



# Duo Guide to Intercultural Divorce in Finland





# Duo

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Duo for Intercultural Families (Familia ry)

[en.duoduo.fi](http://en.duoduo.fi)

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# Introduction

There are over 70 000 intercultural couples living in Finland today (Statistics Finland 2015). About half of the families have children. Adults and children combined, almost 300 000 people live in intercultural households. The number of intercultural families has tripled in twenty years and the number increases steadily.

Along with the increasing number of new intercultural unions, there are also an increasing number of intercultural divorces. Every year, more than 10 000 marriages are dissolved in Finland and among those divorces, there are hundreds of intercultural ones. For example, in 2013, there were 13 766 divorces in Finland, out of which 1921 (or 14 %) were intercultural (Statistics Finland 2014).

An intercultural divorce is in many ways similar to any divorce: a divorce launches people into uncharted waters and is a highly stressful life event. Everything in a person's life is disrupted: routines and responsibilities, matters related to home and relationships with extended family and friends. Uncertainty about the future can be hard to bear and people with children worry about the effect the divorce will have on their well-being. An intercultural divorce, however, may involve additional challenges that relate to the international aspect of an intercultural divorce.

This compact guide to intercultural divorce was written as part of Duo, a four-year project (2013–2016) administered by Familia ry and financed by RAY. We hope it goes some way of helping to navigate the upheaval of an intercultural divorce. Special thanks go to Silke Jungbluth for the many hours she spent compiling the information and for her invaluable help in bringing this project to completion.

In Helsinki, 11 November 2015

**Hanna Kinnunen**

Project Manager, Relationship Counsellor

*Duo was a four-year project (2013–2016) administered by Familia ry and financed by RAY.*

*Duo secured permanent funding since the beginning of 2017 and continues its activities as part of Familia ry.*

*Duo aims its activities to intercultural couples and families living in Finland.*

*There are over 70 000 intercultural couples and families living in Finland today*

*(Statistics Finland 2015). The number of intercultural families has tripled in twenty years.*

*About half of the families have children. Adults and children combined, about 300 000 people live in intercultural households.*

*The term intercultural couple/family is used to describe families comprised of partners born in different countries.*

*For more information visit Duo's website [en.duoduo.fi](http://en.duoduo.fi) (in English) and [duoduo.fi](http://duoduo.fi) (in Finnish).*

# Intercultural divorce

In a divorce, both partners often find themselves facing numerous legal and emotional hurdles. While the situation is usually not easy for any of the involved parties, partners from abroad might encounter additional problems such as the language barrier, unfamiliar bureaucratic procedures and the question whether they can and want to stay in Finland after the divorce. Unfortunately, a big part of the information on those issues is only available in Finnish.

The purpose of this Duo guide to intercultural separation and divorce is to provide basic information about the divorce process in Finland for English-speakers. The guide is divided into six sections: How can I get divorced?, Children in a divorce, Property distribution, Staying in Finland, Legal help, and Emotional and psychological help. Each section contains a summary of the most important aspects, as well useful links to external sources and quotes from people who have gone through an intercultural divorce.



## How can I get divorced?

### FILING FOR A DIVORCE

Divorces in Finland are filed directly at the district court (*käräjäoikeus*) of your area of residence. A divorce needs to be filed using the application form provided by the court. The filled form can be handed to the court either in person, by post, or through an authorized third person. Either of the partners can file a divorce separately – also against the will of the other partner – or they can file it together. If only one partner files the divorce, the court informs the other partner, usually through a bailiff or by post. At the same time, he or she can then issue a written response. When filing for a divorce, you do not have to tell the court about the reasons for the divorce.

## RECONSIDERATION PERIOD

There is usually a six month reconsideration period (*harkinta-aika*), during which you and your spouse are supposed to think about whether you really want to end the marriage. It begins on the day the divorce was filed (in case both partners filed it together), or on the day the other partner was informed about the divorce application (in case only one of you filed for the divorce). The reconsideration period is obligatory, so you cannot skip it, even if you are sure about the divorce. During that period, you and your partner can either live together or separately.

Once the six months are over, you can proceed by either applying for the final divorce or withdrawing your previous divorce application if you decide to stay together. If you decide to apply for the final divorce, you must do so within six months after the reconsideration period ends – otherwise the divorce process will be dropped. Your divorce will be granted even if your partner does not want to separate.

