

Splitting up and legal family formats in the Netherlands

by Natalie Nikolina¹

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

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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)

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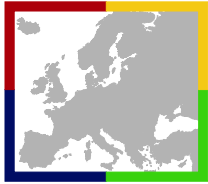
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



Recommended citation:
N. Nikolina, 'Splitting up and legal family formats in the Netherlands', 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.



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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 the Netherlands

The answers concerning the Netherlands 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 the Netherlands by Ian Sumner (Section 1)

Income, troubles and legal family formats in the Netherlands by Natalie Nikolina (Section 2)

Parenting and legal family formats in the Netherlands by Natalie Nikolina (Section 3)

Migration and legal family formats in the Netherlands by Ian Sumner (Section 4)

Splitting up and legal family formats in the Netherlands by Natalie Nikolina (Section 5)

Death and legal family formats in the Netherlands by Natalie Nikolina (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: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 Yes 2001	2015 Yes 1998	2015 Yes 1998	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources: Arts. 149-167 of Book 1 of the Civil Code.		References to legal sources: Arts. 80c and 80d of Book 1 of the Civil Code.			
Explanations and nuances: See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 152, https://openaccess.leidenuniv.nl/handle/1887/12585 .		Explanations and nuances: See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 152, https://openaccess.leidenuniv.nl/handle/1887/12585 .			

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 2009	2015 No 2009	2015 Yes, but 2009	2015 Yes, but 2009	X	X
No, but 2001	No, but 2001	Yes 1998	Yes 1998	X	X
No 0000	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources: Arts. 149-167 of Book 1 of the Civil Code on marriage dissolution, as amended by Wet bevordering voortgezet ouderschap en zorgvuldige scheiding (the Promotion of Continued Parenting and Proper Divorce Act), Staatsblad 2008, 500.		References to legal sources: Arts. 80c-80e of Book 1 of the Civil Code on marriage dissolution, as amended by Wet bevordering voortgezet ouderschap en zorgvuldige scheiding (the Promotion of Continued Parenting and Proper Divorce Act), Staatsblad 2008, 500.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Between 2001 and 2009 conversion into registered partnership and then administrative dissolution used to be possible, but this possibility has been abolished in 2009.</p> <p>See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 152, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Since 2009 dissolution of registered partnership by mutual agreement in an administrative procedure is only possible if the couple or one of them do not exercise parental responsibilities over their minor children (art. 80c).</p> <p>Both partners and an advocate or a notary need to sign a contract to end the registered partnership and have it registered (art. 80c and 80d).</p> <p>See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 152, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>			

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 No 2001	2015 No 1998	2015 No 1998	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources:		References to legal sources:			
Explanations and nuances: This option does not exist. See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 152, https://openaccess.leidenuniv.nl/handle/1887/12585 .		Explanations and nuances: This option does not exist. See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 152, https://openaccess.leidenuniv.nl/handle/1887/12585 .			

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 2001	2015 No 1998	2015 No 1998	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources:		References to legal sources: Arts. 80c-80e of Book 1 of the Civil Code.			
Explanations and nuances: This option does not exist. Before 2009, converting a marriage into a registered partnership was possible, but this action had to be registered.		Explanations and nuances: The administrative dissolution of a registered partnership requires the presence of an advocate or a notary and registration, and registration.			

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 2001	2015 No 1998	2015 No 1998	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources:		References to legal sources:			
Explanations and nuances: This option has never existed.		Explanations and nuances: This option has never existed.			

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 No 1998	2015 No 1998	X	X
X	X	N/A 0000	N/A 0000	X	X
		References to legal sources: Art. 42 of Book 1 of the Civil Code.			
		Explanations and nuances: Being in a registered partnership is an impediment to marriage.			

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 2009	2015 No 2009	2015 Yes 2001	2015 Yes 2001	X	X
Yes 2001	Yes 2001	No 1998	No 1998	X	X
No 0000	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources: Art. 77a of Book 1 of the Civil Code, as introduced by Law of 21 December 2000, Staatsblad 2001, 9, and repealed by Wet bevordering voortgezet ouderschap en zorgvuldige scheiding (the Promotion of Continued Parenting and Proper Divorce Act), Staatsblad 2008, 500.		References to legal sources: Art. 80g of Book 1 of the Civil Code, as introduced by Law of 21 December 2000, Staatsblad 2001, 9.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances: This used to be possible between 2001 and 2009, but this option was abolished in 2009.		Explanations and nuances: A registered partnership can be converted into a marriage, but no longer the other way around, at the civil registry.			

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 No 0000	2015 No 2001	X	X
X	X		N/A 0000	X	X
		References to legal sources: Art. 42 of Book 1 of the Civil Code.			
		Explanations and nuances: Art. 42 states that "Those who wish to marry each other may not already be in a registered partnership".			

