Amicable divorce

Divorce made simple, for a fixed price

CONTENTS

Last updated: 27 September 2026

OVERVIEW

ENGLISH VERSION
This English version is provided for information purposes only. Only the French version is legally valid.

In Switzerland, **nearly two in five marriages end in divorce**. If the spouses cannot agree on the terms of their separation, a divorce can quickly become an ordeal, with significant costs at the end of it.

An **amicable divorce** (also called “divorce by joint petition” or “divorce by mutual consent”) is by far the most advantageous solution: it allows you **to limit legal and court costs**, to agree on the terms and to avoid endless litigation. It also allows you to part on good terms, without animosity, for the good of the family and the children.

GOOD TO KNOW
An amicable divorce is appropriate for **less complex cases**, in which the spouses **agree on all the terms of the divorce**. The lawyer’s role is to draft a petition to that effect for the court, while informing the spouses of any limitations imposed by the law and of possible alternative solutions.

The purpose of this guide is **to help you provide the lawyer with the key elements** needed to draft a joint divorce petition; it covers this type of divorce only. It is not intended to be exhaustive or to present all possible solutions. Apart from gathering the necessary documents (appendix 1), your main task will be to reach an agreement together on the terms of the divorce (see the key steps, section 02).

The same principles essentially apply to the amicable dissolution of a registered partnership for same-sex couples (under the old law; see section 09).

GOOD TO KNOW

The **Swiss courts** have jurisdiction to grant a divorce, whether you are **a Swiss or a foreign national**, provided that **you are domiciled in Switzerland**. Under several international agreements, a divorce granted in Switzerland will in principle be recognised abroad, particularly in Europe. However, recognition is not automatic, and administrative formalities specific to each country are often required.

For further information about an amicable divorce for CHF 600.–, please read the rest of this guide, contact the lawyer by e-mail or call 022 707 99 11 to arrange a consultation for a fixed fee (contact details in section 11).

APPOINTMENT

Have you already agreed on all the elements of the divorce? Then you can make an appointment by phone on 022 707 99 11 or online.

FREQUENTLY ASKED QUESTIONS

Is an amicable divorce right for me?

If you are still able to talk to the other spouse, an *amicable divorce* (or *divorce by mutual consent*) is possible in almost all scenarios, whether or not you have children. Reaching an agreement will **save you considerable legal and court costs**. While there are a few strict rules on setting child support (section 07) and on dividing pension assets (section 08), the other elements of the divorce are left to the spouses' free choice.

If you are hesitant to discuss this with your spouse, or if you would like to know more about your rights in a divorce, do not hesitate to make an appointment for a fixed fee, by phone or online.

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01 Package details

Simple, inexpensive and faster than a contentious divorce

The lawyer offers to handle a divorce by joint petition (amicable divorce) for a fixed price of **CHF 600.–** (VAT included).

This offer is aimed in particular at **less complex cases**, in which **the spouses agree on all the elements of the divorce**.

WHAT IS INCLUDED IN THE FIXED PRICE

+ The **first appointment** at the lawyer's office (**maximum duration: one hour**);
+ The **drafting of a joint petition for divorce**, of the **divorce agreement** (in French) and of a **list of exhibits** for the court (**maximum working time: two hours**);
+ **Correspondence** (telephone, post and e-mail) and advice for a **maximum of thirty minutes**, in particular to answer any questions you may have after the appointment and to keep track of the proceedings.

WHAT IS NOT INCLUDED

All services not listed above, in particular:

– **Court fees**: the invoice will be sent to you directly by the court;[1]
– **Costs of obtaining documents** (e.g. family certificate), which are borne by the spouses;
– **Translation costs**: documents must be submitted to the court **in French**;[2]

[1] In the canton of Geneva, the decision fee is in principle a flat CHF 600.– for a joint petition with full agreement (art. 29 of the Geneva regulation on court fees in civil matters); additional costs may be charged in some cases (e.g. an interpreter). Where the agreement is only partial, the fee ranges from CHF 1'000.– to CHF 3'000.–, or more where large amounts are at stake (art. 30 of the same regulation). The division of these costs should be agreed in the divorce agreement.

[2] In particular, a certified translation of a foreign marriage certificate must be provided. As the divorce agreement must be drafted in French by the lawyer for submission to the court, it is also advisable to prepare an English version if the spouses are not fluent in French.

