

Splitting up and legal family formats in Norway

by Thomas Eeg¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

Edited by Kees Waaldijk,² Marie Digoix,³ Natalie Nikolina,² Giuseppe Zago,² Daniel Damonzé,² Arianna Caporali,³ Kamel Nait Abdellah³

Published by INED, Paris, 2017, www.LawsAndFamilies.eu

Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 5 – Splitting up)

© 2017 Thomas Eeg

¹ Professor dr. jur. Thomas Eeg (Faculty of law, University of Bergen, www.uib.no/en/persons/Thomas.Eeg) is grateful for the useful comments that Advokat Halvor Frihagen (Advokatfirma Andersen & Bache-Wiig AS) made on an earlier version of the answers in this section of the database.

² [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, www.leiden.edu.



Universiteit
Leiden
The Netherlands

³ Institut national d'études démographiques, Paris, France, www.ined.fr.



Recommended citation:

T. Eeg, 'Splitting up and legal family formats in Norway', in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu (question 5.x).

Acknowledgment

The research leading to these results has received funding from the European Union's Seventh Framework Programme (FP7/2007-2013) under grant agreement no. 320116 for the research project FamiliesAndSocieties, www.familiesandsocieties.eu.



FamiliesAndSocieties

Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Norway

The answers concerning Norway can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Norway by Thomas Eeg (Section 1)

Income, troubles and legal family formats in Norway by Halvor Frihagen (Section 2)

Parenting and legal family formats in Norway by Thomas Eeg (Section 3)

Migration and legal family formats in Norway by Halvor Frihagen (Section 4)

Splitting up and legal family formats in Norway by Thomas Eeg (Section 5)

Death and legal family formats in Norway by Thomas Eeg (Section 6)

So this paper is based on **Section 5 (Splitting up)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 5.1 Dissolution by court
- 5.2 Agreed administrative dissolution
- 5.3 Unilateral administrative dissolution
- 5.4 Agreed informal dissolution
- 5.5 Unilateral informal dissolution
- 5.6 Dissolution by marrying someone else
- 5.7 Ending by conversion
- 5.8 Ending by marrying each other
- 5.9 Property at dissolution
- 5.10 Alimony
- 5.11 Parental authority
- 5.12 General background regarding splitting up

In the following pages of this paper, first the answer to question 5.12 is presented, followed by the answers to questions 5.1 to 5.11.

5.12 - General background regarding splitting up (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding splitting up, then please do so here.

See question 1.16.

Jurisdiction: **Norway**

Source: **T. Eeg, "Splitting up and legal family formats in Norway".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.01 - Dissolution by court**

Can this type of relationship be ended by court decision?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 Yes, but 2009	2015 N/A 0000	2015 Yes, but 1993	X	X
	N/A 0000		N/A 0000	X	X
<p>References to legal sources: Art. 27 of Lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.</p> <p>Art. 43, 45-53 of Lov om indgaaelse og opløsning av egteskap [Act regarding entering into and dissolving marriage] 31 January 1918 nr. 2 (repealed 1 January 1993 by law 4 July 1991 nr. 47).</p>		<p>References to legal sources: Art. 3 and 4 of Lov om registrert partnerskap [Registered Partnerships Act] 1993 nr. 40, Art. 95 (1) and (2) of Lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The ordinary way to dissolve a marriage is by obtaining a divorce licence issued by the county governor. A decision must be made by a court if a divorce claim is grounded on qualifying circumstances of abuse or forced marriage, or a claim for dissolution is grounded on the marriage being contracted contrary to the prohibitions against marriage between close relatives or bigamy. Furthermore, the decision must be made by a court if the alleged ground for divorce is living apart for at least two years due to a breakdown and the parties disagree as to whether the conditions are fulfilled or not. The decision must also be made by a court for claims on this ground if the claim is made in divorce proceedings brought before the court on other grounds, or in connection with a case regarding other questions pursuant to the Marriage Act or the Children Act concerning joint children, related to the claim for divorce. A court decision is also required if the proceedings are instituted by a spouse's guardian, which i.a. presupposes that the spouse is deprived of legal capacity in economic or personal affairs.</p> <p>The county governor would normally give the divorce licence in accordance with art. 43 of the 1918 act. However, a court could make the divorce decision in cases where the spouses agreed to divorce after a claim for divorce had been filed for the court. See questions 5.2 and 5.3. Furthermore, the court should make the decision after the demand of a spouse due to a numerous different reasons including adultery, insanity and attempted murder.</p>		<p>Explanations and nuances: The legal consequences of entering into a registered partnership were and are the same as contracting a marriage, except for the application of the Adoption Act. This implies inter alia that the rules regarding the procedure for dissolution of marriage were and are applicable for dissolution of registered partnerships. See further explanations and nuances under "Marriage".</p>			