If you and your partner have been living separately for at least two consecutive years, you can file for the divorce immediately and without the reconsideration period. When doing so, you need to prove that you have lived separately, for example by presenting an excerpt from the Population Information System (*Väestörekisterikeskus*).

## MOVING OUT

If you or your partner are moving out of your shared accommodation, you can file an order for the end of cohabitation at the same time as filing for the divorce. An agreement will be made about who gets to stay in your common home. You can also check with KELA whether the changing living accommodation situation entitles you to housing benefits.

*“My problem was when I was looking for a place. When I had to move out, within one month. Because I lived with her. That was quite stressful.”*

## FURTHER INFORMATION

- **Infopankki.fi** provides information about all aspects of life in Finland, including family matters, marriage and divorce.
- On **Suomi.fi**, you can find information on administrative issues as well as printable forms. Some administrative services are also offered online.
- **Oikeus.fi** provides detailed summaries about the legal processes in Finland in all matters.
- **Apuaeroon.fi** website (Finnish only) offers information on divorce, and links to further information.
- **Neuvokeskus** has created Eroetki.fi, an interactive database about divorce. You can read up on helpful tips, evaluate your feelings in a quiz and discover the divorce from the perspective of your child (Finnish only).
- Find interesting articles on divorce issues on the **Eroperhe.fi** website (Finnish only).
- Looking for an apartment? **Expat-finland.fi** has collected a list of housing search engines as well as a guide on how to use them.

# Children in a divorce



## CHILD CARE AGREEMENT

Already at the very beginning of the divorce process, it is important to agree on how affairs concerning the children in the family will be handled. The most important points to decide on are the child custody, the child's place of residence, visitation rights, and the child support.

Usually the parents sign a written agreement in which they agree on the arrangements concerning the children after the divorce. You should take care of this agreement as early during the divorce process as possible, as divorces can be quite lengthy, and both parents should be able to maintain contact with the children also during that time. The agreement can be free-form and informal; however, it is highly recommendable that you formalize the agreement by taking it to the Social Welfare Board (*sosiaalilautakunta*) of your municipality, who will check that the agreement does not violate the rights of the child.

A formalized agreement is legally binding and thus provides more security. Your municipality's child welfare supervisor (*lastenvalvoja*) can also assist you in drafting the agreement. If there is more than one child in the family, things will be agreed on for each child individually. If the life situations of the parents or the child change, the court or social service point can agree to amendments to the original agreement.

Parents should always try to reach a compromise by themselves and ensure that the children have the chance to spend enough time with both of parents. Sometimes, however, an agreement cannot be reached. You can then apply for a juridical decision; if only one of the partners applies for it, the other spouse is informed and given time to write a statement indicating their agreement or disagreement. In case of disagreement, the case will be brought to a preparatory court hearing and, if necessary, to trial. If you are unhappy with the court's decision, you can appeal it afterwards to a court of appeal.

*"We don't talk to each other at all. I mean, there's no communication, unless it's some emergency. [...] And hopefully for other parents, it doesn't have to be that way, because I think the ones that suffer are the kids."*

## COURT MEDIATION

The court can suggest child custody mediators that will try to sort out the situation with both partners before a hearing becomes necessary. Those kind of court mediations are voluntary and can only be carried out with the consent of both partners. Agreements drafted and signed during these mediation sessions are legally binding documents. You can also apply for the mediation service at the district court yourself, even when the trial has already begun. The costs for the mediation will be split between the two divorcees. You can request free expert assistance from your home municipality, or you can hire a lawyer to assist in the mediation.

## CHILD CUSTODY

Child custody (*huoltajuus*) means that the custodian has the right and duty to make decisions concerning the underage child. Several arrangements are possible, and the parents should always consider the best interest of the child when agreeing on one form of custody. A very common custody arrangement is the joint custody (*yhteishuoltajuus*). Both parents equally have the right to access information about the child and make decisions concerning, for example, health care and school. A more specific form of joint custody with a clear distribution of rights and duties can also be arranged under the supervision of a court. In case of a sole custody (*yksinhuoltajuus*) arrangement, only one of the parents is holding the custody and decision making rights for matters concerning the child. However, the sole custodian needs to ensure that the child and the other parent have the chance to maintain a strong relationship. Even in a sole custody arrangement, the other parent usually still has visitation rights.

