishing to marry:** those wishing to marry shall explicitly express their consent to the marriage, and there should be nothing to legally prohibit their consent.
3. **Eligibility:** The spouses must have the necessary mental capacity.
4. **The absence of blood relationship:** the marriage must not be between brothers, children, grandchildren, uncles or aunts.
5. **No polygamy:** None of the spouses is bound by any existing marital relationship.

The chairman may add any other conditions.

Applicants are exempted from submitting a medical examination certificate before marriage, and no witnesses are required for the marriage to take place.

Article (9)

Civil Marriage Procedures

Those who are covered by the provisions of this law may conclude their civil marriage before the court, by following the steps below:

1. Fill in the form designed for registering civil marriage in both Arabic and English, noting it is available on the Department's website, attach the required documents and then pay the prescribed fee. The spouses must disclose the existence of any previous marital relationship for either of them, indicating the date of divorce, and must declare that they do not have any existing marital relationship.
2. The court verifies that all conditions for civil marriage are met and that the required procedures are fulfilled.
3. In the event that the application is approved, the court will contact the spouses within (3) working days at most from the date of submitting the application in order to set a date for the issuance of the marriage certificate, in the presence of the spouses before the court, whether virtually or physically at the court's headquarters.
4. The marriage attestation officer shall certify the conclusion of marriage and will produce a bilingual civil marriage certificate according to the templet attached to this decision. This certificate is recorded and kept in the electronic civil marriage registry.

Chapter Three

Civil Divorce Procedures

(No- Fault Divorce)

Article (10)

Civil Divorce

Divorce is considered civil if the spouses are separated by a court ruling in accordance with the laws and regulations without regard to any specific religious law.

Article (11)

Equality between Wife and Husband in Applying for Civil Divorce

The wife and husband are equal in rights and duties; either of them has the right to request separation by a court order without prejudice to their rights related to divorce.

Article (12)

Civil Divorce at the First Hearing

For issuing a divorce ruling at the first court hearing, it is sufficient for one of the spouses to express before the court his/her desire to separate and not continue the marital relationship, without the need to justify that request or blame the other party or prove his / her fault.

Article (13)

Procedures for Civil Divorce Application

A civil divorce claim is made before the court according to the following steps:

1. Fill in the civil divorce application form in both Arabic and English. It must be submitted by the person concerned or a special representative on his behalf.
2. Pay the prescribed fee of (5,000) five thousand dirhams.
3. The court shall review the application and the documents attached thereto, and must verify that the application meets all the conditions, especially the question of the department jurisdiction to effectuate the divorce.

Article (14)

Court Approval of the Divorce Application

1. In the event that the divorce application is approved, a date is set for issuing the divorce ruling at the first hearing, bearing in mind that the date of the hearing is scheduled at least (30) days after the date of approving the request.
2. The spouses shall be notified of the date of the hearing by any of the legally prescribed methods of notification.
3. On the day following the registration of the case, the case manager shall review the claim form and the attachments annexed thereto; examines the issue of jurisdiction; and fill in the preparation form designed for this purpose. The case manager shall refer any urgent requests contained in the case file to the judge on the day following its registration.
4. The defendant must fill out a defence memo form to submit his defences, especially in relation to jurisdiction, no later than (10) working days before the scheduled hearing for the issuance of the divorce ruling.
5. The case manager shall prepare the case file, fill out the bilingual preparation form, and present it to the judge at least two working days before the scheduled hearing.
6. On the date set for the hearing, the judge shall issue a divorce ruling after making sure that the claimant attended the hearing and after confirming his adherence to divorce, in accordance with the form attached to this decision.

Article (15)

Financial Rights Arising from Civil Divorce

The court has the discretion to approve, assess and amend the financial rights arising from civil divorce, especially those related to the wife alimony and child support after the divorce has taken place. The court relies on the accounting expert report in order to determine the financial status of the spouses, taking into account the extent to which either of them contributed to the discontinuation of the marital relationship.

