

LEGAL BRIEFING FOR INTERNATIONAL CLIENTS

Family Law in Iceland

Marriage, divorce, children, adoption and estates — what international families living in or moving to Iceland need to know.

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INTRODUCTION

Family Life Across Borders

For the thousands of international families living in Iceland — and the Icelandic families with connections abroad — family law questions almost always have a cross-border dimension: which country's courts decide, which law applies, whether a foreign marriage, divorce or custody order is recognised, and how assets in several countries are divided. Icelandic family law is modern and administratively efficient, but it contains features that regularly surprise foreign nationals — above all the limited legal protection of unmarried cohabitation and the equal-division rule on divorce. This briefing sets out the essentials.

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starting point: equal division
of net marital property

Joint

joint custody is the default
on divorce and separation

Hague

Iceland applies the Hague
child-abduction convention

Limited

rights of unmarried
cohabitants — plan ahead

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PART I — MARRIAGE & COHABITATION

Getting the Legal Foundations Right

Marriage

- **The Marriage Act No. 31/1993** governs all marriages; Iceland has had a single, gender-neutral marriage law since 2010. Foreign marriages are generally recognised if validly concluded where celebrated.
- **Marital property.** Marriage creates deferred community property: each spouse manages their own assets during the marriage, but on divorce or death the net value is as a rule divided equally — regardless of whose name assets are in.
- **Marriage contracts (kaupmáli).** Spouses may designate assets as separate property by a marriage contract, which must be formally executed and registered with the district commissioner to be valid — including against creditors. For international couples with pre-marital assets, businesses or expected inheritances, a kaupmáli is the single most valuable planning step.

Unmarried cohabitation — a warning

Registered cohabitation (skráð sambúð) gives couples certain rights in tax, social security and parental matters — but it creates **no marital property regime, no right to equal division and no statutory inheritance right**. On separation, each keeps what they own; on death, a surviving cohabitant inherits nothing without a will. Foreign couples often assume “common-law marriage” protections that Icelandic law simply does not provide.

Planning checklist for international couples

- 1 Married: consider a registered kaupmáli for pre-marital and inherited assets.
- 2 Cohabiting: make a cohabitation agreement and mutual wills — there is no default protection.
- 3 Assets abroad: align Icelandic planning with foreign property and succession regimes.
- 4 Moving to or from Iceland: review which country's rules will govern before the move.

PART II — DIVORCE

Separation, Divorce and Dividing the Assets

The two-step process

- **Legal separation first.** The standard route is legal separation (skilnaður að borði og sæng), followed by final divorce after six months where the spouses agree, or after one year otherwise. Direct divorce is available in defined cases, including infidelity and violence.
- **Administrative or judicial.** Where spouses agree on the terms — division, custody, child support and contact — the entire divorce is handled administratively by the district commissioner (sýslumaður), quickly and privately. Contested issues go to the courts.

Financial division

- **Equal division is the rule.** Net marital property is divided equally, subject to separate property under a kaupmáli and statutory exceptions.
- **Deviation (skáskipti).** The court may deviate from equal division where it would be manifestly unfair — typically short marriages where one spouse brought in substantially all the assets or received inheritance — a narrow but important safety valve.
- **Pensions and maintenance.** Each spouse generally keeps their own pension rights; ongoing spousal maintenance after divorce is rare and short-term by international standards — a critical difference from many common-law jurisdictions.
- **Formal division.** Contested divisions are conducted through public division proceedings (opinber skipti) under Act No. 20/1991, administered by a court-appointed administrator — including where assets, companies or property abroad are involved.

Cross-border divorces

Jurisdiction typically follows residence, and international couples may have a genuine choice of forum — with materially different financial outcomes depending on where proceedings are brought. Recognition of Icelandic divorces abroad, and foreign divorces in Iceland, is generally straightforward but should be confirmed early, particularly where maintenance or property orders must be enforced across borders.

PART III — CHILDREN

Custody, Contact and Cross-Border Protection

- **The Children Act No. 76/2003** governs custody (forsjá), residence and contact. Joint custody continues as the default on divorce or separation; the child's best interests govern every decision, and children have a statutory right to be heard in accordance with age and maturity.
- **Residence and contact.** The child's legal domicile is with one parent (or shared where agreed); the other parent and the child have a mutual right to contact (umgengni), which the district commissioner can fix and enforce.
- **Child support (meðlag)** is payable at a statutory minimum, with supplements ordered by reference to the parents' means; collection is administered efficiently through a public agency.
- **Disputes.** Custody and residence disputes are decided by the courts with expert input; mediation is mandatory before litigation — a settlement-oriented system in which experienced counsel makes a measurable difference.

