

## **Information for mothers who are not married to the father at the time of their child's birth.**

With this information sheet, we, the Child Welfare Office, wish to provide counselling and support to mothers who are not married to the father at the time of their child's birth. We have compiled some initial information for you which you can read through at your leisure. We are happy to arrange a face to face meeting. Please call the employee responsible for the Child Welfare Office in order to make an appointment.

### **Guardianship for your child**

You may apply for "guardianship" for your child free of charge at the Child Welfare Office. Within the scope of this guardianship, we can assist you and your child so that paternity can be determined. This may either occur through the written acknowledgement of the father by means of an authenticated certificate, or if necessary be determined by means of legal proceedings. Within the scope of a guardianship, you may receive support in the assertion and implementation of maintenance claims. On request, the guardianship may be limited to the determination of paternity, or only to the assertion of maintenance claims. A written application suffices for guardianship through the Child Welfare Office. The guardianship is terminated on written request. Your parental custody is not restricted through this guardianship. As an expectant mother, you can already apply for this guardianship prior to the birth of your child.

### **The significance of the determination of paternity**

If you are not married to the father at the time of your child's birth, then according to statutory provisions the paternity is only then determined if the father acknowledges the paternity by means of a certificate, or if this is decided by legal proceedings. In any case, it is of significance for your child, but also for you as mother, that the paternity is determined. As a result of the effective determination of paternity, your child acquires claims to maintenance, inheritance and pension. In case you should apply for social security benefits, advance maintenance payments or other social services, you will be asked regarding the father of the child. When your child becomes older, they will want to know who their father is. The knowledge of descent is highly significant for the self-confidence

of every person. If you wish to exercise joint parental custody with the father of your child (by means of a custody declaration), this is prerequisite to paternity being previously determined. We recommend having paternity determined immediately after the birth. Later determination could become contentious and maintenance be lost for the past years.

## **Possibilities for the determination of paternity**

The father of your child can acknowledge their paternity free of charge at the Child Welfare Office or Registry Office by means of a certificate. However, this acknowledgement requires consent from the mother. Acknowledgement of paternity is possible already prior to the birth of the child.

If the father of the child cannot be persuaded to acknowledge their paternity, you may file for legal action at the Domestic Relations Court for the determination of paternity. The Child Welfare Office will happily support you as counsel in this matter.

## **Obligation for fulfilment of maintenance claims**

In order to secure the maintenance claims pertaining to the father, it is advisable to define their maintenance obligations in writing in a certificate. A one-time settlement can also be paid instead of maintenance. The maintenance certificate can be created free of charge at the Child Welfare Office (up until one day prior to the 21<sup>st</sup> birthday of the child who is entitled to maintenance).

## **Joint parental custody**

If you are not married to the father of the child, you have sole parental custody. Parental custody includes personal custody and custody of assets. According to the new legal situation, it is possible that you – without being married – jointly exercise parental custody with the father. For this purpose, you must hand over a so-called custody declaration. You can hand over this custody declaration free of charge at the Child Welfare Office. Should you and the father separate at a later date and you wish an annulment of the joint parental custody, then this is only possible through a decision by the Domestic Relations Court. The parental custody can then be transferred individually onto each of the parents, if the other parent agrees, unless your child opposes the single transfer. Your child is entitled to this possibility of opposition from their 14<sup>th</sup> birthday onwards. The annulment of the joint parental custody without the agreement of the other parent is possible if this best accords with the well-being of the child.