- **Mediation**: **the lawyer does not act as a mediator**, because the spouses' interests may diverge;[3]
- **Drafting work by the lawyer exceeding two hours**: in principle, this should not happen.[4]

FREQUENTLY ASKED QUESTIONS

Will the lawyer's fees exceed CHF 600.–?
No. The hardest part of the work is for you, the spouses who wish to divorce, to agree on the terms of the divorce. Once this agreement has been reached, the lawyer's role is to put it in writing and to check that it is valid under the law. In 99% of cases, there is no problem.

Do we have to be separated before getting divorced?
No, not in the case of an amicable divorce. It is no longer necessary to be separated from your spouse in order to divorce. It is therefore possible to end the marriage at any time.

However, **if one of the spouses does not want to divorce**, the spouses must have lived apart for two years before unilateral divorce proceedings can be brought. In **exceptional circumstances**, it is possible to divorce without the other spouse's consent *before* two years have elapsed. The lawyer can advise you on this in a personal consultation, for a fixed fee.

02
Key steps

The important thing is to do it in the right order

In outline, the steps towards an amicable divorce are as follows:

1	2	3	4
Reach an agreement	**Gather the documents**	**Make an appointment**	**File the petition**

1 First, agree on the very principle of divorcing (section 03).

2 Then think about and agree on the terms: who will keep the family home? Will spousal support be paid and, if so, how much? How will custody of the children be shared? What about the division of the pension assets? How will property and furniture be divided between the spouses? These points are dealt with below (sections 04 to 08).

> **MEDIATION**
> If you find it **difficult to agree** on all the elements of the divorce, you are *strongly* advised to start a **family mediation** process, which is much less costly than any contentious divorce. A list of mediation services in the canton of Geneva is available online.

3 Once this is done, **make an appointment** with the lawyer by calling the office on 022 707 99 11 and stating that it concerns a divorce by joint petition, or book an appointment online.

4 At the appointment, the lawyer will go through the points you have agreed on in order to assess their feasibility. If a joint petition for divorce appears feasible, **the fixed fee of CHF 600.– is payable on the spot**.

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[3] The lawyer's role is to guide both spouses towards a solution that can be approved by the court and to draft an agreement accordingly. The lawyer cannot act as a mediator.
[4] If a divorce appears too complex from the outset and is likely to require substantial work, the lawyer will say so at the first appointment so that an arrangement can be found.

IMPORTANT
If the lawyer finds that an amicable divorce does not seem possible, because of strong disagreements or more complex issues, only the price of the consultation (CHF 200.–) is payable at the end of the appointment.

5. If you have not already brought **all the required documents** (appendix 1), the lawyer will ask you in writing, after the appointment, for the **additional supporting documents** needed to prepare the joint petition for divorce.
6. Once the documents have been obtained, the lawyer **will draft a joint petition** and a divorce agreement. You will receive a **draft**, which will be finalised once you have given your comments.
7. Once the petition has been finalised, all you then have to do is **file it with the court**. After requesting an advance on costs (approx. CHF 600.– in the canton of Geneva), the court will summon you to a hearing and examine whether the divorce can be granted. If so, it will grant the divorce later in a written judgment, which each of you will receive by post. To date, no amicable divorce petition prepared by the office has been rejected by the court.

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03 The principle of divorce

… or the essential element before starting the proceedings

In Switzerland, **it is no longer necessary to separate** for two years before an amicable divorce. Therefore, if both spouses agree on the principle of divorce, it can **be requested at any time**, even if the spouses have not actually separated.

KEY POINT
Both spouses must agree on the very principle of divorce. The lawyer therefore invites each spouse to think carefully about it, in order to avoid a joint petition that collapses during the proceedings.

Either spouse may withdraw their consent at any time during the proceedings, including before the judge at the divorce hearing. In that case, the court dismisses the joint petition and sets each spouse a time limit to bring a divorce action; during that period, the effects of filing the petition and any interim measures remain in place (art. 288 para. 3 CPC). In such a situation, which we hope to avoid, the fixed fee nevertheless remains payable to the lawyer, who will no longer be able to represent either spouse afterwards (section 10).

FREQUENTLY ASKED QUESTIONS

We are not married
If you are not married, the question of divorce does not arise. If you simply wish to draw up **a separation agreement** concerning your child, the same criteria apply to custody, visitation rights and child support. In an unmarried or cohabiting couple, there is no division of pension assets and the partners cannot claim maintenance from each other. Nor can the judge allocate the home to one of the partners in a way that binds the landlord. There is no AVS *splitting* either.