*“The first component that we dealt with, and the most important one, was the child custody. We had to get that in place immediately, because I had to move out right away, and we needed to make an arrangement about where the kids are going to be.”*

The question of custody is not the same as the question of the child’s residence; the permanent residence can also be registered for example with the parent not holding the custody.

## PLACE OF RESIDENCE

The child’s registered place of residence is relevant for example in questions of KELA housing allowance and child benefits. The child can officially only have one place of residence; however, it is possible for the parents to agree that the child spends equally much time at each spouse’s house (*vuorotteleva asuminen*). Usually the parent living with the child (*lähivanhempi*) will receive child support from the other parent (*etävanhempi*).

## VISITATION RIGHTS

Every child has the right to maintain contact with both of his or her parents, also in the case of a divorce. The Finnish law does not give specific instructions about the implementation of the visitation rights (*tapaamisoikeus*), but details should be discussed and agreed upon between parents. It pays off to be specific about the visitation rights in the agreement. You and your ex-spouse should try to be flexible and not prevent your child’s contact with the other parent.

*“The contact is important, you know. I think that the kids should have their own phone. And the parents should be able to call the kids when they want to.”*

The Finnish law only contains the visiting right for parents, but remember that relationships with other family members, such as grandparents, are also very important to the child. All decisions should be made in the child’s best interest and, if possible, with regard to the child’s own wishes. Also, you

should never put your child in a position where they have to decide between you and your ex-spouse. Visiting rights apply also in a sole custody arrangement

If your partner does not follow the agreement, or other problems with the visiting rights occur, you can contact your municipality's welfare supervisor for help. A joint meeting with both parents will then be arranged. If you are concerned about the safety of your child while she or he is with the other parent, contact the social service centre relative to your home address. In some cases, you can agree that the child will meet her or his other parent in the presence of a third person; the municipality offers special premises for this.

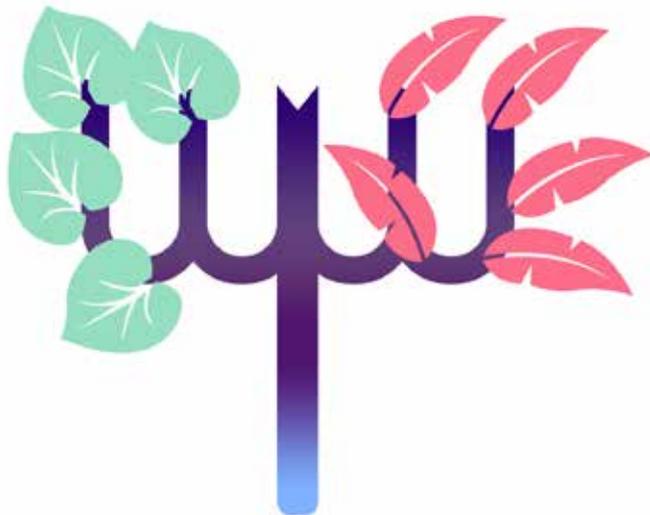
## CHILD SUPPORT

After a divorce, both parents remain responsible for the child's maintenance, regardless of the custody arrangement. Usually the parent not living with the child has to pay child support (*elatusapu*) to the other parent. The exact amount of child support will be determined regarding among others the parents' income, housing costs and other assets, as well as the child's ability to care for their own maintenance. If one of the partners fails to pay the child maintenance as agreed in the child support arrangement, KELA can pay maintenance support (*elatustuki*) to the other parent; however, this money will then be added up as debt for the parent who could not pay his or her part of the child support. Note that new partners are not legally responsible to provide for their spouse's children from previous marriages; the responsibility falls solely to the parents.

## ASSOCIATIONS FOR DIVORCE FAMILIES AND SINGLE PARENTS

- **Yhden Vanhemman Perheiden Liitto ry** offers information and activities for single parent families in Finland. On their website, you can also find details on the calculation of the child support in English.
- **The Single Parent Association (Pienperheydistys ry)** offers support and peer activities for single parents and their children. They also offer facilities for non-residential parents to meet with their children under supervision.
- **Päksy ry** is an association for single parents in the Helsinki area. They offer "multicultural living room"-meetings in cooperation with Familia ry and other associations, where multicultural parents and single parents can meet and chat once a month.
- **Hyvä Erovanhemmuus ry** is an association advocating for the well-being of divorced parents and their children (website in Finnish only).
- **Elatusvelvollisten Liitto ry** is for those parents who, after a divorce, are not living in the same household as their children anymore (website in Finnish only).
- **Fathers for children (Isät Lasten Asialla ry)** is an association specifically for fathers who have experienced alienation and custody harassment, meaning their rights of being in contact with their children have been violated.
- **Lastensuojelu.info** is an info website created by the Central Union of Child Welfare that provides information on child welfare to immigrants in Finland in nine languages.

