

International families in Switzerland: marriage contracts, succession and divorce

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International families often have ties to several countries: the spouses may hold different nationalities, their children may live abroad, and their assets may be spread over several continents. When such a family moves to Switzerland, Swiss private international law decides which law governs their matrimonial property, their estate and a possible divorce. It also allows them to choose the applicable law, which makes careful planning possible and avoids surprises for the surviving spouse and the heirs.

1 Matrimonial property

Without a marriage contract, spouses living in Switzerland are subject to the regime of participation in acquired property (Articles 196 et seq. of the Civil Code): each spouse keeps his or her own property, and on dissolution of the marriage the property acquired during the marriage is shared equally. Spouses can choose a different regime, such as separation of property or community of property, by a marriage contract in the form of a public deed (Article 184 of the Civil Code).

For international couples, the Private International Law Act determines which law applies. Without a choice, it is generally the law of the state in which both spouses are domiciled at the same time. The spouses can choose the law of the state in which both are domiciled or the law of one of their nationalities (Article 52 of the Private International Law Act). A marriage contract concluded in the home country should be reviewed before the move, because its effect in Switzerland is not always what the spouses expect.

2 Succession

The estate of a person whose last domicile was in Switzerland is governed by Swiss law (Article 90 paragraph 1 of the Private International Law Act). A foreign national can, however, submit the estate by will or inheritance contract to the law of one of his or her nationalities (Article 90 paragraph 2), and since 1 January 2025 the rules on such choices of law and on the relationship with foreign authorities have been further clarified. For families from states whose succession law differs fundamentally from Swiss law, this choice is one of the most important planning tools.

3 The reform of forced heirship

Since 1 January 2023 Swiss law gives the testator more freedom. The forced share of descendants has been reduced to one half of their statutory share, and parents no longer have a forced share. The forced share of the surviving spouse remains one half of the statutory share. A testator with a spouse and children can therefore now freely dispose of one half of the estate, which makes it easier to leave a family business to one successor or to support a foundation.

4 Divorce

Swiss courts have jurisdiction for the divorce of spouses where the defendant is domiciled in Switzerland, or where the claimant has been domiciled in Switzerland for one year or is a Swiss national (Article 59 of the Private International Law Act). Foreign divorces are generally recognised in Switzerland if they were pronounced in the state of domicile, habitual residence or nationality of one of the spouses (Article 65). The division of pension assets accumulated in Switzerland during the marriage is a matter for the Swiss courts and should be considered early.

5 Planning ahead

An international family moving to Switzerland should review its marriage contract, its wills and its holding structures together, because matrimonial property, succession and tax interact. Trusts and foundations that hold family assets are explained in the articles on [offshore trusts and foundations](#) and [Liechtenstein structures](#), and the tax side of the move in the article on [moving to Switzerland](#).

6 How Ressos Legal helps

I advise international families on marriage contracts, wills and inheritance contracts, the choice of applicable law and the coordination of their succession plans with trusts, foundations and companies, together with their lawyers in their home countries. [Contact me](#) for a first conversation.

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