> For unmarried couples, the lawyer offers to draw up a separation agreement concerning the children for the same price.

My spouse does not want to divorce

MEDIATION
If you are having **difficulties with the other spouse**, you are *strongly* advised to start a **family mediation** process, which is much less costly than any contentious divorce. A list of mediation services in the canton of Geneva is available online.

If the other spouse **stubbornly refuses to divorce**, the only remaining option is a *unilateral divorce*. However, this requires a separation of at least two years. Do not hesitate to make an appointment with the lawyer for a legal consultation on this matter, for a fixed fee.

04

Liquidation of the matrimonial property regime

… or how to divide the couple's joint assets

This is often the most tedious step: the spouses must now **divide the furniture** they own together and decide what happens to their bank accounts. Be pragmatic. Does the spouse who is leaving the home want to take certain items with them, or would they rather furnish a new home "from scratch"? What matters is that both of you are satisfied. Whether this step is needed also depends on the matrimonial property regime in force during the marriage.

The question of **household debts**, including any tax debts, must also be settled: who will pay them, or how will they be shared?

> **KEY POINT**
> In a joint divorce petition, it is generally preferable **to liquidate the matrimonial property regime *before* the divorce petition is filed**, in order to avoid any problems after the divorce has been granted.

If the spouses own **real estate** together, its fate should be settled *before* the divorce, in particular for tax reasons. Consulting a **notary** is advisable (though not always compulsory); the notary will be able to advise you further.

FREQUENTLY ASKED QUESTIONS

Can we divide our property freely as we wish?
Yes, if you agree. If both spouses agree on how to divide their property, the judge does not need to get involved. You are each free to do as you see fit, including waiving any division.

How can I find out which matrimonial property regime applies?
If you have not concluded a **marriage contract**, you are automatically subject by law to the **matrimonial property regime of participation in acquests**. **Be pragmatic: most objects have no residual value after 5 or 10 years**, or even less for electronics. There is therefore no point in fighting over such details.

Is the tax authority bound by our agreement on sharing the tax debt?
No. While the spouses live together, each of them is jointly and severally liable for the couple's tax debt under the law (art. 13 of the Federal Act on Direct Federal Taxation), with a few particularities, sometimes regarding cantonal tax. However, an agreement between the spouses on this point would allow one of them to seek recourse against the other if he or she has had to pay the entire tax following a demand from the tax authorities.

Why settle the fate of real estate *before* the divorce proceedings?
For tax reasons in particular. Depending on the canton, gifts between spouses are often taxed less, or not at all, which is never the case between unrelated persons. After the divorce has been granted, however, each former spouse is no longer regarded as a spouse but as a third party by the tax authorities, in particular for gift tax. By contrast, the transfer of real estate from one spouse to the other in the liquidation of the matrimonial property regime or in execution of the divorce in principle qualifies for a **deferral of the real estate capital gains tax**, provided both spouses agree (art. 12 para. 3 let. b StHA): the tax is then only charged on a later disposal, such as a sale. It is therefore important to settle the fate of the property in the divorce agreement. **If you own real estate (a building or a flat acquired during the marriage), it is advisable to consult a notary or a tax adviser for more information**.

05
Matrimonial home
… or what happens to the family home

It must be decided **who will remain in the family home** after the divorce has been granted. The tenancy agreement will be amended after the divorce so that only one of the spouses appears on it. The landlord or letting agency cannot object, as the court decision (the divorce judgment) is binding in this respect.

> **KEY POINT**
> The spouse who remains in the home will therefore **have to pay the rent alone**.

If the rent is too high, it is better to find new accommodation for each spouse before starting amicable divorce proceedings. If rent is left unpaid, even after the divorce, the other spouse remains jointly and severally liable for it for up to two years after the divorce, a situation we hope to avoid.

FREQUENTLY ASKED QUESTIONS

Can my landlord refuse to let me keep the home after the divorce?
No. The divorce decision allocating the home to you is binding in this respect. It does mean, however, that you will have to pay the rent alone, while the other spouse remains jointly and severally liable for any unpaid rent for a maximum of two years from the divorce.

We cannot agree on who should move out
If you find it **difficult to agree** on all the elements of the divorce, you are *strongly* advised to start a **family mediation** process, which is much less costly than any contentious divorce. A list of mediation services in the canton of Geneva is available online.