Cross-border child matters

- **Relocation.** A parent may not move a child abroad without the consent of a co-custodial parent or a decision of the authorities — a rule that catches many international families by surprise and must be addressed before, not after, a move.
- **Child abduction.** Iceland applies the 1980 Hague Convention (Act No. 160/1995): children wrongfully removed to or retained in Iceland are as a rule returned promptly to their state of habitual residence, and Icelandic authorities assist parents seeking return from abroad. These proceedings are fast, technical and unforgiving of procedural missteps — specialist counsel should be engaged immediately.
- **Recognition.** Foreign custody and contact orders are recognised and enforceable in defined circumstances; parallel proceedings in two countries call for coordinated strategy.

PART IV — ADOPTION & ESTATES

Adoption, Parenthood and What Happens on Death

Adoption and parenthood

- **Adoption** is governed by the Adoption Act No. 130/1999: applications are examined by the district commissioner with the involvement of the child-protection authorities; step-parent adoption is the most common form in practice, and inter-country adoption proceeds through accredited bodies under the Hague adoption framework.
- **Parenthood.** Statutory rules determine paternity and parental status, including for children conceived by assisted reproduction; establishing or contesting paternity is handled through administrative and court procedures. Surrogacy is not permitted under Icelandic law, and parental status following surrogacy abroad raises complex recognition issues on which early advice is essential.

Family law meets inheritance law

- **Forced heirship.** Under the Inheritance Act No. 8/1962, a surviving spouse and children are statutory heirs, and two-thirds of the estate is reserved for them; testamentary freedom covers only one-third where forced heirs exist — a fundamental difference from common-law jurisdictions.
- **The undivided estate (óskipt bú)** allows a surviving spouse to postpone division and remain in possession of the joint estate, subject to consent requirements where the deceased had children from previous relationships — a frequent flashpoint in blended international families.
- **Wills and planning.** Wills must satisfy strict formal requirements; for families with assets or heirs in several countries, coordinated Icelandic and foreign wills, kaupmáli arrangements and beneficiary designations prevent the costly disputes we are otherwise engaged to litigate.

PART V — OUR PRACTICE

Experienced, Discreet, Cross-Border

Family and estate-division law has been a core practice of MAGNA and its predecessor firms for decades. Out of respect for our clients' privacy — and because Icelandic family judgments are published anonymised — we do not cite individual family cases in marketing materials. The shape of the practice speaks for itself:

- **Full-scope family litigation** — divorce, financial division, custody, residence, contact and paternity proceedings before the district commissioners and at all court levels, including public division proceedings involving businesses, real estate and assets abroad.
- **Estate division and inheritance disputes** — private and public division of estates, undivided-estate matters and will contests, an established strength of the firm.
- **Cross-border families** — relocation, Hague child-abduction proceedings, recognition of foreign orders, and coordination with foreign counsel in parallel proceedings.
- **Planning** — marriage contracts (kaupmáli), cohabitation agreements, wills and succession planning for international families and business owners.
- **Settlement first, strength in court** — Icelandic family procedure is built around agreement and mediation; we settle where settlement serves the client and litigate hard where it does not.

Working with international clients

We advise and litigate in English and Icelandic, coordinate routinely with foreign family and tax counsel, and are experienced with the documentation foreign authorities require — apostilles, certified translations and recognition certificates. Client references are available on request; family matters are handled in strict confidence.

PART VI — HOW WE CAN ASSIST

Your Icelandic Legal Partner

MAGNA Legal (MAGNA Lögmenn) advises international clients across the full life cycle of an Icelandic investment — from first market analysis to operations, expansion and exit. We work in English and Icelandic and coordinate seamlessly with foreign counsel, tax advisers and technical consultants.

Marriage & Property Planning

Marriage contracts (kaupmáli); cohabitation agreements; wills and succession planning; asset-protection structuring for business owners and blended families.

Divorce & Financial Division

Administrative and contested divorce; equal-division and deviation claims; public division proceedings; valuation and division of businesses and foreign assets.

Children

Custody, residence and contact proceedings; child support; relocation consents and disputes; Hague child-abduction cases; recognition of foreign orders.

Adoption, Parenthood & Estates

Adoption applications; paternity and parental-status matters; estate division and inheritance disputes; undivided-estate arrangements and will contests.

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