

Two things I would change in Danish law

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Two things I would change

- There are restrictions on what spouses can include in a Marriage Contract in relation to pension rights. I would broaden the scope.
- In Danish law there is a maximum amount of spousal maintenance that an ex spouse can be awarded. I would lift that ceiling

Pension Rights

- If there is no marriage contract pension rights are treated as separate property if they are "normal"
- "Normal" means that the pension accumulated during the marriage is normal for a person with that position (probably normal is when no more that 20% of the salary)
- Not normal pension rights are treated as a marital asset, i.e. the value is divided upon divorce
- Spouses can opt out of this default regime by a marriage contract

Marriage contracts

- Marriage contracts are binding if they are signed and registered
- There is no requirement of separate advice or disclosure
- There are limits on the content.

Marriage contracts and pension rights

- Spouses can agree that "not normal" pensions are separate property and that future deposits on pensions should also be separate property
- Spouses can agree that some types of pension rights are treated as marital property and divided upon divorce. This does not include lifecontingent pension benefits.

Spousal Maintenance

- Courts decide the length of a spousal maintenance obligation.
- Administrative authority sets the monthly amounts to be paid.
- The husband has a tax deduction for maintenance paid and the wife is taxed of maintenance received.

Spousal maintenance

- Amounts are decided based on a formula. The starting point is $\frac{1}{5}$ of the difference of the income of the ex spouses.
- However there is a ceiling of 360.000 DDK = 45.000 EURO, which can be lifted but only very little
- So if the husband earns 5.000.000 = 660.000 EURO, the $\frac{1}{5}$ rule would lead to a maintenance of 1.000.000 DDK = 130.000 EURO
- When the ceiling kicks in the amount is maybe 400.000 DDK = 50.000 EURO.