Article (16)

Financial and in-Kind Rights for the Entire Duration of the Marriage

At the discretion of the court, the judge may compel either spouse to pay a lump sum amount to compensate the other party after the divorce has occurred, taking into account the following factors:

1. The total years of marriage and the age of the spouses, so that the amount of compensation increases with the increase in the number of years of marriage.
2. The extent to which the husband or wife contributed to the failure of the marital relationship through neglect, fault, or the commission of any act that led to divorce, such as infidelity or abandonment.
3. Any material or moral damages suffered by the husband/wife, and any gains lost later or before, e.g. forfeiture of the divorced woman's right to her husband's inheritance or her sitting at home because of marriage.
4. Economic, financial and social status of each spouse according to an accounting expert report.
5. Education level and university degrees.
6. The extent to which the wife sacrifices her work and future career to raise children, if the husband made condition before marriage to prevent the wife from getting a job.
7. The standard of living to which the wife and children were accustomed to during marriage.
8. The extent of the wife's contribution to the husband's wealth.
9. The wife's health conditions.
10. The wife's employment status and her ability to work.
11. The financial condition of the spouses at the time of divorce.
12. The wife's wealth and available sources of income according to an accounting expert report.
13. The number of children, their ages, and the extent to which they need care.
14. The difference in income between spouses and the financial dependence of one of them on the other.

Article (17)

Court's Reliance on Technical Expert for Financial Evaluation

The court may assign the task of assessing the financial status of the spouses to an English proficient accounting expert, whose mission is to indicate the total financial compensation which the wife or husband is entitled to after divorce. Bilingual forms of accounting expert report in civil divorce cases shall be issued by a decision of the chairman of the Department or whomever he delegates.

Article (18)

Calculation Criteria for Estimating the Financial Rights Arising from Divorce

1. The court and the expert may be guided by the following criteria for estimating and calculating the financial compensation due after divorce:

- **Percentage of monthly income:** a cash percentage of no less than (25%) of the husband's last monthly income (according to a salary certificate or the last account statement, whichever is greater) multiplied by the number of years of marriage.
- **Percentage of the husband's property and wealth:** an in-kind or cash percentage of the market value or purchase value - whichever is greater - of the husband's property and wealth, including real estates and financial investments such as shares and bonds, or interests in limited liability companies or private joint stock and movables owned or registered in the husband's name such as valuables and means of transportation of all kinds.
- **Joint account** shared by the spouses and the extent of their participation in it.

2. The court has the discretion to decide this amount according to the divorce circumstances. It may also increase or decrease this amount and determine the method of calculation, payment, settlement in instalments according to the conclusions reached in the accounting expert report on the assessment of the financial situation of the spouses, in a way that ensures a decent living for the divorced woman and children without incurring financial burdens beyond the father's financial capabilities.

Article (19)

Providing Housing for the Divorced woman during the Period of Joint Custody

1. Unless the court opines otherwise, a father is obligated to pay a housing allowance, whether in-kind or cash, to his ex-wife for the duration of the joint custody of the children, taking into account the following:
 - The new dwelling is commensurate with the standard of living that the children were accustomed to before the occurrence of divorce.
 - The distance of the new dwelling from their old dwelling.
 - The housing allowance should include basic utility bills such as electricity, water, internet, gas, air conditioning and other things.
2. The court may exempt the father, in whole or in part, from paying the housing allowance if the divorced mother is financially solvency and able rent or own suitable housing that meets the needs of the children. The assessment of financial solvency is subject to the discretion of the judge, with reference to the report of an accounting expert.

Article (20)

Housing Support for the Divorced Woman

After getting divorced, a woman may submit a request to the court to compel her ex-husband to provide a housing support in kind or cash to the extent that guarantees her a temporary dwelling after the divorce. The judge determines the value and duration of the housing support according to the wife's pre-divorce living conditions, subject to the husband's financial status.