- The **Finnish Association for Child and Family Guidance (Suomen Kasvatus- ja Perheneuvontaliitto)** advocates for the well-being of families and works closely together with other family associations.
- **Save the Children Finland (Pelastakaa lapset ry)** is an NGO for children’s rights and wellbeing. They also give advice about the rights of children and parents in case of a divorce.
- More information and useful tips on parenthood after a divorce are collected in the **“A Parent’s Guide”** brochure published by Neuvokeskus. You can download the PDF-file from the Duo website (menu section: “Library”, sub page “Guides and tips”).



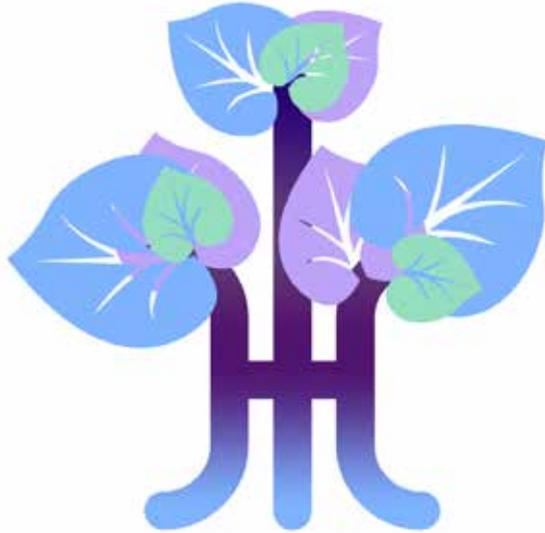
## Property distribution

### DISTRIBUTION OF ASSETS

The distribution of matrimonial property and assets (*ositus*) is already possible during the six month reconsideration period, as well as some time after the final divorce paper has been signed. If possible, you agree with your partner on how to share marital property after the divorce. You can write an agreement that needs to be signed by both of you under the eyes of two witnesses, or you can set up an official agreement with a lawyer. If you cannot reach an agreement, you have the possibility of asking a court administrator (*pesänjakaja*) to distribute the assets for you; if you disagree with his or her distribution, you can appeal at court.

In case you have signed a marital contract (pre- or postnuptial agreement), the division of property will be carried out in accordance with what is stated in the agreement.

Especially in cases of intercultural divorce, the distribution of assets can become quite complicated if the partners own property in a different country. If you are consulting a lawyer, it is recommendable to find one with expertise in the field of international divorce.



## Staying in Finland

### VISA AND RESIDENCE PERMIT

When you decide to separate from your partner in Finland, many existential questions can come to mind. Do I want to stay in Finland? Can I stay in Finland? Do I have to go back to my home country? What are my options?

It depends on the individual case whether your residence permit can be renewed after a divorce.

If you are in the process of applying for a residence permit based on family ties, you need to inform the Finnish Immigration Service (*Maahanmuuttovirasto*)

right away in case of a divorce or other changes in family relations. If you have a child or you are working or studying in Finland, it is generally easier to be granted an extension of the residence permit. The police will also evaluate how well you have integrated into Finnish society. Also the circumstances of the divorce are taken into account when you apply for the extension. In any case, it is recommendable to arrange an appointment at the police as early as possible to clarify your case.

You also have the possibility to meet with the consul of your country's embassy in Finland. They can give advice about country-specific regulations and often also about your visa situation.

*"I was really afraid of getting deported, even with the job here. Of course, that fear comes to your head once you are a foreigner, and you're not from the European Union. [...] Of course it's not that easy to get deported, but you don't know, you never know."*

### ASK ABOUT YOUR CASE

- Detailed information on the extension residence permits can be found on the website of the Finnish Immigration Service (*Maahanmuuttovirasto*), [www.migri.fi](http://www.migri.fi)



*"If I tallied up the total costs for both lawyers and everything, it's probably over several tens of thousands of euros for this. For something that, in my opinion, could have been decided just between us."*

## Legal help

### DO I NEED A LAWYER?

Although divorces in Finland are usually filed and processed at the district courts, not all cases have to be dealt with in a trial. The easiest and cheapest way for both partners is to find a compromise and come to an agreement by themselves, and to ensure mutual understanding.

