

## MCLE PERSPECTIVE

# From Sacramento to Shiraz: Practical steps for registering California divorce judgments abroad

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California divorce judgments are binding and enforceable within the United States under the Full Faith and Credit Clause of the U.S. Constitution and 28 U.S.C. Section 1738. However, when enforcement or recognition is sought abroad — for example, in the U.K., France, or Iran — the legal landscape changes entirely. Recognition becomes a matter of foreign law, not California law. International instruments (such as the Hague Conventions) and bilateral agreements (where they exist) play a critical role. This article surveys the principal approaches taken in common law, civil law, and Islamic law jurisdictions, with practice notes emphasizing recognition in Iran.

### Hague Conventions: No global divorce recognition

There is no Hague Convention requiring automatic recognition of divorce judgments among member states. Unlike the U.S. system of interstate enforcement, there is no global “Full Faith and Credit” clause for dissolution of marriage. Instead, several Hague instruments address related family-law issues:

- Hague Convention on the Civil Aspects of International Child Abduction (1980)
- Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (2007)
- Hague Apostille Convention (1961)



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### Bilateral agreements

The United States has no bilateral treaty mandating recognition of divorce or other civil judgments. Recognition depends on each foreign jurisdiction's domestic law — exequatur in civil law countries, comity in common law countries, or local Shari'a procedures in Islamic states. Limited bilateral reciprocity exists for child support enforcement through designation of Foreign Reciprocating Countries (FRC) under 42 U.S.C. § 659A, including: Australia, Canada, Czech Republic, El Salvador, Finland, Hungary, Ireland, Israel, Netherlands, Norway, Poland, Portugal, Slovak

Republic, Switzerland, and the United Kingdom (England & Wales, Scotland, Northern Ireland).

### Multilateral instruments

The following instruments supplement limited bilateral arrangements:

- Hague Child Support Convention (2007): Recognition/enforcement of support orders (U.S. party since 2017).
- Hague Apostille Convention (1961): Authentication of documents, not recognition of judgments.
- Hague Judgments Convention (2019): Entered into force July 1, 2025 (EU and Uruguay); the U.S. has not ratified.

- New York Convention (1958): Enforces arbitral awards, not divorce judgments.

### Common law and civil law jurisdictions

- Common law (e.g., U.K., Canada, Australia): Recognition is based on comity — jurisdiction, due process, finality, and consistency with public policy.
- Civil Law (e.g., France, Germany): Requires exequatur proceedings, demonstrating reciprocity, jurisdiction, proper service and compliance with public policy.

## Islamic Law Jurisdictions — Selected Examples

Country	Recognition Procedure
Iran	Registration in an Iranian court or consulate, followed by recording at the National Organization for Civil Registration.
Pakistan	Governed by the Muslim Family Laws Ordinance (1961) § 7.
Turkey	Recognition (tanıma) or enforcement (tenfiz) under Law No. 5718.
Egypt	Exequatur required under Civil & Commercial Procedure Code Arts. 296–301.
Saudi Arabia	Local Shari’a court proceeding required.
UAE	Recognition permitted if Civil Procedure and public policy standards are met.
Jordan	Local court proceeding required.
Morocco	Exequatur required.
Tunisia	Exequatur under 1998 Code.
Indonesia	Petition to local courts required.
Malaysia	High Court (non-Muslims); Syariah Court (Muslims).

### EU-aligned jurisdictions — Act No. 5718

Although the European Union lacks a uniform divorce-recognition treaty with the U.S., several EU-aligned jurisdictions (notably Turkey) apply Act No. 5718 (Private International and Procedural Law). This act governs recognition and enforcement of foreign judgments and serves as a comparative EU model. Recognition requires jurisdiction, due process, finality and conformity with Turkish or EU public policy.

### The Iranian challenge

#### *Iranian nationals in the United States*

After Iran, the United States hosts the world’s largest Iranian diaspora — nearly 1 million people. Yet under Iranian law, an Iranian’s personal status (birth, marriage, divorce, death) remains subject to Iranian law, regardless of residence. Consequently, a California divorce between Iranians is effective only in California and jurisdictions that recognize it; Iran will not recognize it unless registered under Iranian procedure.

