

2 Marriage & Partnership

2.1 Dissolution of marriage

Marriage may be terminated in Liechtenstein by:

- annulment
- divorce
- separation

2.1.1 Declaration of invalidity

The marriage may be declared invalid by the court, in particular if it was entered into, solely for the purpose of acquiring citizenship, or the purpose of residence. In addition, for other serious reasons, such as bigamy, consanguinity, impotence, deception or the like.

2.1.2 Divorce

2.1.2.1 Divorce by mutual consent

The marriage can be annulled by mutual consent of the spouses if they have been married for at least one year and both parties consider the marriage to be broken. In order to avoid rash divorces, it is necessary for the spouses to have agreed in full, on all the ancillary consequences of the divorce (children, maintenance, property, marital home, household goods). The reasons for divorce do not have to be presented to the court, as the fault for the failed marriage is not relevant.

The spouses can file a joint request for a divorce by mutual consent with the court. At the divorce hearing, the parties are questioned both separately and jointly.

If the court is assured, that the request for divorce and the divorce agreement are based on the free will of both parties, then the agreement can be approved. The divorce is pronounced by way of order.

2.1.2.2 Divorce based on separation

In the event, that the spouses do not agree on the consequences of the separation an action for divorce may be considered, if the marital community has been dissolved for at least three years. Dissolution of the marital community is understood to mean, that the spouses' personal points of contact have largely been eliminated, even if they still live together but no longer share a common household or a common life plan.

2.1.2.3 Divorce on grounds of unreasonableness

A spouse may file for divorce before the expiry of the three-year period if he or she cannot reasonably be expected to continue the marriage for substantial reasons. The decisive factor is always, whether the effects are nevertheless felt in an unreasonable manner despite living apart. Recurrent threats, stalking, severe physical attacks or constant humiliation as an expression of disrespect towards the partner are substantial reasons that can justify unreasonableness.

In all divorce variants, the consequences of separation (maintenance, children, housing, assets, etc.) must be settled. If no divorce agreement is reached within the proceedings, the court decides on the points of dispute or can order judicial mediation.

2.1.3 Marital separation

Marital separation takes place under the same conditions and according to the same procedure as divorce. In contrast to divorce, however, the marriage bond remains in place, i.e. the spouses are still considered to be married. The judicial separation decision loses its effect if the separated spouses resume the marital union and jointly notify the court thereof.

2.2 Dissolution of a cohabitation (partnership)

A man and a woman enter into a concubinate agreement informally. The legislator does not establish rules for justification or cohabitation. This can also be terminated informally. Maintenance obligations for the partner or other secondary consequences of the separation (e.g. property issues) are not triggered unless they have already been regulated in a cohabitation agreement for the case of separation.

2.3 Dissolution of a registered partnership

Regarding the dissolution of a registered partnership, the Partnership Act basically follows the regulations of the Marriage Act. This can take place upon joint request or by legal action (after living apart or due to unreasonableness). As in the case of divorce or separation, the collateral consequences (maintenance, housing, assets, pension fund, etc.) must be settled. If no amicable settlement is reached, the court decides in the dissolution decree.

Unlike the Marriage Act, the lawsuit can already be filed after one year of separation (dissolution of the domestic partnership). The regulations of the divorce proceedings apply to the dissolution proceedings correspondingly.