We are already separated
In that case, this point is no longer relevant and you can move on to the other points.

06
Spousal support
… or how to manage the financial transition

GOOD TO KNOW
This section covers spousal support only. For **child support**, see section 07.

The spouses **must also agree** on whether one of them will pay support (sometimes called “maintenance”) to the other after the divorce.

Such support between adults **is not compulsory by law** and depends on the circumstances, in particular the household budget and how roles were shared during the couple’s life together.

In principle, if each spouse was financially independent during the marriage, no support is owed after the divorce.

If one spouse did not work during the marriage or reduced their working hours, in particular to look after the children or the household, a period of adjustment is often needed before they become financially independent. In that case, time-limited support in favour of the financially weaker spouse is possible and even desirable.

> **KEY POINT**
> Separation necessarily brings new expenses for the former spouses, if only because they now pay two separate rents. **The former court practice of awarding the other spouse support “for life” has all but disappeared**. Today, both spouses are almost always expected **to return to work or increase their working hours**, even when there are minor children.

It is important that both spouses can support themselves after the divorce, without having to rely on social assistance, which is subsidiary to the spouses’ duty of solidarity.

FREQUENTLY ASKED QUESTIONS

Do I have to go back to work after 45?
In principle, yes. In the past, it was presumed that a spouse aged 45 or over who had not worked during the marriage could no longer be expected to resume gainful employment. **The Federal Supreme Court abandoned this “45-year rule” in 2021** (ATF 147 III 308): age is now only one criterion among others. Today, in the vast majority of cases, the courts require the spouse who worked little or not at all during the marriage to take up employment again, in order to ensure **the financial independence of both spouses** after the divorce. A period of adjustment will often be needed, so it is often recommended that the other spouse pay support for a certain period.

Do I have to go back to work if I have looked after the children?
In principle, yes. Broadly speaking, the courts require a return to work at 50% as soon as the youngest child starts compulsory schooling (i.e. at the age of 4 in most cantons), at 80% once the child is 12 and at 100% once the child is 16. The required percentage may be adjusted to the particular circumstances of the case (e.g. caring for a disabled child or a large family). A **period of adjustment** must always be allowed for the spouse who has to resume gainful employment.

What if one of the spouses is retired?
If you are retired, you cannot be required to resume gainful employment. Whether support is owed depends on several factors. In principle, a pension will be split as part of the division of pension assets (section 08); the share will depend on the length of the marriage. If the amount proves insufficient for one of the spouses to live decently, it is sometimes possible to ask one of the spouses to draw on his or her wealth, if it is sufficiently large and the marriage lasted many years. If there is no wealth, or if the parties’ financial situation is modest, no support will in principle be set.

> **Important:** A spouse who waives support to which he or she was entitled may face penalties regarding supplementary benefits (PC) and other social benefits.

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07 Children: custody and child support

… or how to ensure your children’s well-being

> IMPORTANT
> As soon as children are involved, **the judge has the power to review** the agreement reached: this means that the judge **is not obliged to approve the solution chosen** by the spouses, in particular if the judge considers that it is not in **the child’s best interests**. In practice, unless there is an obvious problem, the judge will tend to accept the solution chosen by the parents.

First, the parents must agree on the **visitation arrangements**: *shared custody* (one week with one parent, one week with the other), *standard visitation rights* (every other weekend, plus Wednesdays) or tailored visitation rights. The solution chosen must serve the child’s well-being and match the parents’ availability, in particular their work commitments. The visitation arrangements will affect the amount of child support.

Child support must cover **the child’s monthly expenses**. With *visitation rights* every other weekend, it is assumed that one parent alone bears the child’s costs financially, since the other parent provides care “in kind” the rest of the time, i.e. by looking after the child during the rest of the week. With *shared custody*, the child’s monthly expenses are often divided according to each parent’s surplus (i.e. the income left after deducting the parent’s own expenses).

The paying parent (the one who will pay child support) must be able to afford the agreed amount, given his or her own essential expenses. If both parents have **modest incomes**, child support may exceptionally not cover all of the child’s expenses.

ONLINE

Child support calculator available online, together with a matrix for dividing child support according to the custody arrangements (ATF 147 III 265). The simplified calculation method is set out in appendix 2.

If it is difficult to determine the appropriate amount, the lawyer will calculate a suitable amount at the appointment, for the drafting of the divorce agreement.