Article (21)

Provisional Alimony

1. The divorced woman may submit an application to the court to decide on the temporary alimony she is entitled to, until the financial rights arising from the divorce are decided.
2. The court shall decide on the request in accordance with the documents submitted by the wife, which must indicate the spouses' monthly income based on their account statement for the last (6) months. The court may reject the request for temporary alimony in the event that the divorced woman has a job or a stable source of income that provides her with her basic needs. Such request shall be decided by an interim order.

Article (22)

Objection to the Temporary Alimony Decision

A divorced man or divorced woman may appeal the decision rendered on provisional alimony in accordance with the usual procedures for filing objections to interim orders.

Article (23)

Duty of Spending on Children

The father is obligated to spend on his children after the divorce, and this includes all aspects of alimony such as education, residence fees, treatment and other daily or periodic expenses that he was providing before the divorce.

Article (24)

Court's powers to Estimate Children's Expenses

The court has the discretion to estimate the support amount owed by the father to the children and the financial penalties imposed on him in the event of his non-compliance with the spending arrangement as long as the court's judgment is based on justifiable reasons according to the circumstances of divorce and joint custody. The court may also increase or decrease this amount and determine the method of calculation and payment according to the conclusions reached in the accounting expert report on the assessment of the financial situation of the spouses to ensure a decent living for the wife and children without incurring financial burdens that exceed the father's financial capabilities.

Chapter Four

Joint Custody of Children

Article (25)

Joint Custody

1. The mother and father have equal right to joint custody of the child until he/she reaches the age of (16), after which the child has the right to choose his custodian.

2. After divorce, both parents bear joint responsibility for the child's raising and growth, providing that the child best interest shall be their primary concern.

Article (26)

Proof of Joint Custody

The court shall automatically decide in the divorce ruling to establish joint custody of the children equally between the father and the mother.

Article (27)

Objection to Joint Custody

Either the mother or the father may object to the joint custody ruling according to the form prepared for this purpose, if justifications are available.

Article (28)

Split of Joint Custody (50/50)

In the event that the parents do not agree on how to divide the custody between them after the divorce, the court shall determine how to divide the joint custody, whether on a weekly, bi-monthly or monthly basis, or in any other way that takes into account the best interests of the child. The division includes a statement of the distribution of weekends and official holidays according to the form prepared for this purpose, and the court may apply any of the following distributions:

1. **Alternating custody on a weekly basis:** the child spends one week with the father and the following week with the mother, and so on consecutively throughout the year.
2. **Alternating custody on a bi-monthly basis:** the child spends two consecutive weeks with the father and two consecutive weeks with the mother, and so on consecutively throughout the year.
3. **Alternating custody on a monthly basis:** the child spends a month with the father, followed by a month with the mother, and so on consecutively throughout the year.
4. Any other arrangements the court deems appropriate in the interests of the child.

Article (29)

Waiver of Joint Custody

The principle of custody of children is that the father and mother jointly share their responsibility of raising the children after the divorce. However, either of them may request a waiver of the right to joint custody, whether legal custody or physical custody or both, by filling out the form designed for the purpose (Child Custody Disputes Form).

Article (30)

The Effect of Waiver of Joint Custody on Financial Obligations

An applicant for waiver of joint custody is not exempted from his/ her financial obligations towards the children.

Article (31)

Parents Refusing Custody of Children

In the event that both parents refuse to perform their duties of custody, or in the event of their waiving of their rights to joint custody, the court shall notify the Public Prosecution to take the necessary measures it deems necessary.

Article (32)

Removal of a Partner from Joint Custody

1. Either the father or the mother may request the removal of the other party from joint custody, whether legal custody or physical custody or both, by filling out the form designed for the purpose (Child Custody Disputes Form).
2. The court shall notify both parties of the date of the scheduled hearing to consider the dispute and to exchange submissions between them.
3. In the hearing scheduled for the case, the court shall take what it deems necessary and essential in the interest of the child, whether by temporarily suspending the joint custody arrangement pending a decision is issued on the case, or by assigning a social expert to evaluate the objections contained in the application.

