

Information on the following matters for parents not married to each other at the time of their child's birth

- Determining paternity
- Maintenance
- Custody
- Advice and support from the Youth Welfare Office
- Court-appointed custodians



Determining paternity

When the parents of a child are not married to each other

It might be clear for you who the father of your child is, or that you are the father of a child. However, the following is necessary to ensure that paternity is legally valid:

- an acknowledgement of paternity certified at the Youth Welfare Office (“Jugendamt”), registry office (“Standesamt”) or by a notary
- the mother’s agreement, which must also be certified at one of the above-named locations
- a family court decision if obtaining a voluntary acknowledgement from the father is not possible or unwanted by him.

A legal valid declaration of paternity is indispensable for determining:

- the child’s maintenance entitlements
- the child’s inheritance entitlements
- the mother’s entitlements from the father (maintenance)
- shared custody between the mother and father
- conferring the father’s name

Advice and support

For the lone parent providing for the child

The parent with whom the child lives can seek advice from the Youth Welfare Office (“Jugendamt”) regarding the enforcement and implementation of his/her maintenance entitlements and if desired can also receive further support.

This includes information for under-age children as well as young adults of age on topics such as maintenance amounts, calculating maintenance claims, written communication with the parent owing maintenance and the offer of certifying maintenance claims without charge.

Representation in court is not possible. For an under-age child this could potentially mean the appointment of a custodian by the court. A young adult would have to make use of legal representation.

For the parent looking after the child

If it is not possible to reach agreement then an unmarried mother is entitled to carer's maintenance payments from the father from 4 months before the birth of the child at the earliest, up to 3 years after birth, if she and the father do not maintain a common household and cannot take up paid employment on account of caring for the child. If the father cares for the child in this phase of its life, then carer's maintenance payments are due to him for up to 3 years after the child's birth. We will help with the enforcement of these entitlements.

Court-appointed custodians

The parent looking after the child can request a court-appointed custodian for the child at the Youth Welfare Office ("Jugendamt") for the following matters:

- Determining paternity and/or
- Enforcement of maintenance entitlements

You determine yourself whether the custodian takes up one or both of these tasks. You maintain the custody of your child during the time of the custodianship.

The job of the custodian is to settle the child's maintenance entitlement for the benefit of the child, taking into account both parents and socio-familial ties.

As custodian the Youth Welfare Office ("Jugendamt") can carry out the following duties:

- demand the father to acknowledge paternity and complete the appropriate declarations
- calculate your child's maintenance entitlements
- regularly check the entitlement to maintenance
- prepare and certify the declaration of commitment (by a certified officer of the Youth Welfare Office/"Jugendamt")
- collect and monitor maintenance payments
- ascertain residence and employer
- court settlements regarding parentage and/or maintenance entitlements
- initiate compulsory enforcement orders

Custody

or parents not married to each other

In principle, the mother has custody of the child. Parents can, however, declare shared custody. A formally certified declaration from both parents is necessary for this, either before or after the birth of the child.

The father can also request shared custody through the family court. Shared custody will be assigned through a court decision when this does not compromise with the child's wellbeing. Termination of shared custody is only possible through a court decision.

Certificate of sole custody

Upon request the Youth Welfare Office will issue a certificate that states that no custody declaration has been submitted and that no decision on the content of such has been made (negative clearance/"Negativattest").

Deciding on a name

When custody is shared the parents make the joint decision on which last name the child will receive. This decision may also affect any future children the parents might have together. Also if the mother has sole custody the child can receive the last name of the other parent. In both cases the name of the spouse can be conferred. More information on this matter is available at the registry office ("Standesamt").

What are the next steps?

Counselling interview at the youth welfare office

Contact your local youth welfare office directly. Arrange a counselling interview. In most cases, you can already be helped during the counselling interview.

Please make an appointment to avoid waiting time.

Unfortunately, we do not speak your language. Please come accompanied with someone who can translate for you.