However, sometimes the divorcing partners cannot agree on a common solution. If you or your ex-spouse take the divorce case to trial, or a decision is formally appealed to court, you are usually required to hire a lawyer. You might also want to consult a lawyer or a legal assistant for drafting up the agreement on property distribution and the child care agreement. A legal assistant can either be a private lawyer, a private attorney, or a public legal aid attorney.

Most of the divorce process will be conducted in Finnish; however, you can request translation services from the court. When you hire a lawyer, make sure that he or she speaks English and has experience in international divorce cases. Some lawyers might even offer services in your mother tongue.

### LEGAL AID

If you cannot afford to pay for a lawyer, you might be entitled to legal aid (*oikeusapu*) from the state. The costs for legal assistance, translations, and possible court fees will be covered fully or partly, depending on your income. Your legal assistant can help you with the application for legal aid, or you can turn directly to the public legal aid offices. If you have an active legal expense insurance policy, you are usually not entitled to legal aid.

When receiving legal aid, in most cases your court fees are waived, so you do not have to pay them. However, if you lose the case and have to pay compensation to the other party, the legal aid usually does not cover for that.

## FURTHER INFORMATION

You can also ask for counselling services (*kasvatus- ja perheneuvonta*) at the public health centers (*terveyskeskus*) and family neuvolas (*perheneuvola*).

- Need a lawyer? You can use the search engine of the **Finnish Bar Association** to find a lawyer operating in your preferred language.
- Need legal aid? You can find a **database for legal aid offices** on the Ministry of Justice's website.
- **Finlex.fi** offers information on the Finnish legal system as well as English translations of law texts.
- **Lakiopas.fi** is a Finnish language online guide for legal issues; you can also find several legal forms here (Finnish only).



# Emotional and psychological help

## FINDING SUPPORT

Going through a divorce can be very difficult, especially when you are far away from your family and friends. You might find it difficult to talk about your feelings, or feel misunderstood and alone in your current situation. Maybe you also worry about your future or that of your children, or you feel overwhelmed with the new situation.

It often helps to talk about your worries and thoughts with people who have gone through the same, or with professionals who can help you get back on track. Below, you can find a list of different support and counselling services.

## PHONE AND WEB COUNSELLING

Many associations offer counselling services and emotional support online or by phone. These services are very discrete and preserve your anonymity, and you can arrange them quite flexibly around your own time schedule.

- **The Finnish Association for Mental Health's National Crisis Hotline** offers free phone counselling on weekdays and weekends. Discuss your thoughts, feelings and situation in life with a crisis worker or a trained volunteer by calling to *01019 5202*.
- Yhden Vanhemman Perheiden Liitto's **Eroinfopäivystys** is a phone service providing information about all matters concerning children in divorces, such as custody, child support and the child's place of residence. You can reach it from Monday to Thursday 10am-4pm, and on Wednesday 10am-7pm, by dialling *020 774 9800*. A small fee is charged for every call.
- The website **perheaika.fi** offers web chats on all kinds of family-related topics, for example for single parents. You can also find forum discussions on different aspect of parenthood. The website is in Finnish.
- Mannerheimin Lastensuojeluliitto operates the **Vanhempainpuhelin**, a free peer support hotline for parents. The service is available on weekdays from this number: *0800 92277*. You also contact them via their **Vanhempainnetti** web service.
- **Tukinet.fi** is a web service offering discussion groups, live chats with peers and experts, and search engines to find information and support in all kinds of circumstances. The website operates in Finnish.
- The **Family Federation of Finland (Väestöliitto)** provides counselling and therapy sessions concerning family matters, relationships, as well as sexual health, both in person and on the phone. You also have the possibility to book free online counselling sessions with a psychologist.

## COUNSELLING AND FAMILY MEDIATION SERVICES

Counselling services are suitable for both individual people and couples or families. Other than professional therapy sessions, counselling is often free of charge. The social welfare services of your home municipality are, for example, required by law to provide free family mediation. You can also ask for counselling services at the public Health Centres (*terveyskeskus*). If you are worried about the mental well-being of your child, you can contact the school psychologist at their school or the child welfare supervisor of your municipality.

