

## Splitting up and legal family formats in Sweden

by Hans Ytterberg <sup>1</sup>

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

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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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answers in this section of the database.

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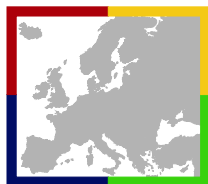


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# FamiliesAndSocieties

## 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](http://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](http://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 Sweden

The answers concerning Sweden 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](http://www.LawsAndFamilies.eu)):

**Formalisation of legal family formats in Sweden  
by Hans Ytterberg (Section 1)**

**Income, troubles and legal family formats in Sweden  
by Kajsa Walleng (Section 2)**

**Parenting and legal family formats in Sweden  
by Hans Ytterberg (Section 3)**

**Migration and legal family formats in Sweden  
by Hans Ytterberg (Section 4)**

**Splitting up and legal family formats in Sweden  
by Hans Ytterberg (Section 5)**

**Death and legal family formats in Sweden  
by Kajsa Walleng (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: **Sweden**

Source: **H. Ytterberg, "Splitting up and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 2009	2015 N/A 0000	2015 Yes 1995	X	X
	N/A 0000		N/A 0000	X	X
<b>References to legal sources:</b> Chapters 5 and 14 of the Marriage Code (1987:230) [Äktenskapsbalk], <a href="https://www.notisum.se/rnp/sls/lag/19870230.htm">https://www.notisum.se/rnp/sls/lag/19870230.htm</a> . All <a href="http://www.notisum.se">www.notisum.se</a> links to legal information on the internet are provided by the company NOTISUM, P.O. Box 146, SE- 421 22 VÄSTRA FRÖLUNDA, Sweden.		<b>References to legal sources:</b> Chapter 2 of the Registered Partnership Act (1994:1117)[Lag om registrerat partnerskap], <a href="https://www.notisum.se/rnp/sls/lag/19941117.htm">https://www.notisum.se/rnp/sls/lag/19941117.htm</a> .			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b> As of 1 May 2009 the Marriage Code is gender neutral. The marriage legislation predating the present Marriage Code (pre 1988) also provided for dissolution of marriage by court decision.</p>		<p><b>Explanations and nuances:</b> The Registered Partnership Act entered into force in 1995 and was open only to same-sex couples. When the gender neutral Marriage Code entered into force in 2009, the Act was repealed, but remains in force for those couples who had already registered their partnership under Swedish law before 1 May 2009.</p>			

Jurisdiction: **Sweden**

Source: **H. Ytterberg, "Splitting up and legal family formats in Sweden".** 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 No 2009	2015 N/A 0000	2015 No 1995	X	X
	N/A 0000		N/A 0000	X	X
<b>References to legal sources:</b> Art. 4 of chapter 14 of the Marriage Code.		<b>References to legal sources:</b> Art. 1 of chapter 2 of the Registered Partnership Act.			
<b>Explanations and nuances:</b> A marriage can only be ended by a court decision or by the death of one of the spouses.		<b>Explanations and nuances:</b> A registered partnership can only be ended by a court decision or by the death of one of the partners.			

Jurisdiction: **Sweden**

Source: **H. Ytterberg, "Splitting up and legal family formats in Sweden".** 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 2009	2015 N/A 0000	2015 No 1995	X	X
	N/A 0000		N/A 0000	X	X
<b>References to legal sources:</b> See question 5.02.		<b>References to legal sources:</b> See question 5.02.			
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>			



Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Splitting up and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 1995	X	X
	N/A 0000		N/A 0000	X	X
<b>References to legal sources:</b> See question 5.02.		<b>References to legal sources:</b> See question 5.02.			
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Splitting up and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 1995	X	X
	N/A 0000		N/A 0000	X	X
<b>References to legal sources:</b> See question 5.02.		<b>References to legal sources:</b> See question 5.02.			
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Splitting up and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 1995	X	X
X	X		N/A 0000	X	X
		<p><b>References to legal sources:</b> Art. 4 of chapter 2 of the Marriage Code and art. 1(2) of chapter 7 of the Penal Code (1962:700) [Brottsbalk], <a href="http://www.notisum.se/rnp/sls/lag/19620700.HTM">www.notisum.se/rnp/sls/lag/19620700.HTM</a>.</p>			
		<p><b>Explanations and nuances:</b> According to the Marriage Code, being a registered partner is a legal impediment to marrying someone else. Doing so is also a criminal offense punishable by a fine or imprisonment for up to 2 years.</p>			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Splitting up and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 1995	2015 No 2009	2015 N/A 0000	2015 Yes 2009	X	X
No 0000	N/A 0000		No 1995	X	X
			N/A 0000	X	X
<b>References to legal sources:</b> Art. 1 of the Act (2009:260) Repealing the Registered Partnership Act [Lag om upphävande av lagen om registrerat partnerskap], <a href="https://www.notisum.se/rnp/sls/lag/20090260.htm">https://www.notisum.se/rnp/sls/lag/20090260.htm</a> . Art. 1 of the Registered Partnership Act.		<b>References to legal sources:</b> Art. 3 of the Act Repealing the Registered partnership Act, in force 1 May 2009.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The Registered Partnership Act entered into force in 1995. The Marriage Code was made gender neutral as of 2009. Thus, before these years conversion was a non-issue for different-sex as well as same-sex couples. There is no possibility to convert a marriage into a registered partnership for any married couple, regardless of gender.</p>		<p><b>Explanations and nuances:</b>                      Art. 3 of the Act repealing the Registered Partnership Act says that a registered partnership can be converted into a marriage, either through a simple administrative procedure or by undergoing a formal wedding ceremony. There are no waiting periods and no need for a marriage licence for any of the two optional procedures. Both these options, however, apply only to partnerships registered under the Swedish Registered Partnership Act, not to those registered under a foreign jurisdiction.                      Before 1 May 2009 there was no such possibility of conversion, since same-sex couples did not have access to marriage before that date.</p>			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Splitting up and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 Yes 2009	X	X
X	X		No 1995	X	X
X	X		N/A 0000	X	X
		<b>References to legal sources:</b> See question 5.07.			
		<b>Explanations and nuances:</b> See question 5.07.			

Jurisdiction: **Sweden**

Source: H. Ytterberg, "Splitting up and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 No, but 0000	2015 No, but 2009	2015 N/A 0000	2015 No, but 1995	2015 No, but 1974	2015 No, but 1988
	N/A 0000		N/A 0000	No 0000	No 0000
<b>References to legal sources:</b> Chapters 7 and 9-13 of the Marriage Code.		<b>References to legal sources:</b> Chapters 7 and 9-13 of the Marriage Code and art. 1 of Chapter 3 of the Registered Partnership Act.		<b>References to legal sources:</b> Art. 3-22 of the Cohabitation Act (2003:376) [Sambolag], <a href="http://www.notisum.se/rnp/sls/lag/20030376.HTM">www.notisum.se/rnp/sls/lag/20030376.HTM</a> .	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The same property regime applies to both different-sex and same-sex marriages. Chapter 7 of the Marriage Code deals with property of married spouses. There are no provisions that would make property of any of the spouses joint property because it was acquired during a marriage. There are however rules in chapters 9-13 of the Marriage Code on distribution of property because of a divorce. Such distribution rules, nevertheless, do not alter the fundamental civil law characteristics of ownership over property. Therefore, the "No, but" rather than the "Yes, but".</p>		<p><b>Explanations and nuances:</b>                      The same property regime applies to both married spouses and registered partners according to art. 1 of chapter 3 of the Registered Partnership Act. Chapter 7 of the Marriage Code thus deals with property of both married spouses and registered partners. There are no provisions that would make property of any of the registered partners joint property because it was acquired during a registered partnership. There are however rules in chapters 9-13 of the Marriage Code on distribution of property because of a divorce, which apply also to a dissolution of a registered partnership. Such distribution rules, nevertheless, do not alter the fundamental civil law characteristics of ownership over property. Therefore, the "No, but" rather than the "Yes, but".</p>		<p><b>Explanations and nuances:</b>                      The present Cohabitation Act from 2003 is gender neutral. The Homosexual Cohabitees Act of 1988 contained the same rules with respect to property issues as did the then applicable Joint Home of Unmarried Cohabitants (different-sex) Act. Before 1988, however, there were no rules on same-sex cohabitation. The same property regime applies to both different-sex and same-sex cohabiting couples under the Cohabitation Act. Art. 3-7 deal with the property of cohabitants. There are no provisions that would make property of any of the cohabitants joint property because it was acquired during their relationship as cohabitants. There are however rules in art. 8-22 of the Cohabitation Act on distribution of property because of a split up between the cohabitants. Such distribution rules, nevertheless, do not alter the fundamental civil law characteristics of ownership over property. Therefore, the "No, but" rather than the "Yes, but". These distribution rules, moreover, have a more limited application than the distribution rules that apply to marriages and registered partnerships.</p>	



