

China Divorce Document Checklist

General information, not legal advice. Laws and registry practice change — confirm your situation with a lawyer before acting.
(As of 2026)

1. Identity documents

- Chinese spouse: resident identity card (original and copy).
- Chinese spouse: household registration (hukou) booklet only if a court asks for it. Since 10 May 2025 marriage registries no longer require the hukou booklet; the resident ID card is enough.
- Foreign spouse: valid passport, plus current visa or residence permit.
- Hong Kong, Macau or Taiwan spouse: the relevant travel permit and identity card.
- Recent passport-style photographs (registry divorce usually requires joint or individual photos to its specification; check before you go).
- If names differ between documents (for example a Chinese name and a foreign passport name), evidence linking them.

2. Marriage documents

- Both original marriage certificates if you married in mainland China (a registry divorce needs them).
- If you married abroad: the foreign marriage certificate, apostilled or legalised, with a certified Chinese translation.
- Any previous divorce certificate, judgment or recognition ruling, if either spouse was married before.
- Any prenuptial or marital property agreement, with translations if not in Chinese.
- If a marriage certificate is lost, a certified copy of the marriage registration record from the registry.

3. Documents for a registry (agreed) divorce

- A written divorce agreement signed by both spouses, covering children, property and debts. Registries usually require several copies.
- ID documents and marriage certificates for both spouses (see sections 1 and 2).
- Photographs meeting the registry's requirements.
- An appointment, where the registry uses an online or phone booking system.
- Remember: both spouses must attend in person, twice (application, and collection after the 30-day cooling-off period).
- Foreign-related registry divorces are handled at registries authorised for foreign-related matters; since 10 May 2025 a couple with one mainland-resident spouse can use any such registry in China. Confirm the office and document list in advance.

4. Documents for a court divorce

- Statement of claim (complaint) setting out your requests: divorce, custody, child support, property division and any damages.
- Copies of the parties' ID documents and proof of the defendant's address (or evidence that it is unknown).
- Marriage certificate or foreign marriage certificate with translation.
- Evidence supporting breakdown of the marriage: separation evidence, messages, police records, medical records, witness statements.
- If a lawyer will act for you: a power of attorney. If signed abroad, notarised and apostilled (or legalised) with a Chinese translation.
- List of evidence and copies for the court and for each defendant.

5. Children

- Birth certificates (and, for children born abroad, apostilled copies with translation).
- Children's passports, hukou entries or residence permits.
- School enrolment records, report cards and communications with teachers.
- Medical and vaccination records, and records of who attended appointments.
- Photos, messages and statements showing who handles daily care.
- Records of childcare and education costs, to support child support claims.
- Any existing orders or agreements about the children made in another country.

6. Property, income and debts

- Real estate ownership certificates, purchase contracts and mortgage documents.
- Evidence of who paid the down payment, including any contributions from parents.
- Bank statements for the last two to three years for each account you know about.
- Company registration information, shareholding records and, if available, company financial statements.
- Salary slips, tax records, employment contracts and bonus or share-option documents.
- Vehicle registrations, insurance policies with cash value, investment and securities accounts.
- Loan agreements, credit card statements and evidence of what each debt was used for.
- Evidence of assets abroad, such as foreign bank accounts, pensions and property.

7. Foreign documents: apostille and translation

- Since 7 November 2023, public documents from other Apostille Convention member states generally need only an apostille for use in mainland China, not consular legalisation.
- Documents from countries that are not members still need notarisation and legalisation through the Chinese embassy or consulate. The Convention also does not apply between China and India, so Indian documents still need consular legalisation.
- Private documents, such as powers of attorney, usually need to be notarised first so that an apostille can be added.
- All foreign-language documents need a Chinese translation, generally from a qualified translation agency. Check whether the court or registry has specific requirements.
- Apostilles and legalisations take time. Start early, especially for documents from abroad, and check validity periods for single-status or similar certificates.
- Keep originals safe and bring them to hearings or registry appointments; courts may ask to see them.

8. Common mistakes that cause delay

- Bringing only one marriage certificate to a registry divorce when both are required.
- Assuming a foreign marriage can be dissolved at a Chinese registry.
- Using an informal translation instead of one from a qualified agency.
- A power of attorney that is too narrow, for example not covering mediation, settlement or receiving documents.
- Not having a current address for the other spouse, which can add months for service.
- Leaving evidence gathering until after filing, when access to shared devices or accounts may be lost.
- Questions? Contact Choi & Huang for a free, confidential 30-minute consultation:
Info@ChoiAndHuang.com, +86 755 8888 6666. This checklist is general information as of 2026, not legal advice.

Need help with your case? Book a free, confidential 30-minute consultation:

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