

Splitting up and legal family formats in Finland

by Rainer Hiltunen ¹

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 Abdellah ³

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

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¹ Rainer Hiltunen (lawyer, Helsinki) is grateful for the useful comments that Aija Valleala, LL.M. (Doctoral Student, University of Helsinki) 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.



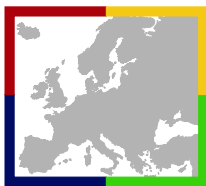
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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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 Finland

The answers concerning Finland 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 Finland by Rainer Hiltunen (Section 1)

Income, troubles and legal family formats in Finland by Aija Valleala (Section 2)

Parenting and legal family formats in Finland by Aija Valleala (Section 3)

Migration and legal family formats in Finland by Rainer Hiltunen (Section 4)

Splitting up and legal family formats in Finland by Rainer Hiltunen (Section 5)

Death and legal family formats in Finland by Rainer Hiltunen (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.

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Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	X	X
			N/A 0000	X	X
References to legal sources: Art. 25 of Marriage Act 13.6.1929/234.		References to legal sources: Art. 7 of Act on Registered Partnerships 9.11.2001/950.			
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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 No 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2002	X	X
			N/A 0000	X	X
References to legal sources:		References to legal sources:			
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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 No 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2002	X	X
			N/A 0000	X	X
References to legal sources:		References to legal sources:			
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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 N/A 0000	2015 N/A 0000	2015 No 2002	X	X
			N/A 0000	X	X
References to legal sources:		References to legal sources:			
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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 N/A 0000	2015 N/A 0000	2015 No 2002	X	X
			N/A 0000	X	X
References to legal sources:		References to legal sources:			
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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 2002	X	X
X	X		N/A 0000	X	X
		References to legal sources: Art. 27(1)(1) of Marriage Act 13.6.1929/234.			
		Explanations and nuances: If a person who is in a registered partnership marries another person, the spouses of the marriage shall be granted a divorce, but the registered partnership stays. The public prosecutor shall initiate proceedings for the divorce of the spouses.			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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, but 2003	2015 N/A 0000	2015 N/A 0000	2015 No, but 2003	X	X
No 0000			No 0000	X	X
References to legal sources: Art. 2(1) on the Act on Legal Recognition of the Gender of Transsexuals 28.6.2002/563.		References to legal sources: Art. 2(1) on the Act on Legal Recognition of the Gender of Transsexuals 28.6.2002/563.			
Explanations and nuances: Only in cases where one of the spouses/partners goes through legal gender reassignment.		Explanations and nuances: Only in cases where one of the spouses/partners goes through legal gender reassignment.			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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 0000	X	X
		<p>References to legal sources: Art. 27(1)(1) of Marriage Act 13.6.1929/234.</p>			
		<p>Explanations and nuances: Same-sex marriage is not possible.</p> <p>And if a person who is in a registered partnership marries another person, the spouses of the marriage shall be granted a divorce, but the registered partnership stays. The public prosecutor shall initiate proceedings for the divorce of the spouses.</p>			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 Yes, but 2011	2015 Yes, but 2011
			N/A 0000	No 0000	No 0000
References to legal sources: Art. 100 of Marriage Act 13.6.1929/234.		References to legal sources: Art. 8(2) of Act on Registered Partnerships 9.11.2001/950 referring to art. 100 of Marriage Act 13.6.1929/234.		References to legal sources: Art. 6 of Act on the Dissolution of the Household of Cohabiting Partners 14.1.2011/26.	
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: According to art. 6 of the Act on the Dissolution of the Household of Cohabiting Partners a property which is not clearly owned by one of the partners can be deemed to be joint property.	

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Splitting up and legal family formats in Finland". 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-FI-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 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 No, but 2011	2015 No, but 2011
			N/A 0000	No 0000	No 0000
References to legal sources: Art. 48 of Marriage Act 13.6.1929/234.		References to legal sources: Art. 8(3) of Act on Registered Partnerships 9.11.2001/950 referring to art. 48 of Marriage Act 13.6.1929/234.		References to legal sources: Art. 8 of Act on the Dissolution of the Household of Cohabiting Partners 14.1.2011/26.	
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: According to art. 8 of the Act on the Dissolution of the Household of Cohabiting Partners a partner can apply for compensation for the work (e.g. at home) he/she has done to increase the property of the other partner.	

Jurisdiction: **Finland**

Source: **R. Hiltunen, "Splitting up and legal family formats in Finland". 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-FI-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 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 No, but 1983	2015 No, but 1983
			N/A 0000	? 0000	? 0000
References to legal sources: Art. 32 of Marriage Act 13.6.1929/234.		References to legal sources: Art. 32 of Marriage Act 13.6.1929/234. Art. 9 of Act on Child Custody and Right of Access 8.4.1983/361		References to legal sources: Art. 14 of Act on Child Custody and Right of Access 8.4.1983/361.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to art. 32 of Marriage Act 13.6.1929/234 the court shall in proceedings relating to divorce, of its own initiative, consider how child custody and right of access should be arranged between the spouses.</p>		<p>Explanations and nuances: According to art. 32 of Marriage Act 13.6.1929/234 the court shall in proceedings relating to divorce, of its own initiative, consider how child custody and right of access should be arranged between the spouses.</p> <p>The art 9 of Act on Child Custody and Right of Access allows in addition to both parents or one parent of a child also an other person to have custody of the child if it is in the best interest of the child.</p>		<p>Explanations and nuances: Art. 14 of Act on Child Custody and Right of Access allows both parents of a child, one parent, the person having custody of the child or the social welfare board to apply to a court to decide the matter concerning child custody.</p>	