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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 1995	2015 No 0000	2015 No 0000
	N/A 0000		N/A 0000		
<b>References to legal sources:</b> Art. 7 of chapter 6 of the Marriage Code.		<b>References to legal sources:</b> Art. 7 of chapter 6 of the Marriage Code and art. 1 of Chapter 3 of the Registered Partnership Act.		<b>References to legal sources:</b>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The generally applicable rule is that each spouse is responsible for his or her own economic situation after a divorce. However, if one of the spouses has difficulties in supporting himself or herself, he or she has a right to alimony for a limited transitional period. After a long-lasting marriage that transitional period may be extended to entail a longer period of time.</p>		<p><b>Explanations and nuances:</b>                      The generally applicable rule is that each registered partner is responsible for his or her own economic situation after a dissolution of the partnership. However, if one of the partners has difficulties in supporting himself or herself, he or she has a right to alimony for a limited transitional period. After a long-lasting registered partnership that transitional period may be extended to entail a longer period of time.</p>		<p><b>Explanations and nuances:</b>                      There are no alimony rules that apply to cohabiting couples.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Splitting up and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 2003	2015 No, but 1979	2015 No, but 2003
	N/A 0000		No 1995	No 0000	No 0000
<b>References to legal sources:</b> Art. 3(2) of chapter 6 of the Parents and Children Code (1949:341)[Föräldrabalk]. <a href="http://www.notisum.se/rnp/sls/lag/19490381.HTM">www.notisum.se/rnp/sls/lag/19490381.HTM</a>		<b>References to legal sources:</b> Art. 3(2) of chapter 6 of the Parents and Children Code.		<b>References to legal sources:</b> Art. 5 of chapter 7 of the Parents and Children Code.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The legal custody status does not change because of a divorce, unless the Court has specifically ruled otherwise.</p>		<p><b>Explanations and nuances:</b>                      The legal custody status does not change because of the dissolution of a registered partnership, unless the Court has specifically ruled otherwise. Before 2003 registered partners could not both be the legal parents of a child and they could also not be appointed as legal guardians of a child. Therefore the issue of parental authority in connection with a split up could not arise before then.</p>		<p><b>Explanations and nuances:</b>                      There are - and have been - no statutory rules dealing with custody/parental authority in connection with the splitting up of a cohabiting couple, same-sex or different-sex. Since the splitting up of a cohabiting couple - as a difference from married or registered couples - does not as such involve courts or public authorities, the issue of parental authority will not come up. Whatever the legal situation in that respect at the time of splitting up, that situation will continue to apply unless that issue is made the explicit subject of legal dispute. However, in one respect the splitting up as such may have statutory legal implications. The obligation under certain specific circumstances (see question 3.05 on Parental responsibilities) of one of the cohabitants under art. 5 of chapter 7 of the Parents and Children Code to financially support a child of the other cohabitant, who is living with them, ceases to apply when the cohabiting couple no longer lives together. Before 2005, when medically assisted procreation was made legally available also to same-sex cohabiting female couples, same-sex cohabitants could not both be the legal parents of a child and before 2003 they could not even be appointed as legal guardians of a child. Therefore the issue of parental authority could not arise before 2003.</p>	