FREQUENTLY ASKED QUESTIONS

Example of a child support calculation

Calculation of a child's monthly expenses
Child aged 8; visitation every other weekend

±	DESCRIPTION OF EXPENSES OR INCOME	AMOUNT (CHF)
	Monthly base amount* (under 10)	400.00
+	Custodial parent's share of rent (15% of CHF 1'500.–)	225.00
+	Health insurance (LAMal)	150.00
–	Health insurance subsidies	70.00
+	After-school care	75.00
+	Public transport (season ticket)	35.00
–	Family allowances	311.00
=	**Total essential expenses**	**504.00**

* See appendix 2.

Which expenses are taken into account in the calculation?
Essentially, the courts apply **the principles used in debt enforcement and bankruptcy**, in particular the rules on the subsistence minimum that cannot be seized, sometimes with broader criteria if the parents' financial situation allows. A monthly base amount of CHF 400.– or CHF 600.– is applied depending on the child's age (under or over 10) and covers food, clothing, laundry, hygiene products, etc., so these must not be added to the calculation. On the other hand, a share of the **rent** (approx. 15%), the **health insurance** premium, **childcare costs** and **transport costs**, in particular, must be added.

Only **regular and essential expenses** should be counted. **Extraordinary expenses**, such as orthodontic braces or a school trip, are not included in the calculation (but the agreement may set out how the parents will share them).

> For more information, see appendix 2.

My child is over 18 (adult children)
Adult children are not covered by the divorce agreement, so no child support is calculated for them. Only **minor children** are concerned.

> A child who has just come of age and is still in education could be taken into account in the parents' *expenses*, but note: the maintenance of an adult child *ranks after* that of minor children and of the other spouse.

Can the amount be revised or changed later?
In principle, yes, in the event of *significant* and *lasting* changes in the child's expenses or in the parents' financial situation, as permitted by law (art. 286 of the Civil Code). A change of CHF 10.– or CHF 30.– in the child's expenses is not considered a *significant* change. The idea is to avoid having to go back to the judge every year for insignificant amounts.

To take **price trends** into account, amounts are often set according to the child's age (from 5 to 10; from 10 to 15; etc.), with an increase of, e.g., CHF 100.– between the stages, to reflect rising costs and health insurance premiums. The child support can also be indexed to inflation, but this means recalculating the amount every year.

Important: **Losing a job** is not automatically regarded as a *lasting* change justifying a revision. It should rather be assessed over the long term whether it results in a lasting and *significant* loss of income that would make it impossible to pay the child support set in the agreement.

Is it possible not to set any child support?
In principle, no. The law requires the child's interests to be protected, which obliges the judge to check that the parents' agreement does not harm the child's interests and that the child will be properly provided for, including financially. If the parents cannot agree on an amount, **it is possible to leave this point open in the divorce agreement and let the judge set the amount**. However, this solution is not recommended, as parents are sometimes surprised by the amount and then refuse to divorce.

The lawyer will check and propose an amount calculated in accordance with the law, based on the expenses of the child and of the parents.

I am currently unemployed. Do I have to pay child support?
In principle, yes. The law requires each parent to do everything objectively possible to earn sufficient income to provide for their child. **Social assistance is subsidiary and only comes into play as a last resort**. If a judge considers that one of the parents is not making the necessary efforts to find work, the judge may impute a *hypothetical income* to that parent, i.e. a *notional* income for the purposes of the calculation. A parent who refuses to work without an objective reason even risks a criminal conviction (art. 217 of the Criminal Code).

08

Division of pension assets

… or what happens to the 2nd pillar (LPP)

In principle, the pension assets accumulated **during the marriage** are **divided equally** as at the day on which the divorce petition is filed. **This is the rule**. It is often the simplest and fairest solution for the spouses.

However, it is exceptionally possible **to waive the division** (or to depart from an equal division), provided that both spouses have adequate pension provision. This is the case if the spouses' incomes were relatively similar during the marriage or if both spouses worked throughout the marriage.

If one of the spouses reduced their working hours to look after the child or the household, it is in principle fair to maintain the equal division of the pension assets, in order to make up for the resulting gap in pension provision.

IMPORTANT
Here too, the judge has the power to review the agreement: the judge is not bound by the parties' requests (even if they agree) and may depart from them if the judge considers that one of the spouses will not have adequate pension assets after the divorce. **Dividing the pension assets is the rule, and departing from it the exception**, which the courts accept only with restraint.

