



In the Name of Allah the Compassionate the Merciful  
Greetings to Prophet Muhammad and his household

## Islamic Education Center

### Divorce Guidelines

#### TYPES OF DIVORCE

There are three types of divorce:

- a. *Normal divorce: In this case, the husband divorces the wife and the husband is liable to the dowry [mahr] and the support for the `Iddah period. The husband has also the right to go back to his wife during the period of `Iddah.*
- b. *Khul': In this case, the wife requests to obtain Islamic divorce in exchange of overlooking her dowry.*
- c. *Mubaraat: In this case, both husband and wife want the Islamic divorce and agree on some portion of the dowry to be paid by the husband and a portion to be exempted.*

#### WITNESSES

IEC will contact and have present two witnesses at the time of divorce. The session in which the divorce is done may or may not happen at the presence of the two parties. In the case, the two just witnesses are not available, the power of attorney is taken from the two parties and the divorce would happen afterwards.

**REMARKS** Please read these Islamic laws carefully and make sure that you meet the requirements.

- A) Originally, husband's agreement with Islamic divorce is needed. Husband's agreement should be proved through reliable documents. Also the signatures of the husband and the wife are needed on the divorce certificate.
- B) If the wife had supposed the right of Islamic divorce as a condition of marriage, she may apply for Islamic divorce without need for husband's agreement. This should be proven through valid documents.
- C) If the husband is missing, the wife should refer to a just *mujtahid* and do what ever he instructs her to do.
- D) At the time of announcement of the Islamic divorce, the wife is required to be pure from the monthly cycle and did not have intercourse with her husband after the monthly cycle.
- E) After the announcement of the divorce, if the wife has passed menopause [completed age 50 for non-sayyidah and completed age 60 for sayyidah], she is separated and is allowed to get married immediately after the announcement of the divorce. If menopause did not happen to her yet, by starting the third monthly cycle after the announcement of the divorce, she is out the period of `iddah. During the period of `iddah she may not get married. If she gets married to any person in that period, she will become forbidden to that person forever.
- F) The period of `iddah for a pregnant wife is delivering the child.
- G) During the period of `iddah, the husband is responsible for financial support.



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## **Procedures for Islamic Divorce**

1. Obtain a guidelines form about the general information for divorce.
2. Read the guidelines carefully. If you need help in understanding guidelines, please make an appointment with the Resident A'lim by calling and leaving a message at 713-787-5000 Ext. # 19.
3. Assistance will be provided for people who need counselling, by making prior appointment.
4. In case of filing for divorce,
  - Please fill in the Divorce application.
  - **Submit application fee (\$250.00), PRIOR to making appointment with Resident A'lim.**
  - Make appointment with Resident A'lim
  - On your appointment day, please bring;
    - State ID or a valid Driving Licence
    - Marriage certificate
    - United States Court Divorce Certificate
    - And other relevant documents
5. In case of Wife filing for divorce, she will need to bring
  - Marriage contract/certificate
  - Properly executed power of attorney, on husband's behalf
  - An all other relevant documents to prove husband's consent



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### Divorce Form

FILE NUMBER: \_\_\_\_\_

01- Wife

First Name: \_\_\_\_\_ Middle: \_\_\_\_\_

Last Name: \_\_\_\_\_

SS# \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ D.O.B. \_\_\_\_/\_\_\_\_/\_\_\_\_ PH # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Father's Name: \_\_\_\_\_ PH # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

REASON FOR DIVORCE: \_\_\_\_\_  
\_\_\_\_\_

HIGHLY RECOMMENDED : We offer counselling service for reconciliation prior to proceeding for divorce.

Have counselling provided for reconciliation YN

Do you require counselling YN

Is wife Virgin YN

Is the Mahr paid YN (please furnish proof)

Does wife has Wikalat for Divorce from her HusbandYN (furnish proof)

I, hereby declare, under the oath and under the penalty of perjury, that all the above mentioned information is totally true and correct. I understand that furnishing false information or hiding any necessary information may result in unexpected legal consequences.

Wife's legal signature: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
(as in her driver's license/State ID)

02-HUSBAND

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

SS# \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ D.O.B. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ PH # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Husband's Father's Name: \_\_\_\_\_

Husband's Mother's Name: \_\_\_\_\_

Is the wife demanding the divorce  Yes  No

Does the husband want to divorce  Yes  No

Did the husband pay the Mahr  Yes  No

I, hereby declare, under the oath and under the penalty of perjury, that all the above mentioned information is totally true and correct. I understand that furnishing false information or hiding any necessary information may result in unexpected legal consequences.

Husband's legal signature: \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(as in his driver's license/State ID)

I, \_\_\_\_\_ hereby make Mr. \_\_\_\_\_

My shar-ie Wakeel (Agent) to divorce my wife \_\_\_\_\_

On my behalf. Husband's sign \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

03-Witnesses:

Witness 1 :

Full Name \_\_\_\_\_

Address \_\_\_\_\_

Ph # \_\_\_\_\_

Witness 2 :

Full Name \_\_\_\_\_

Address \_\_\_\_\_

Ph # \_\_\_\_\_

Resident A'alim's Sign : \_\_\_\_\_ Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

IMPORTANT: THIS DIVORCE FORM IS CONSIDERED TO BE VOID AND LEGALLY INVALID,  
IF IT DOES NOT BEAR THE SPECIAL SEAL OF THE ISLAMIC EDUCATION CENTER OF  
HOUSTON'S ALONG WITH THE REGISTERED FILE NUMBER