Jurisdiction: **Norway**

Source: T. Eeg, "Splitting up and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.02 - Agreed administrative dissolution**

Can this type of relationship be ended by mutual agreement in an administrative procedure?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 Yes, but 2009	2015 N/A 0000	2015 Yes, but 0000	X	X
	N/A 0000			X	X
<p>References to legal sources: Art. 20 - 22 and 27(1) of Lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.</p> <p>Art. 43 of Lov om indgaaelse og opløsning av egteskap [Act regarding entering into and dissolving marriage] 31 January 1918 nr. 2 (repealed 1 January 1993 by law 4 July 1991 nr. 47).</p>		<p>References to legal sources: See question 5.01.</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The ordinary way to dissolve a marriage is by obtaining a divorce licence issued by the county governor. However, a mutual agreement is not sufficient in itself: Marriages cannot be dissolved in an administrative procedure unless the spouses have been separated (with an administrative licence) for at least one year, or have lived apart due to an informal relationship breakdown for at least two years.</p> <p>It is conceivable that the timespan of the informal relationship breakdown is disputed, even if the spouses agree to divorce, because this might have implications according to art. 60 for the cut-off date for acquisitions, income and debts that are covered by the settlement regarding the division of assets. In such cases the divorce decision must be made by a court, see question 5.01.</p> <p>If the spouses agreed, divorce could be given by the county governor according to art. 43 of the 1918-act, after one year of legal separation, or after three years of living apart due to an informal relationship breakdown. However, the latter cases should be decided by a court, unless the spouses agreed to leave the decision to the county governor.</p>		<p>Explanations and nuances: See explanations and nuances under Marriage.</p>			

Jurisdiction: **Norway**

Source: **T. Eeg, "Splitting up and legal family formats in Norway".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.03 - Unilateral administrative dissolution**

Can this type of relationship be ended by one partner unilaterally in an administrative procedure?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1993	2015 Yes, but 2009	2015 N/A 0000	2015 Yes, but 1993	X	X
Yes, but 1918	N/A 0000		N/A 0000	X	X
References to legal sources: See question 5.02. Art. 41 and 43 of Lov om indgaaelse og opløsning av egteskap [Act regarding entering into and dissolving marriage] 31 May 1918 nr. 2, repealed 1 January 1993.		References to legal sources: See question 5.01.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A spouse who finds that he or she cannot continue living together with the other, may file for administrative separation. Each of the spouses may file for administrative divorce when they have been separated for at least one year. Until 1993 spouses had to agree to divorce after one year of separation in an administrative procedure. If one spouse was unwilling, the separation had to last for at least two years before the other could file for divorce. Furthermore, a spouse could file for administrative divorce after one year if the separation decision was made by a court according to art. 48(3), i.e. due to adultery or unlawful sexual intercourse that could be put on the same footing. Such acts normally gave the offended spouse a right to file for judicial divorce, but the court could decide separation instead of divorce out of consideration for the spouses' joint children or for other strong reasons.</p>		<p>Explanations and nuances: See explanations and nuances under Marriage.</p>			

Jurisdiction: **Norway**

Source: T. Eeg, "Splitting up and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.04 - Agreed informal dissolution**

Can this type of relationship be ended by mutual agreement without involvement of any authority?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 No 2009	2015 N/A 0000	2015 No 1993	X	X
	N/A 0000		N/A 0000	X	X
References to legal sources: Chapter 4 and 5 of Lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.		References to legal sources: See question 5.01.			
Explanations and nuances: The provisions in the Chapters mentioned above must be interpreted as exhaustive regarding dissolution and procedure for dissolution of marriages.		Explanations and nuances: See explanations under Marriage.			

Jurisdiction: **Norway**

Source: T. Eeg, "Splitting up and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.05 - Unilateral informal dissolution**

Can this type of relationship be ended by one partner unilaterally without involvement of any authority?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 No 2009	2015 N/A 0000	2015 No 1993	X	X
	N/A 0000		N/A 0000	X	X
References to legal sources: See question 5.04.		References to legal sources: See question 5.04.			
Explanations and nuances: See question 5.04.		Explanations and nuances: See question 5.04.			