The necessary **information** must **be requested from the pension fund** of your employer (if you are employed) or from the foundation that manages your vested benefits account (if you are temporarily not in gainful employment, e.g. unemployed).

ONLINE
LPP letter generator available online (letter in English or French), together with letter templates in Word and LibreOffice format (in French). An example letter is given in appendix 3.

The **relevant amount** to be divided corresponds to the pension assets accumulated from the **date of the marriage** until the **filing of the divorce petition** with the court. **The certificates requested by the spouses from their respective pension funds must cover the same period**.

If one of the spouses is **retired** or receives a **disability pension**, special rules apply, as they do when a retired couple divorces. If necessary, this issue will be discussed with the lawyer at the first appointment.

FREQUENTLY ASKED QUESTIONS

I do not know where my pension assets are (LPP or 2nd pillar)
If you are **employed**, you can ask **your employer** for this information.

If you are **temporarily unemployed**, your pension assets should in principle be held in a **vested benefits account**.

> If **you do not know where all your pension assets are**, in particular if you have changed jobs frequently, you can ask the 2nd Pillar Central Office for this information by filling in the relevant form; it will give you the names of the pension institutions concerned. You will then need to request a certificate from each of them in order to work out the total amount of your pension assets.

I am retired / I receive a disability pension
Receiving a **disability pension** before retirement no longer prevents the division of pension assets. Technically, it is the *termination benefit* of your LPP fund that will be divided.

If you receive a **retirement pension** (early or not), a certain percentage of the 2nd pillar pension (not to be confused with the AVS pension) will be divided and converted into a *lifelong pension* for the other spouse. The share divided will depend on the length of the marriage and on the time elapsed since retirement. In practice, if the marriage lasted more than 30 years, the entire pension will be divided equitably.

> If the spouses do not agree on this point, the lawyer will calculate the likely share to be divided.

Can we waive AVS splitting?
No. The **1st pillar**, i.e. **the AVS**, must not be confused with the **2nd pillar**, i.e. **the pension assets** held by your pension fund, or **the LPP**. The income recorded during the marriage under the 1st pillar (AVS) is split in two on divorce: this is known as *splitting*. **It is not possible to derogate from AVS *splitting*, and the process in principle takes place automatically**. *Splitting* can be requested immediately after the divorce (recommended) or later, when the retirement pension is drawn (not recommended, to avoid any calculation error by the compensation office and any resulting claim for repayment).

Information and the form for requesting *splitting* after divorce are available online on the AVS website.

KEY POINTS

The points above (sections 03 to 08) are essential issues to be settled *before* filing a joint divorce petition. The spouses must discuss them and **reach an agreement** on these questions, so that the lawyer can draft the petition and the divorce agreement accordingly, if the solution chosen by the spouses allows it. In the event of **disagreement**, **mediation** is recommended. A list of mediation services in the canton of Geneva is available online.

09
Dissolution of a registered partnership
… for same-sex couples

The same fixed-fee offer also applies to the **dissolution of a registered partnership** and to **divorce for same-sex couples** married since 1 July 2022.

For a **registered partnership governed by the old law**, the rules are much the same as for a divorce, in particular regarding the family home, maintenance for the other partner, child support for the couple's child and the division of occupational pension assets (sections 05 to 08). As regards the division of property, registered partners are, in principle and unless otherwise agreed, automatically subject to separation of property.

10
Professional secrecy
… or the lawyer's guaranteed confidentiality

Everything discussed from the first appointment onwards is covered by **the lawyer's professional secrecy**.

> **IMPORTANT**
> If, during the proceedings, the spouses cannot agree on the divorce and its terms, the lawyer will record that the joint divorce petition has failed. The lawyer will then no longer be able to represent either spouse, including for a unilateral divorce petition, because of the information covered by professional secrecy obtained during the appointments.

If the amicable divorce fails during the proceedings, the fixed fee of CHF 600.– paid may be reduced proportionately, in view of the work done by the lawyer until the failure was recorded. **This reduction is at the lawyer's sole discretion**.

If the disagreement arises after an agreement has been drafted, the full fixed fee remains payable to the lawyer.

11
Contact
… or how to reach the office

M^{e} Jean-Philippe Anthonioz sees clients by appointment only. If you would like further advice, do not hesitate to call the office to arrange a fixed-fee consultation. You can also reach the office using the contact details below or book an appointment online.