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 2001	2015 Yes, but 1998	2015 Yes, but 1998	2015 No, but 0000	2015 No, but 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources: Arts. 93 and 94 of Book 1 of the Civil Code.		References to legal sources: Arts. 80b, 93 and 94 of Book 1 of the Civil Code.		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: In the absence of a prenuptial contract, spouses have community of property from the moment of marriage, although there are exceptions for some gifts and inherited goods.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 142, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Same rules apply as to spouses. This means that in the absence of a contract, registered partners have community of property from the moment of registration, although there are exceptions for some gifts and inherited goods.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 142, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Cohabitants do not have community of property by virtue of cohabiting. However, they can become the joint owners of a specific good if they jointly acquire it. They can also make a cohabitation contract.</p> <p>In specific situations there can be a compensation for contributions in assets or goods or non-financial contributions during the relationship. The court may award such compensation if the parties have an implicit contract, when the relationship resulted in unjust enrichment or if it has resulted in undue payment. However, the case law on whether a court would actually find an implicit contract or grant compensation is varied and unclear.</p> <p>See W. Schrama in European Family Law in Action Volume V: Informal Relationships, Intersentia Cambridge - Antwerp - Portland 2015, pp. 839-840. See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 142, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Splitting up and legal family formats in Netherlands". 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-NL-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 Yes 2001	2015 Yes 1998	2015 Yes 1998	2015 No, but 0000	2015 No, but 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources: Art. 157 of Book 1 of the Civil Code.		References to legal sources: Arts. 80d, 80e and 157 of Book 1 of the Civil Code.		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The court may stipulate alimony for one spouse upon his or her request when making a divorce decision or in a later procedure.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 142, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Same rules apply to dissolution of a registered partnership by a court decision as to the dissolution of marriage, meaning that the court may stipulate alimony for one spouse upon his or her request when making a divorce decision or in a later procedure (art. 80e).</p> <p>If the registered partnership is ended by a mutual contract, it must contain a provision on alimony if one of the partners does not have a sufficient income (art. 80d).</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 142, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Cohabitants may make a cohabitation contract in which alimony is stipulated. Other than that there is no right to alimony.</p> <p>Whether a maintenance duty could arise on the basis of an implicit contract between cohabitants is not clear. See W. Schrama in European Family Law in Action Volume V: Informal Relationships, Cambridge - Antwerp - Portland: Intersentia 2015, p. 707. On informal contracts see question 5.09.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 142, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>	

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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 2001	2015 Yes 2002	2015 Yes 2002	2015 No, but 2009	2015 No, but 2009
	N/A 0000	No, but 1998	No, but 1998	No 0000	No 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: Arts. 251 and 251a of Book 1 of the Civil Code, as amended by Wet bevordering voortgezet ouderschap en zorgvuldige scheiding (the Promotion of Continued Parenting and Proper Divorce Act), Staatsblad 2008, 500.</p> <p>(Previously Art. 251 of Book 1 of the Civil Code as amended by Law of 30 October 1997, Staatsblad 1997, 506.)</p>		<p>References to legal sources: Arts. 251, 251a(1), 253aa and 253sa of Book 1 of the Civil Code, as introduced or amended by Law of 4 October 2001, Staatsblad 2001, 468, and as amended by Wet bevordering voortgezet ouderschap en zorgvuldige scheiding (the Promotion of Continued Parenting and Proper Divorce Act), Staatsblad 2008, 500.</p>		<p>References to legal sources: Arts. 252 and 247a of Book 1 of the Civil Code.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Since the 2009 law reform it is explicitly stated (in art. 251) that parents jointly exercise parental responsibility during their marriage and continue to do so after their separation, unless the court decides upon the request of (both or one of) the parents to give one of the parents sole parental responsibility (251a). This will only be done if the court considers that sole parental responsibility is necessary to safeguard the best interests of the child.</p> <p>Between 1998 and 2009 the parents who jointly held parental responsibility would continue to exercise it together, but the test to grant one of them sole parental responsibility upon (joint or sole) request was less strict.</p> <p>Between 1984 (first case law)/1995 (legal reform) and 1998 parents could continue the joint exercise of parental responsibility after divorce upon joint request.</p> <p>Before that, one of the parents would get sole custody of the child(ren) after divorce.</p> <p>There are no specific articles dealing with parental responsibility of the non-parent after divorce.</p>		<p>Explanations and nuances: Since the 2009 law reform it is explicitly stated (in art. 253aa) that parents jointly exercise parental responsibility during their registered partnership. Upon separation the court can decide upon the request of (both or one of) the parents to give one of the parents sole parental responsibility (art. 251a(1)). This will only be done if the court considers that sole parental responsibility is necessary to safeguard the best interests of the child.</p> <p>Between 2002 and 2009 the parents who jointly held parental responsibility were also expected to continue to exercise them together, but the test to grant one of them sole parental responsibility upon (joint or sole) request was less strict.</p> <p>Before the 2002 reform registered partners were treated the same as cohabitants in terms of parental responsibility.</p> <p>There are no specific articles dealing with parental responsibility of the non-parent after separation.</p>		<p>Explanations and nuances: Parents who are not in a formal relationship may hold and exercise joint parental responsibility if they jointly request this and have it recorded at the civil registry (art. 252). While technically this status will not change upon their separation, since 2009 art. 247a obliges them to make a parenting plan upon separation in which they will state how the parental responsibility will be exercised after their separation.</p>	