Jurisdiction: **Norway**

Source: **T. Eeg**, "Splitting up and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.06 - Dissolution by marrying someone else**

Can a registered partnership be ended by one partner marrying someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2015 N/A 0000	2015 No 1993	X	X
X	X		N/A 0000	X	X
		References to legal sources: See question 5.01.			
		Explanations and nuances: See question 5.04.			

Jurisdiction: **Norway**

Source: T. Eeg, "Splitting up and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.07 - Ending by conversion**

Can this type of relationship be ended by the partners by way of conversion (of a marriage into a registered partnership or vice versa)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 No 2009	2015 N/A 0000	2015 Yes 2009	X	X
	N/A 0000		No 1993	X	X
			N/A 0000	X	X
References to legal sources: See question 5.04.		References to legal sources: Art. 95(5) of Lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: See question 5.04.</p> <p>A different-sex marriage cannot be converted into a registered partnership, because registered partnership have never been a legal format for different-sex couples. A same-sex marriage cannot be converted into a registered partnership, because from 1 January 2009 same-sex couples can only enter into marriage, not registered partnerships.</p>		<p>Explanations and nuances: A partnership registered in Norway and not dissolved will, on the consent of both partners, apply as a marriage. The partners shall in such case submit an application to the Population Register that the partnership shall apply as a marriage. The Population Register shall on the basis of the application register the partners as married and provide the partners with a dated confirmation.</p>			

Jurisdiction: **Norway**

Source: T. Eeg, "Splitting up and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.08 - Ending by marrying each other**

Can a registered partnership be ended by the partners marrying each other?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2015 N/A 0000	2015 No, but 2009	X	X
X	X		No 1993	X	X
X	X		N/A 0000	X	X
		References to legal sources: See question 5.07.			
		Explanations and nuances: Registered partnerships cannot be dissolved by the partners marrying each other. However, the parties can convert their partnership into a marriage, see question 5.07.			

Jurisdiction: **Norway**

Source: T. Eeg, "Splitting up and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.09 - Property at dissolution**

In case the partners split up, do statutory rules consider as joint property any possessions acquired by either of them after they started this type of relationship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 Yes, but 2009	2015 N/A 0000	2015 Yes, but 1993	2015 No, but 0000	2015 No, but 0000
	N/A 0000		N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 58 and 31 of Lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.</p> <p>Art. 11 and 12 of Lov om ektefellers formuesforhold [Spouses' Property Relation Act] 20 May 1927 nr. 1 (repealed 1 January 1993).</p>		<p>References to legal sources: See question 5.01.</p>		<p>References to legal sources: Rt. 1978 s. 1352 (Høyesterett [Supreme Court] 17 November 1978).</p> <p>Rt. 1982 s. 1102 (Høyesterett [Supreme Court] 20 August 1982).</p> <p>Rt. 1984 s. 497 (Høyesterett [the Supreme Court] 30 March 1984).</p> <p>Rt. 2000 s. 1089 (Høyesterett [the Supreme Court] 29 June 2000).</p> <p>Rt. 2011 s. 1168 (Høyesterett [the Supreme Court] 19 September 2011.)</p> <p>Art. 2 and 3 of Lov om rett til felles bolig og innbo når husstandsfellesskap opphører [Act relating to entitlement of joint residence and household contents at the dissolution of household communities] 4 July 1991 nr. 45.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The default system is often referred to as a deferred community property system because contracting a marriage does not in itself imply that the spouses' assets as a whole or as specific property are jointly owned. Joint ownership was nonetheless initially the prevailing view of the preceding act of 1927, but this view changed especially on the basis of Supreme Court decisions during the 1970s and 1980s. The core of the default property regime was and is that the value of the property as a starting point is to be divided equally at the dissolution or at the Death of a spouse. There are however far reaching exceptions from this principle.</p>		<p>Explanations and nuances: See under Marriage.</p>		<p>Explanations and nuances: The law of cohabitants is to a large extent non-statutory law, which implies that ordinary principles of the law of property and obligations apply for the cohabitants' internal economic affairs. Based on Supreme Court decisions it is however acknowledged that domestic work (including first and foremost care for children) and payment of the couple's or the family's joint consumption expenses can establish co-ownership in certain acquisitions. It is disputed in legal literature whether the ratio decidendi is that such efforts can be (indirect) contributions to the acquisition in question, or application of a wide concept of the freedom of contract, i.e. legitimate expectations of achieving joint ownership due to the division of tasks. Furthermore, in exceptional circumstances a cohabitant may be entitled to compensation for his or her efforts, if they have contributed to unjust enrichment of the other.</p> <p>The Household Communities Act of 1991 offers a limited possibility to take over (at market price) the joint residence and household contents owned fully or in part by the other cohabitant when the household community ceases to exist upon the death of a cohabitant or otherwise.</p>	

