

Splitting up and legal family formats in Slovenia

by Barbara Rajgelj ¹

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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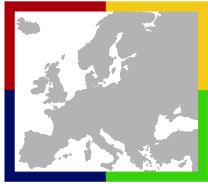
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Recommended citation:
B. Rajgelj, 'Splitting up and legal family formats in Slovenia', in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu (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

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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 Slovenia

The answers concerning Slovenia 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 Slovenia by Neza Kogovsek Salamon (Section 1)

Income, troubles and legal family formats in Slovenia by Barbara Rajgelj (Section 2)

Parenting and legal family formats in Slovenia by Barbara Rajgelj (Section 3)

Migration and legal family formats in Slovenia by Neza Kogovsek Salamon (Section 4)

Splitting up and legal family formats in Slovenia by Barbara Rajgelj (Section 5)

Death and legal family formats in Slovenia by Neza Kogovsek Salamon (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: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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
2016 Yes 1976	2016 N/A 0000	2016 N/A 0000	2016 No 2005	X	X
Yes 1965			N/A 0000	X	X
<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> <p>Fundamental Act on Marriage (Temeljni zakon o zakonski zvezi, TZZZ, OJ 28/65).</p>		<p>References to legal sources: The Registration of a Same-Sex Civil Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Marriage ends with the death of one spouse, the declaration that one spouse is dead and by divorce (art. 63 of the ZZZDR). Divorce can be based on the consensus of both spouses or can be initiated by a lawsuit by one of the spouses. In any case, the marriage is divorced by court decision.</p>		<p>Explanations and nuances: Registered same-sex partnership ends because of the death of one partner, by the declaration that one partner is dead or on the basis of an administrative decision. The application for dissolution of the partnership shall be submitted on a special form at the administrative body, where the registration of the partnership had been carried out. The administrative authority shall decide on the application through an administrative decision (art. 15 of the ZRIPS).</p>			

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2005	X	X
			N/A 0000	X	X
References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).		References to legal sources: Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Divorce can be based on the consensus of both spouses or can be initiated by a lawsuit by one of the spouses. In any case, the marriage has to be divorced by court decision.</p>		<p>Explanations and nuances: Registered same-sex partnership ends because of the death of one partner, by the declaration that one partner is dead or on the basis of an administrative decision. The application for dissolution of the partnership shall be submitted by one or both partners at the administrative body, where the registration of the partnership had been carried out. The administrative authority shall decide on the application through an administrative decision. Appeals against decisions of the administrative authorities are decided by the Ministry of the Interior (art. 15 of the ZRIPS).</p> <p>This means that registered partnership can be ended by mutual agreement in an administrative procedure.</p>			

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2005	X	X
			N/A 0000	X	X
References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).		References to legal sources: Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Divorce can be based on the consensus of both spouses or can be initiated by a lawsuit by one of the spouses. In any case, the marriage has to be divorced by court decision.</p>		<p>Explanations and nuances: Registered same-sex partnership ends because of the death of one partner, by the declaration that one partner is dead or on the basis of an administrative decision. The application for dissolution of the partnership shall be submitted by one or both partners at the administrative body, where the registration of the partnership had been carried out. The administrative authority shall decide on the application through an administrative decision. Appeals against decisions of the administrative authorities are decided by the Ministry of the Interior (art. 15 of the ZRIPS).</p> <p>This means that registered partnership can be ended in an administrative procedure.</p>			

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 No 2005	X	X
			N/A 0000	X	X
<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p>		<p>References to legal sources: Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p>			
<p>Explanations and nuances: The marriage can be divorced only by formal court decision and cannot be ended by mutual agreement without involvement of any authority.</p>		<p>Explanations and nuances: The registered same-sex partnership can be ended only by formal administrative decision and cannot be ended by mutual agreement without involvement of any authority.</p>			

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 No 2005	X	X
			N/A 0000	X	X
<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p>		<p>References to legal sources: Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p>			
<p>Explanations and nuances: The marriage can be divorced only by formal court decision and cannot be ended by one partner unilaterally without involvement of any authority.</p>		<p>Explanations and nuances: The registered same-sex partnership can be ended only by formal administrative decision and cannot be ended by one partner unilaterally without involvement of any authority.</p>			

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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	2016 N/A 0000	2016 No 2005	X	X
X	X		N/A 0000	X	X
		<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended). Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
		<p>Explanations and nuances: If a registered same-sex partner wants to marry a different-sex partner (marriage is reserved only for different sex partners), he/she first has to apply for the dissolution of the registered partnership. A registered partnership cannot be ended by one partner marrying someone else.</p>			

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 No 2005	X	X
			N/A 0000	X	X
<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> <p>Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p>		<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> <p>Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: As there is no marriage for same-sex partners and no partnership registration for different-sex partners, marriage cannot be ended by way of conversion into a registered partnership, and a registered partnership cannot be ended by way of conversion into a marriage.</p>		<p>Explanations and nuances: As there is no marriage for same-sex partners and no partnership registration for different-sex partners, marriage cannot be ended by way of conversion into a registered partnership, and a registered partnership cannot be ended by way of conversion into a marriage.</p>			