- The **Finnish Lutheran Church** offers support and counselling for families and individual people, regardless of their confession. Family counselling is offered by most parishes, and by the Helsinki Deaconess Institute (Helsingin Diakonissalaitos). If your parish doesn't offer family counselling, they can refer you to one that does.
- **Katja ry** offers relationship counselling, support groups and other activities for couples in Finland.
- **Eläkelitto** offers peer support and divorce counselling specifically for people aged over fifty.

## PEER SUPPORT GROUPS

Peer support groups (*vertaistukiryhmät*) provide the possibility to meet and talk with people who are in the same situation as you. You might find new perspectives, good advice, or just an open ear.

- **Neuvokeskus** offers Finnish-language peer support groups for divorcees, as well as a “Neuvo-kahvila” (Counsel Café) where you can meet other people sharing your situation. You are welcome to participate even if you’re not fluent in Finnish.
- **Miessakit ry** organizes peer support groups for men. You can contact their Erosta Elossa-service to find out more about divorce groups, individual discussions and counselling in case of a divorce.
- **Apuaeroon.fi** website provides the most comprehensive list of peer groups and other divorce services all over Finland (in Finnish only).
- **Päksy ry** offers “multicultural living room” meetings in cooperation with Familia ry and other associations, where multicultural parents and single parents can meet and chat once a month.
- It is also possible to find some privately organized divorce groups, for example at your local *Työväenopisto*. However, they sometimes charge quite heavy fees.

## MENTAL HEALTH AND PSYCHOLOGICAL HELP

If you feel that you need professional help, it is good to contact an expert as early as possible. Psychological help is available both from public and private health care centres. Therapy sessions are usually charged.

- Do you need professional psychological help? Find a therapist at **terapeutit.fi** (website in Finnish only).
- The **Finnish Central Association for Mental Health (Mielenterveyden keskusliitto)** offers peer support, counselling as well as seminars for mental health problems.
- **Nyyti ry** offers diverse online and offline mental health services for students. You can find them at [www.nyyti.fi](http://www.nyyti.fi) (website in Finnish only).
- **The Finnish Association for Mental Health (Suomen Mielenterveysseura)** offers crisis counselling in Finnish, Swedish, English and if necessary through an interpreter in the client’s mother tongue. Counselling is cost free and it’s possible to make the contact anonymous. For more information, call the crisis hotline: *09 4135 0501*.

## DON'T HESITATE TO ASK FOR HELP

We hope that you find this Duo Guide to Intercultural Divorce in Finland informative. We hope it helps you to understand the general process of a divorce and provides useful sources of other information and further reading. Remember, though, that each situation and divorce is unique, and certain procedures may differ from the general process. Therefore, it is advisable to make use of available support systems - your family and close friends – as well as the services of professionals in order to find the best solution for everyone involved (the best solution might not always be the easiest one). Accept that it’s probably going to take a while to get over the divorce which is one of the most traumatic experiences we can undergo, and that it’s only natural to feel at a loss for a while. Don’t hesitate to ask for help.

# Glossary

## Divorce terms (Finnish – English)

|                               |   |
|-------------------------------|---|
| asianajaja                    | lawyer                                  |
| avioero                       | divorce                                 |
| avioliitto                    | marriage                                |
| elatusapu                     | child support                           |
| elatuslaki                    | child maintenance support paid by Kela  |
| etävanhempi                   | parent living separately from the child |
| harkinta-aika                 | reconsideration period                  |
| kärjäjäoikeus                 | district court                          |
| lapsen huoltajuus             | child custody                           |
| lastensuojelulautakunta       | child welfare board                     |
| lastenvalvoja                 | child welfare supervisor                |
| lähivanhempi                  | parent with whom the child is living    |
| maahanmuuttovirasto           | immigration service                     |
| neuvo                         | counselling                             |
| oikeusapu                     | legal aid                               |
| omaisuus                      | property                                |
| ositus                        | distribution of assets                  |
| perheasioiden sovittelu       | family mediation                        |
| perheneuvola                  | family counselling office               |
| pesänjakaja                   | court administrator                     |
| sosiaalilautakunta            | social welfare board                    |
| tapaamisoikeus                | visitation right                        |
| vertaistukiryhmä              | peer support group                      |
| yhteishuolto/yhteishuoltajuus | joint custody                           |
| yksinhuolto/yksinhuoltajuus   | sole custody                            |