Jurisdiction: **Norway**

Source: **T. Eeg, "Splitting up and legal family formats in Norway".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.10 - Alimony**

In case the partners split up, do statutory rules on alimony apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 Yes, but 2009	2015 N/A 0000	2015 Yes, but 1993	2015 No 0000	2015 No 0000
	N/A 0000		N/A 0000		
References to legal sources: Art. 79 of Lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.		References to legal sources: See under Marriage.		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: After a marriage has been dissolved, or rather after cohabitation has ceased to exist following a breakdown in the relationship, the main rule is that the mutual maintenance obligation ceases to exist. However, a party can be entitled to maintenance if the ability and possibility to ensure adequate support have been reduced as a result of caring for joint children or of the distribution of joint tasks during cohabitation. Maintenance can only be ordered in other cases if there are special reasons for this.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Norway**

Source: T. Eeg, "Splitting up and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.11 - Parental authority**

In case the partners split up, do statutory rules on parental authority/responsibility apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2009	2015 N/A 0000	2015 Yes 2002	2015 Yes, but 2006	2015 Yes 2014
	N/A 0000		No 1993	No, but 1982	Yes 2009
			N/A 0000	No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 34 of Lov om barn og foreldre [Act relating to Children and Parents] 8 April 1981 nr. 7.</p>		<p>References to legal sources: See question 5.01.</p> <p>Art. 4(2) of Lov om Registrert partnerskap [Registered Partnership Act] and art. 5a(2) [now 5b(2) of Lov om adopsjon [Adoption Act], added by Lov of 15 June 2001 nr. 36, in force 1 January 2002.</p>		<p>References to legal sources: Art. 5 and 5a of Lov om Adopsjon [Adoption Act] 28 February 1986 nr. 8 (as amended and added by law 25 April 2014 nr. 13, in force 1 October 2014).</p> <p>Art. 2-2 of Lov om humanmedisinsk bruk av bioteknologi m.m. [Act relating to the application of biotechnology in human medicine, etc.] 5 December 2003 Nr. 10 (as amended by law of 27 June 2008 nr. 53, in force 1 January 2009).</p> <p>Art. 4(4), 4a and 35(2) of Lov om barn og foreldre [Act relating to Children and Parents] 8 April 1981 Nr. 7.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances:</p>		<p>Explanations and nuances: The principle that the legal consequences of a marriage also applied for registered partnerships initially made an exception for adoption. However, from 2002, one of the partners in a registered partnership may, with the consent of the other partner, adopt the latter's child unless the child is an adopted child originating from a foreign state that does not permit such adoption.</p>		<p>Explanations and nuances: Since 1 October 2014, cohabitants in a stable and marriage-like relationship can adopt children together (and as a main rule only together, not separate). Furthermore, from the same date a cohabitant can adopt the other's separate child, unless the cohabitants are of the same sex and the child is an adopted child originating from a foreign state that does not permit such adoption.</p> <p>From 1 January 2009 a woman living in a stable and marriage-like relation with another woman can receive fertilisation treatment. If and when a child is born, the cohabitant who gives birth is its mother and the other is its co-mother, i.e. a legal parent, if she has declared her co-mothership according to the acknowledged procedure. Thus, the same rules apply regarding parental responsibility after splitting up as for cohabitants of different sex.</p> <p>Cohabiting parents have joint parental responsibility if the child is born after 1 January 2006. Before the paragraph was amended by law of 17 Juni 2005 nr. 63, the mother had parental responsibility alone, unless the couple had made an agreement for joint parental responsibility (or parental responsibility for only the father) and sent this agreement to the Population Register. This means that if the child is born before 1 January 2006, the current statutory rules on parental responsibility does not apply unless the couple had made and registered such an agreement.</p> <p>Before the act relating to children and parents came into force 1 January 1982, there were apparently no legal basis for joint parent responsibility for cohabitants.</p>	