Divorce and legal separation

Fínsko

1 What are the conditions for obtaining a divorce?

Divorce petitions are handled by district courts (käräjäoikeus). Either spouse or both spouses together can file for divorce.

Divorce can be granted after a six-month cooling-off period. No cooling-off period is required if the spouses have lived separately for at least two years before filing for divorce.

2 What are the grounds for divorce?

There is no need to list reasons for wanting a divorce in the petition. District courts do not examine the personal relations of the spouses or the reasons for filing for divorce. See question 1.

3 What are the legal consequences of a divorce as regards:

3.1 the personal relations between the spouses (e.g. the surname)

The spouses keep their married surname upon divorce. If a spouse's surname has changed as a result of marriage, he or she can apply for it to be changed after the divorce.

3.2 the division of property of the spouses

The granting of a divorce and the division of property are separate matters. Once a marriage is dissolved, the spouses can agree on the division of property between themselves or ask a court to appoint an executor. The general rule is that all assets of the spouses are divided equally. The general rule can be deviated from on the basis of a prenuptial agreement or similar. The division can also be adjusted if the outcome would be considered unreasonable otherwise. Marital property can be divided as soon as the cooling-off period begins.

3.3 the minor children of the spouses

Matters such as custody, living arrangements, maintenance and visiting rights regarding any minor children that the spouses have together can be settled in conjunction with a divorce petition. See 'Parental responsibility - Finland' and 'Maintenance claims – Finland'.

3.4 the obligation to pay maintenance to the other spouse?

When granting a divorce, the court can, upon application, order one spouse to pay maintenance to the other if this is considered to be reasonable. (See 'Maintenance claims - Finland'). However, this happens rarely.

4 What does the legal term "legal separation" mean in practical terms?

The Finnish legal system does not recognise legal separation. In practice, legal separation means that the spouses live separately, at different addresses.

5 What are the conditions for legal separation?

See question 4.

6 What are the legal consequences of legal separation?

See question 4.

7 What does the term "marriage annulment" mean in practice?

There are no provisions on marriage annulment in Finnish legislation. However, the public prosecutor must bring a case for the spouses to be granted a divorce immediately should it come to light that the spouses are close relatives or that one of the spouses was already legally married at the time of entering into the marriage.

8 What are the conditions for marriage annulment?

See question 7.

9 What are the legal consequences of marriage annulment?

See question 7.

10 Are there alternative non-judicial means for solving issues relating to the divorce without going to court?

Divorce petitions must always be filed with a district court. However, the law stipulates that spouses must always strive to settle any family disputes first by negotiating and coming to a mutual agreement; to do so, spouses can request assistance from the family mediators of their local social services board (sosiaalilautakunta) District courts also have a duty to inform spouses that a family mediation service is available. Mediators try to help spouses to reach a mutual understanding on how family disputes can be resolved in the most satisfactory way for all family members. Mediators can also assist spouses in drawing up agreements and in initiating other procedures for resolving a dispute. Mediators have a special duty to consider the interests of any minor children in the family. Mediation is always voluntary.

11 Where should I lodge my application (petition) for divorce/legal separation/marriage annulment? Which formalities must be respected and which documents should I attach to my application?

Both spouses can file for divorce jointly, or one of the spouses can file individually. To file for divorce, a written divorce petition must be submitted to a district court in a locality where either of the spouses has his or her place of residence. Divorce petitions can be filed in person or via an authorised representative. Petitions can also be sent to the district court by post, fax or e-mail.

12 Can I obtain legal aid to cover the costs of the procedure?

Legal aid is available for divorce cases. More information on legal aid in Finland is available here.

13 Is it possible to appeal against a decision relating to divorce/legal separation/marriage annulment?

Judgments of divorce can be appealed in a Court of Appeal (hovioikeus).

14 What should I do to have a decision on divorce/legal separation/marriage annulment issued by a court in another Member State recognized in this Member State?

As a rule, the recognition of a divorce judgment issued in another Member State is based on Council Regulation (EC) No 2201/2003.

Under the Regulation, a judgment given in a Member State is recognised in the other Member States without any special procedure being required. However, any interested party may apply for a decision that the judgment be or not be recognised.

Applications regarding the recognition of judgments are handled by district courts.

However, in the case of divorces filed in Nordic countries, the Nordic Marriage Convention of 1931 is applied. In terms of European Union Member States, parties to this Convention include Finland, Sweden and Denmark. A divorce judgment given in accordance with the Nordic Marriage Convention is valid in all Nordic countries without any separate confirmation.

15 To which court should I turn to oppose the recognition of a decision on divorce/legal separation/marriage annulment issued by a court in another Member State? Which procedure applies in these cases?

The procedure is the same as that described in question 14.

16 Which divorce law does the court apply in a divorce proceeding between spouses who do not live in this Member State or who are of different nationalities?

Finnish law is applied to all divorce cases that are filed in Finland.

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