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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	2016 N/A 0000	2016 No 2005	X	X
X	X		N/A 0000	X	X
		<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> <p>Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p>			
		<p>Explanations and nuances: Same-sex partners are not able to marry each other.</p>			

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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
2016 Yes, but 1976	2016 N/A 0000	2016 N/A 0000	2016 Yes 2005	2016 Yes 1976	2016 No 0000
Yes, but 1965			N/A 0000	? 0000	
<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p>		<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended). Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p>		<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Property which a spouse has at the time of concluding the marriage remains his or her own property and she or he shall dispose of it freely (art. 51/1 of the ZZZDR). Property which the spouses obtain during the period of the marriage shall be their joint property, but only if the property is resulting from work (art. 51/2 of the ZZZDR). Joint property shall be divided if the marriage ends (art. 58/1 of the ZZZDR). In the division of joint property, the presumption shall be that the shares of the spouses in the joint property are equal, but the spouses may prove that they contributed to the joint property in another proportion (art. 59/1 of the ZZZDR).</p> <p>Under the TZZZ from 1965 assets held by the spouses at the time of marriage remain their individual property. The possessions acquired by the spouses and resulting from work during their marriage were considered as their joint property, with unidentified shares. In the event of a dispute the share of each partner is determined by the court, taking into account the contribution of each spouse to the joint property.</p>		<p>Explanations and nuances: The rules on joint property of registered partners are the same as for marriage. In the division of joint property, the presumption shall be that the shares of the partners in the joint property are equal, but the partners may prove that they contributed to the joint property in another proportion (art. 34 in connection with art. 17 of the ZRIPS).</p>		<p>Explanations and nuances: Since 1976 the rules on joint property of different-sex cohabitation have been the same as for marriage.</p> <p>The law of 1965 did not recognise any legal consequences to cohabitation of different-sex partners.</p>	

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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
2016 Yes, but 1976	2016 N/A 0000	2016 N/A 0000	2016 Yes 2005	2016 Yes, but 1976	2016 No 0000
Yes, but 1965			N/A 0000	No 0000	
<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> <p>Fundamental Act on Marriage (Temeljni zakon o zakonski zvezi, TZZZ, OJ 28/65).</p>		<p>References to legal sources: Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p>		<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A spouse who has no means of subsistence and is unemployed without fault has the right to request alimony from the other spouse (art. 81 of the ZZZDR).</p> <p>Under the TZZZ from 1965 the dependent spouse who is incapable of work or unemployed, without a fault for divorce, has the right to alimony from the other spouse, appropriate to her/his abilities.</p>		<p>Explanations and nuances: Following the termination of a registered partnership, a partner who does not have sufficient funds to live and cannot obtain them from his/her own assets or through his/her work, or is unable to work or can not find work, has the right to alimony from the other partner (art. 26 of the ZRIPS).</p>		<p>Explanations and nuances: A durable living community of a man and a woman who have not concluded marriage, shall have the same legal consequences for them under the ZZZDR as if they had concluded marriage, provided there is no reason by which marriage between them would be invalid (art. 12 of the ZZZDR).</p> <p>The law of 1965 did not recognize any legal consequences to cohabitation of different-sex partners.</p>	

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Splitting up and legal family formats in Slovenia". 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-SI-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
2016 Yes 1976	2016 N/A 0000	2016 N/A 0000	2016 Yes 2011	2016 Yes 1976	2016 Yes, but 2011
Yes 1947			? 2005	Yes 1947	? 0000
			N/A 0000		
<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> <p>Fundamental Act on the Relationship between parents and children (Temeljni zakon o razmerju med starši in otroki, TZRSO, OJ 104/47).</p>		<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p>		<p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> <p>Fundamental Act on the Relationship between parents and children (Temeljni zakon o razmerju med starši in otroki, TZRSO, OJ 104/47).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Under the ZZZDR from 1976 parental rights and responsibilities do not rely on partnership status of the parents, therefore in case the partners split up statutory rules on parental responsibility apply.</p> <p>Under the TZRSO from 1947 in case of divorce the parental right is exercised by the parent to whom the child is entrusted to custody. If the other parent does not agree with a procedure or measure, he/she must inform the competent authority that decides on the dispute.</p>		<p>Explanations and nuances: Parental rights and responsibilities do not rely on partnership status of the parents, therefore in case the partners split up statutory rules on parental responsibility apply.</p> <p>Since 2011 second-parent adoption by a registered partner is possible (see question 3.9). Until then two registered partners could not both have parental authority over a child.</p>		<p>Explanations and nuances: DIFFERENT-SEX. Parental rights and responsibilities do not rely on partnership status of the parents, therefore in case the partners split up statutory rules on parental responsibility apply.</p> <p>Under the TZRSO from 1947 children born out of wedlock have the same rights and duties towards their parents as children born in marriage (art. 3 of the TZRSO).</p> <p>SAME-SEX. Since recently second-parent adoption by a same-sex cohabitant may be possible (see question 3.9).</p>	