TELEPHONE
022 707 99 11
Monday to Friday, 9 am–12 pm and 2–5 pm

ADDRESS
M^{e} Jean-Philippe Anthonioz
c/o VS Avocats, 4th floor
Boulevard Georges-Favon 14
1204 Geneva

E-MAIL
pro@anthonioz.ch

WEBSITE
avocat.anthonioz.ch

APPENDIX 1

Documents to provide

Joint petition for divorce

INFORMATION

Unless otherwise stated, a **copy** is sufficient. Other documents may be required depending on your particular situation. If so, the lawyer will ask you for them after the first appointment or while drafting the petition. The judge may also request further documents to clarify the facts.

01
Civil status

- ☐ **Family certificate (original)**: it can be obtained from the civil registry office of your municipality of residence or of your place of origin (for Swiss nationals). You can also order it online.[1] **This document must be less than three months old.**
- ☐ **Marriage contract** (if any)

02
Income

- ☐ **Latest tax assessment** and amount of the **provisional tax instalments** payable
- ☐ **Latest tax return** if the assessment does not relate to the most recent tax year
- ☐ **Latest salary certificate** and **last three payslips** (for employees) or **annual accounts of the business** (for the self-employed)
- ☐ **Other income** or **social benefits** (health insurance subsidies, housing allowances, etc.)

03
Expenses

- ☐ **Tenancy agreement** and **proof of rent payment** (for tenants) or **amount of mortgage costs**, **taxes** and **average annual maintenance costs** (for owners)
- ☐ **Health insurance premiums** for the whole family
- ☐ **Regular medical expenses** (not covered by health insurance)
- ☐ **Regular expenses relating to the child** (school canteen, childcare, after-school care, sports activities, etc.)

04
Occupational pension

- ☐ **Certificate from the LPP institutions** (employees) or from the **vested benefits account** (in the event of a period of unemployment) stating the amount of the assets accumulated between the marriage and the expected date of filing of the divorce petition.[2]

05
Debts

- ☐ **Documents relating to household debts** (if any)

[1] For residents of the City of Geneva: www.geneve.ch/demarches/certificat-famille (in French); otherwise, the list of civil registry offices in Switzerland is available at: r.avisjuridique.ch/etatcivil.
[2] An example of a letter to the pension fund is given in appendix 3.

Child support

Simplified calculation method

INFORMATION

Child support must cover at least the child's **essential expenses**. It is nevertheless possible to set child support below these expenses, in particular in the event of a **deficit**, if the parents' income is not enough to cover their own expenses. The child (or the custodial parent) is, however, entitled to claim the missing amount within **one year** of learning that the paying parent's financial situation has improved.

The court reviews the amount of child support and may refuse to approve the agreement reached by the parents if it considers the amount insufficient.

01 Essential expenses per child

Monthly amounts to be filled in for each child (simple method):

±	ITEM	MONTHLY AMOUNT
	Monthly base amount	CHF
+	Share of rent	CHF
+	Compulsory health insurance premium (after subsidy)	CHF
+	Supplementary health insurance premium	CHF
+	Public transport costs (season ticket)	CHF
+	Childcare / after-school care / nursery costs	CHF
+	Other justified expenses	CHF
=	**Subtotal**	**CHF**
–	Child's income (family allowances, pension, etc.)	CHF
=	**Total**	**CHF**

02 Explanation of the items

Monthly base amount – A fixed amount that depends on the child's age, set by the debt enforcement offices. It is CHF 400.– for a child under 10 and CHF 600.– for a child over 10. In principle, it covers food, clothing, household costs (electricity, gas, etc.) and personal care.

Share of rent – A child is estimated to account for 15% of the rent (charges included) and two children for 30%. With shared custody (one week with one parent and one week with the other), this item is in principle not included.

Childcare, after-school care or nursery costs – These costs are entered per month; if they vary, their average over a full year is used.

Other justified expenses – Regular medical costs not covered by insurance, school fees, training costs, school canteen, tutoring, etc.

Law office of Me Jean-Philippe Anthonioz · c/o VS Avocats · Bd Georges-Favon 14 · 1204 Geneva
Tel. 022 707 99 11 · pro@anthonioz.ch · avocat.anthonioz.ch

03 Leisure and income disparity between the parents

Several solutions make it possible to take account of leisure activities or of any large differences in income between the parents.

