

# Frequently Asked Questions

about **Divorce**

Navigating divorce can be emotionally and legally complex. Whether you are considering separation or ready to file, understanding your rights and responsibilities is essential. This FAQ provides clear, up-to-date answers to the most common questions about divorce in North Carolina.

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**Do I have to live in the state to file for divorce in NC?**

No. Only one of the spouses must live (for at least six months before filing) in the state of North Carolina to file for divorce.

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**What is an “Absolute Divorce”?**

An Absolute Divorce is the legal term for a final, permanent divorce in North Carolina. It ends the marriage but does not necessarily resolve legal issues that come with marriage - such as property division, spousal support, or children.

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**How long must I be separated before filing for divorce in North Carolina?**

You must be physically separated for at least one year and one day. The date of separation is created when both spouses are living under “separate roofs” —not just separate rooms—with at least one spouse desiring a permanent termination of the marital relationship.

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**Do I have to wait the year of separation to resolve property/debt division and spousal support issues?**

No, in fact, you can start the legal process of resolving these legal and financial issues even before the date of separation. You may lose the right to ask the family court for an equitable distribution of property/debt or spousal support (such as Postseparation Support and Alimony) if you do not file those claims before the divorce is granted.

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**How much does it cost to file for divorce?**

As of 2025, the Absolute Divorce courthouse filing fee is \$225, plus \$10 if you want to resume a maiden name. Service fees, notice fees, and attorney’s fees are additional costs.

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**Do I need an attorney to get divorced in North Carolina?**

Not necessarily. You can file for divorce on your own using resources like the Legal Aid NC Divorce Packet. But if either spouse purchased property, incurred debt, became financially dependent on the other spouse, or if children were born to the spouses, legal advice is strongly recommended.

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**Can I get divorced even if my spouse does not agree?**

Yes. As long as you meet the separation and residency requirements, your spouse’s agreement is not required.

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