### *Consular services exception*

An important exception allows Iranians abroad to register changes in their personal status — birth, marriage, divorce, and death — as if they were residing in Iran. This system, established in 1976 and surviving the 1980 severance of diplomatic relations, operates through the Iranian Interests Section at the Embassy of Pakistan in Washington D.C., and the American Interests Section at the Swiss Embassy in Tehran. Accordingly, a California divorce may be registered with the Iranian government by following the Iranian Interests Section’s protocols.

### *c. Limited Recognition of Divorce*

Iranian recognition is limited: (1) The divorce must be valid under the law of the parties’ residence; (2) Iranian authorities will disregard custody, support, and property provisions violating Iranian public policy. The only reported U.S. case addressing this issue is *Salkhi v. Behroyan* (2023, unpublished), where the California Court of Appeal affirmed enforcement of a Marital Settlement Agreement and sanctioned the husband for failing to obtain an Islamic Divorce Certificate and submit it with the state divorce decree to the Iranian Consulate for review and registration.

### *Significance of the Marital Settlement Agreement*

For four decades, Iranian residents in California have faced the burden of non-recognition of their divorces in Iran. No U.S. statute or case law mandates inclusion of Iranian registration procedures, so the only reliable approach is voluntary incorporation of these steps into the Marital Settlement Agreement (MSA) and judgment.

### Conclusion: Practice points

Recognition of a California divorce abroad is a jurisdiction-by-jurisdiction challenge. Common-law countries rely on comity; civil-law jurisdictions require exequatur; and Islamic states such as Iran demand strict procedural compliance. Without a treaty or convention, parallel compliance remains the safest approach.

### Key practice points:

- Do not assume a California judgment will be recognized abroad—verify local requirements.
- Use Hague Conventions where applicable for authentication and support enforcement.
- Confirm bilateral treaty coverage before proceeding.
- For non-Hague, non-treaty jurisdictions like Iran, integrate the foreign divorce process into the MSA.

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|---|---|---|
| <p>1. A California divorce judgment is automatically enforceable in any U.S. state under the Full Faith and Credit Clause.<br/>True False</p> <p>2. A California divorce judgment is automatically enforceable in France without any additional legal procedure.<br/>True False</p> <p>3. There is a Hague Convention that mandates global recognition of divorce judgments.<br/>True False</p> <p>4. The Hague Convention on the International Recovery of Child Support (2007) allows for the enforcement of foreign divorce judgments.<br/>True False</p> <p>5. The U.S. has bilateral treaties with certain countries that mandate recognition of divorce judgments.<br/>True False</p> <p>6. Recognition of a foreign divorce in common law countries like the U.K. depends on comity, jurisdiction, due process and public policy.<br/>True False</p> <p>7. Civil law countries require demonstration of reciprocity for recognition of foreign divorces.<br/>True False</p> <p>8. Iran automatically recognizes California divorce judgments for all purposes, including custody, support, and property distribution.<br/>True False</p> | <p>9. The Iranian Interests Selection in Washington, D.C., allows Californians of Iranian nationality to register their divorce with Iran.<br/>True False</p> <p>10. The Hague Apostille Convention (1961) authenticates foreign authenticates foreign divorce judgments for recognition abroad.<br/>True False</p> <p>11. Recognition of foreign divorces in Turkey is governed by Act No. 5718, which applies EU public policy standards.<br/>True False</p> <p>12. The United States has ratified the Hague Judgments Convention (2019) for divorce recognition.<br/>True False</p> <p>13. In Islamic law jurisdictions like Saudi Arabia, local court proceedings are required to recognize a foreign divorce.<br/>True False</p> <p>14. Limited bilateral reciprocity exists under 42 U.S.C. § 659A only for child support enforcement.<br/>True False</p> <p>15. California law requires that Iranian registration procedures be include in a Marital Settlement Agreement (MSA) for the divorce to be valid.<br/>True False</p> <p>16. Exequatur proceedings are irrelevant in civil law countries when recognizing a U.S. divorce.<br/>True False</p> | <p>17. The New York Convention (1958) provides enforcement of foreign arbitral awards but does not apply to divorce judgments.<br/>True False</p> <p>18. Recognition of a California divorce abroad should be assumed unless the country is Islamic law-based.<br/>True False</p> <p>19. <i>Salkhi v. Behroyan</i> (2023) confirmed that California courts may sanction a party for failing to comply with foreign registration procedures for divorce recognition.<br/>True False</p> <p>20. For Californians with foreign-recognition concerns, the safest practice is to integrate foreign divorce procedures into the MSA.<br/>True False</p> |
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