In principle, the court grants the child a **share of the surplus** (i.e. the income left to the paying parent after paying all his or her essential expenses) to cover leisure costs and, where appropriate, to offset a difference in standard of living between the parents. This amount represents about **one fifth** of the surplus for one child, **one sixth** each for two children, etc., provided that this does not lead to an objectively unreasonable amount.

These costs, which may change from year to year according to the children's wishes, can also be treated as **extraordinary expenses**, to be shared between the spouses in proportions agreed in advance, usually half each.

Finally, nothing prevents you from including a "**leisure budget**" in the child support.

04 Changes in expenses

Changes in certain expenses, in particular health insurance, should also be taken into account. In principle, it is advisable to opt for **child support in stages** (up to age 5, from 5 to 10, etc.), increasing by about CHF 100.– per stage, or to provide for **indexation** of the child support to the Swiss consumer price index.

05 Division between the parents

How the children's essential expenses are divided between the parents will depend on several factors, in particular the visitation arrangements and the spouses' respective incomes. **The parents must be able to pay the child support set in the agreement.**

Visitation rights – In principle, if visitation rights are set at every other weekend plus one Wednesday, one parent is considered to bear all of the child's essential expenses, while the other parent provides care "in kind", i.e. gives the child essential care and upbringing during the week.

Shared custody – The division must be proportionate to the parents' respective incomes. For simplicity, one spouse is assumed to pay his or her share of child support to the other, who will pay the child's everyday bills. For example, if the mother has a surplus of CHF 6'000.– at the end of the month and the father CHF 4'000.–, the child's essential expenses will be shared 60% and 40%. If the mother wishes to pay the child's monthly bills, the father will pay her his share (40%).

APPENDIX 3

Letter to the pension fund

Example prepared with the LPP letter generator

INFORMATION

The pension fund to contact is that of your current employer. If you are temporarily not in gainful employment (e.g. unemployed), contact the foundation that manages your vested benefits account. If part of your assets is held in a **vested benefits account or policy**, also send a letter to each of these institutions.

01
Content of the certificate

The court needs a certificate showing your pension assets **at the date of the marriage** and **at the date of filing of the divorce petition**. The certificates requested by both spouses must cover **the same period**.

02
Filing date

Give the expected date of filing of the divorce petition: allow about one month after sending the letter.

03
Online generator

The **LPP letter generator** is available online. It prepares the letter, ready to be sent in a window envelope (window on the right or on the left). Letter templates in Word and LibreOffice format (in French) are also available online.

The letter can be written in English or in French. Swiss pension funds usually correspond in French, German or Italian: if you are not sure that yours accepts letters in English, choose French.

The example on the next page was prepared with this generator. **The names, addresses, dates and AHV/AVS number are fictitious.**

Marie Exemple
Rue de l'Exemple 12
1205 Geneva

REGISTERED

Example Pension Fund
Benefits Department
PO Box 1234
1211 Geneva 2

Geneva, 2 March 2026

Subject: LPP certificate for divorce – division of the 2nd pillar
AHV/AVS no.: 756.1234.5678.97

Dear Sir or Madam,

I am writing to inform you that my spouse and I have decided to initiate divorce proceedings by mutual consent.

In connection with these proceedings, I should be grateful if you would send me by post the usual certificate for the division of occupational pension assets, including in particular the following information:

Pension assets at the date of marriage: **12 June 2010**

Pension assets at the date of filing of the divorce petition: **1 April 2026**

Thank you in advance for your reply.

Yours faithfully,

Marie Exemple

APPENDIX 4

Information about the spouses

To be completed and handed to the lawyer

INFORMATION

Complete one column per spouse and hand this sheet to the lawyer together with the documents listed in appendix 1. Amounts are **per month**, unless otherwise stated.

ITEM	SPOUSE 1	SPOUSE 2
Surname		
First name		
Date of birth		
Nationality(ies)		
Place of origin Swiss nationals		
Mobile phone		
E-mail		
Current address		
Marriage Date and place		
Employer		
Pension fund LPP or vested benefits		
AHV/AVS number		
Income Net, per year		
Housing Rent or mortgage costs		
Health insurance Basic (LAMal) and supplementary (LCA), after subsidies		
Medical expenses Regular, not reimbursed		
Transport Season ticket; vehicle if essential		
Taxes Per year: assessment or instalments		
Other expenses Essential: work, health…		
Remarks		