Family Code (Moudawana), Law No. 70-03

Reference: Law No. 70-03 enacted by Dahir No. 1-04-22 of 3 February 2004

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Practice areas: Divorce and family law, Moroccans abroad and international matters

> The Moudawana governs family life in Morocco: entering into marriage, the rights and duties of spouses, the dissolution of marriage, maintenance, child custody and legal guardianship. It places the family under the joint responsibility of both spouses and gives the judge a central supervisory role, particularly in divorce. This is an unofficial explanatory note; only the Arabic text published in the Official Bulletin is authoritative.

Who this law applies to

The Family Code applies to all Moroccan nationals, including those who hold another nationality, to refugees recognised in Morocco and to relationships where one party is Moroccan. It also governs relationships between two Moroccans where one of them is Muslim.

Moroccans living abroad remain concerned: a marriage or divorce concluded outside Morocco often has to be registered or recognised by a Moroccan court (exequatur) before it takes effect in Morocco.

The key rules

- Marriage is based on the consent of both spouses, and the legal age for marriage is 18 for men and women alike (Article 19). A judge may authorise an exception by a reasoned decision.
- Polygamy is strictly limited: it requires court authorisation, an objective and exceptional justification, and notice to the wives concerned.
- Divorce is subject to judicial control. The Code provides in particular for divorce for discord (chiqaq, Articles 94 to 97), divorce by mutual consent (Article 114), divorce under judicial supervision and judicial divorce on specific grounds.
- Maintenance (nafaqa) is owed to the wife and children under Articles 187 and following. It is set according to the payer's resources and the needs of those entitled to it.
- Child custody (hadana) is governed by Articles 163 and following, with an order of priority and visiting rights for the parent without custody. The best interests of the child always guide the judge's decision.

Key deadlines and figures

- 18 years: legal age for marriage for both sexes (Article 19).
- 6 months: the period within which the court must rule on a petition for divorce for discord (Article 97).
- Mutual consent: spouses may jointly submit to the court an agreement on the principle and consequences of the divorce (Article 114).
- Sums owed to the wife following a divorce must, as a rule, be deposited with the court before certain types of divorce are authorised.

What it means in practice

Neither spouse can end the marriage alone without a judge: every separation goes through the Court of First Instance (family division), which first attempts reconciliation and then sets maintenance, custody, housing and each party's entitlements.

For a parent, this means preparing a precise file: marriage certificate, children's birth certificates, proof of income and expenses. These documents directly affect the amount of nafaqa and the custody arrangements.

Reforms and recent developments

A revision of the Family Code was launched in 2023 at the initiative of His Majesty the King, and the main directions of the reform were presented publicly at the end of 2024. Until a new text is adopted and published in the Official Bulletin, Law No. 70-03 continues to apply. It is wise to check the status of the law when starting any proceedings.

When to consult a lawyer

A lawyer can help before filing for divorce, when maintenance is not being paid, when one parent wishes to move the child's residence, or to have a foreign judgment recognised in Morocco. Legal assistance helps you choose the right procedure and present the relevant documents from the outset.

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