Article (33)

Cases of Removal of One Partner from Joint Custody

The court shall decide on the request to remove either the father or mother and forfeit their right to custody, whether temporarily or permanently, if any of the following cases are fulfilled:

1. The child is at risk of being exposed to domestic violence or abuse.
2. Inadequate living conditions provided by the partner for the child while in his/ her custody.
3. The child needs particular health care that the partner in the joint custody cannot provide.

4. Behavioural, psychological or mental problems that the other partner suffers from, and may harm the child or expose him to danger or neglect.
5. Lack of time to take care of the child or neglecting him.
6. The child's desire, provided that he reaches the age of 12 calendar years.
7. Abuse of drugs or alcohol or any psychotropic substances.
8. Health reasons that impede the other partner from carrying out his duties towards giving care and attention to the child.
9. The other party's marriage again.
10. Any other reasons the court deems appropriate.

Article (34)

Cancellation of Joint Custody

In the event of cancelling joint custody, the court has the discretion to apply what it deems appropriate from the rules of justice and fairness or the best international practices of comparative legal systems with regard to custody and visitation, with the best interests of the child taking precedence.

Article (35)

Application for Court Intervention

In the event that the father and mother do not agree on any decision related to the child after the divorce has taken place, either of them has the right to submit a request for court intervention to resolve the disputed question, by filling out the form designed for this purpose.

Article (36)

Court Decision in Disputes Arising from Joint Custody

The court shall expeditiously decide on the request for intervention to settle the disputed joint custody matter and shall take what it deems appropriate in the best interests of the child. It takes into account the stability of the child's academic and sports life after the separation of his parents and not to change his lifestyle as much as possible as a result of divorce.

Article (37)

Child Travel during Joint Custody

In the case of joint custody, none of the parents may travel with the child outside the country by a unilateral decision unless one of the following conditions is met:

1. Obtaining the written consent of the other party, authorised by the court, according to the form designed for the purpose, specifying the details of the travel, its purpose and duration, and the guarantees, if any.

2. Permission of the judge in the event of the opposition of one of the parties, after submitting an application to the court according to the form designed for the purpose.
3. Either parent may submit a request to the judge to compel the party applying for travel to provide sufficient guarantees for the child's return to the country again on the specified date, such request is subject to the judge's discretion.

Article (38)

Child Travel Ban

After the divorce has taken place, either of the parents may submit a petition to the court to ban the child from traveling for a temporary period according to the form designed for this; "interim order form: disputes arising from joint custody" with a statement of reasons as follows:

1. Objections to the travel of the child.
2. The danger that requires banning the child from traveling

The application is subject to the discretion of the court.

Chapter Five

Rules for Hearing of Cases

Article (39)

Exclusion of Family Guidance for Cases of Civil Divorce and its Effects

Civil divorce and ancillary cases are excluded from submission to the family guidance committees, and are submitted directly to the court to issue a ruling at the first court hearing.

Article (40)

Imposition of fines

The court may impose financial fines on the father or mother in the event that they do not abide by the joint custody schedules in terms of division and alternation, or by any order or measure issued by the judge. The assessment and determination of the fine amount and the method of calculation is subject to the court's discretion, on a case by case basis, and it has the right to escalate the financial fines in the event of a repetition of the violation.

Article (41)

Deduction of Custody Days

In addition to the imposition of the financial fines, the court may deduct the days allocated to the father or mother in the event that any of them does not comply with the custody schedule indicated in the judgment.

Article (42)

Protective and Provisional Measures and Orders

Without prejudice to the jurisdiction of the trial judge in hearing provisional and urgent applications submitted to him during the course of the case, any interested party may submit a request to the court to issue a provisional and summary order according to the form designed for this in any of the following cases:

1. Determining the value of temporary alimony or for amending the value of the post-divorce financial rights until a court final decision is issued in this regard.
2. Temporarily suspending or staying the joint custody arrangement until the dispute over joint custody is resolved.
3. Organizing the issues of child visitation after divorce on a temporary basis until the dispute over joint custody is resolved.
4. Temporarily providing the wife with housing, or temporarily restoring utilities to her house, pending a decision on the post-divorce financial rights.
5. Handing over or receiving personal documents and papers, or personal belongings to either spouse or children.
6. Temporarily allow or ban a child from traveling.
7. Imposing or cancelling the protective seizure.
8. Any other provisional or urgent applications related to divorce, custody or visitation.

