

Record of instruction prior to acknowledgment of paternity

I have been informed that the acknowledgement of the **blood relationship** between the child and me is the justification for **any legal consequences**. I am therefore obliged to provide maintenance for the child, beyond the age of majority if necessary. Furthermore, the mother of the child may demand that I reimburse the costs of confinement and maintenance before and after the birth in case of need; under certain conditions the claim for maintenance to look after the child may continue for at least three years after the birth.

The acknowledgement means that the child becomes my legal **heir**.

I have a right but also a duty of **contact** with the child. Contact with the child can be regulated by the family court in case of conflict, but it can only be restricted or excluded under certain legal conditions.

In principle, the mother of majority age is entitled to sole **custody** of the child of parents who are not married to each other. As a condition of joint custody, the mother and I must both make an officially recorded declaration to the effect that we wish to exercise joint custody. Joint custody also occurs by law if I marry the mother.

Alternatively, the family court may on request from one parent transfer parental custody in whole or in part to the mother and me jointly or to me alone, as long as this is not expected to be inconsistent with the best interests of the child. This condition will be deemed to be met for legal purposes if I apply to a court to transfer joint parental custody to me and the mother and no arguments to the contrary have been submitted by the mother or are otherwise apparent.

Insofar as no other arrangements have been made and joint custody between parents who are not married to one another has not been established, the child receives the **name** of the parent who has sole custody, i.e. the mother. Even if the mother has sole parental custody, she can apply for the child to be given the father's name with his approval and with the approval of the child if it has reached the age of five.

If joint parental custody is declared prior to the birth of the child, then the parents have one month from the birth of the child in which to declare the child's birth name at the civil registry office. The birth name can be the family name of one parent or be a double-barrelled name formed from the names of the parents. This declaration is binding and will also apply for any further joint children insofar as joint parental custody also exists for them. If the parents do not make any designation, the child will be given a double-barrelled name formed from the names of the parents in alphabetical order.

If joint parental custody is established after the birth of the child and the latter already has a birth name, then a new one can be designated without notice. This declaration is likewise binding and will also apply for any further joint children for whom joint parental custody exists.

The civil registry office will provide information about special arrangements regarding names, particularly if foreign naming laws are also involved.

My acknowledgement of paternity only becomes effective when the **mother** gives her formal **approval**. If the mother is unable to exercise parental custody, e.g. if she is still a minor, her declaration requires the approval of her legal representative. The child is also required to give its approval to my acknowledgement of paternity. This declaration will be given through its legal representative, e.g. a legal guardian. If the child is over 14 years old, it may give its own approval with the consent of its legal representative.

In principle, an acknowledgement of paternity cannot become effective as long as the paternity of another man, e.g. the mother's husband, is effective in law. If the child is born after the initiation of a **divorce proceeding** between its parents, another man may acknowledge paternity. However, this must be done no later than one year after the divorce decree enters into force. In this case the acknowledgement of paternity becomes effective as soon as the mother's – previous – husband also gives his consent (which must likewise be done within the one-year period).

I cannot in principle revoke the acknowledgement of paternity. I only have a right of revocation if the acknowledgement has still not become effective after one year, e.g. because the requisite consent is still absent.

I can **contest** the paternity **in court** if I learn of circumstances that argue against my being the father. Such a contestation is only possible within a period of two years. The period begins as soon as I learn of circumstances that argue against my being the father. The mother or the child may also contest the paternity.

The paternity becomes ineffective with retrospective effect as soon as the court establishes that the acknowledging party is not the father of the child. An acknowledgement is further ineffective if it does not comply with the provisions of the German Civil Code (Bürgerliches Gesetzbuch), as long as no more than five years have passed since the entry was made in the register of births, marriages and deaths.

If one or more of the parties is a **foreign national**, the acknowledgement of paternity may also have legal consequences under the law of their country, e.g. with regard to the name or the nationality of the child. In case of doubt, any relevant information may be obtained from the diplomatic representation of the country concerned. The civil registry offices will also pass on any information available to them. The child of a foreign mother acquires German citizenship as a result of the acknowledgement of paternity by a German man.

„Die Grundinformationen zu den Informationspflichten nach der Datenschutz-Grundverordnung (DSGVO) sowie detaillierte Informationen über die Verarbeitungstätigkeiten der Organisationseinheiten des Landratsamtes Aschaffenburg finden Sie unter www.formulare-landkreis-ab.de.“