A decision is issued by the chairman of the Department or whomever he delegates to approve the interim applications forms. The same procedures that apply to interim orders and objections thereto shall apply here as set forth in the legislations and regulations in force.

Article (43)

Application of the Rules of Fairness and Justice

1. The court shall apply the principles of justice and fairness to decide on any issue presented to it during the consideration of the case in the event of disagreement between the two parties about the post-divorce financial rights, and on any disputes arising from child custody and visitation provided that the best interests of the child shall prevail.
2. The court may apply the legislations, regulations and guidelines issued in the state, for any matter not specifically provided for in the law.

Article (44)

Court Language

The court has the discretion to complete all litigation procedures in English if the two parties to the case do not speak Arabic, provided that the submitted claim form and the rendered judgment shall be in both Arabic and English. Expats shall be exempted from entering data in Arabic or translating documents from English to Arabic. However, the translation section in the Department shall undertake the translation of documents or entry of data with the imposition of a service fee in return.

Article (45)

Legal Representation by a Foreign Lawyer

Litigants or parties concerned may appear before the court in person, or appoint a lawyer to represent them. Foreign lawyers may represent one of the litigants before the court after obtaining a license to be registered in the foreign lawyers' roll in accordance with the terms and conditions issued by a decision of the chairman or his representative according to the form designed for this.

Chapter Six

Procedures for Appealing Judgments and Enforcement Procedures

Article (46)

The Trial Judge's Powers in Relation to Enforcement

The court is competent to enforce and follow up the judgments and decisions issued by it, to ensure that the judgment is enforced; and has the power to settle all disputes and issues of enforcement on an urgent basis, and to issue decisions related to this.

Article (47)

Urgent Enforcement of Judgments

Court judgements are automatically issued with immediate enforcement and with the executive wording stamp implied therein. In urgent matters or in cases where the delay is harmful, the court may order the enforcement of the judgment without serving a notice.

Article (48)

Protective Measures for Non-Compliance

The court's judgements may include orders to take the necessary protective measures to ensure enforcement of the judgment, such as an order to impose a protective seizure or a travel ban. The judgment shall also include a statement to the bank to deduct the court- decided amount directly from the accounts of the debtor, as soon as (7) working days have passed from the date of notifying the debtor of the ruling or decision, unless the parties agree otherwise.

Article (49)

The Finality of Court Judgements related to post-Divorce Financial Rights

The judgment issued by the court shall be final and enforceable as soon as it is issued in the event that the judgment amount is less than 500,000 dirhams, in cases of alimony and financial rights following divorce.

Article (50)

Cases of Appeal of Final Judgments

Final court judgments and decisions issued under article (49) may be appealed in the following two cases:

1. Violation of the rules of jurisdiction.
2. Voided judgment or decision, or invalid procedures that affected the judgment or decision.

Article (51)

Court Fees

Unless a special fee is stipulated in the law, this decision, or in any other resolution, the same fees for personal status matters and authentications shall be applied to the transactions and applications registered before the court.

Article (52)

Arbitration in Matters of Civil Divorce and its Effects

1. A special roll shall be established for the registration of arbitrators in family disputes.
2. The Undersecretary shall issue decisions related to the conditions, controls, and procedures for registration in the roll.
3. The spouses may agree on arbitration, whether prior or subsequent to the family dispute, by assigning the task of settling the dispute to a single arbitrator or to an arbitration panel of 3 arbitrators registered in the roll.
4. The provisions contained in Federal Law No. (6) of 2018 referred to shall apply to the arbitration procedures in family cases.