



## Information about the acknowledgement of paternity

### Information über die Anerkennung der Vaterschaft

With the acknowledgement of paternity, the relation between the father and child is established with all legal consequences.

The child has a right of association with both parents. In case of difficulties, the district social service and the child guidance offices of the youth welfare office and of the free carriers provide you with support regarding this topic.

By acknowledging paternity, the child becomes the father's legal heir.

The child is, in principle, entitled to cash support from the parent in whose household the child does not live.

Furthermore, if needed, the mother of the child can demand from the father the reimbursement of the costs of pregnancy and childbirth.

Initially, for the duration of three years after the birth of the child, the parent who takes care of the child is entitled to maintenance from the other parent. Thereafter, it is assumed that the care-taking parent will work full-time. Exceptions to this may exist in case of special child-related or parent-related reasons. This requires an review of the individual case.

As long as no declaration regarding joint custody has been made, the adult mother is entitled to sole custody. The documentation of joint custody in valid legal form can be performed at the youth welfare office. Please review the separate fact sheet "Declaration of joint custody."

By law, joint custody also takes effect if the parents of the child marry each other.

In principle, the child bears the last name of the mother as name at birth. The mother can grant the last name of the father if the latter agrees to this.

For this, corresponding declarations at the registry office are required.

The acknowledgement of paternity becomes effective only if and when the mother and the child agree in documented valid legal form. Until the child's 14th birthday, the mother's consent also includes the child's consent. From the age of 14, the child alone can give their consent.

An effective acknowledgement can be contested only in court. Such a contesting shall be possible only within a period of two years. The deadline starts as soon as the father obtains knowledge of the circumstances that are speaking against paternity. Even the mother or the child can contest the paternity.

A contesting ist **not possible** if, at the time of acknowledgment of paternity, it was already known that the child was not biologically related tot he acknowledging parent, or if the child was conceived through artificial insemination using sperm donation form a third party. The same applies to the mother at the time she gave her consent.

The contesting is likely to succeed if the man who has acknowledged paternity is not the child's father by blood.

Independent of the contesting proceedings at court, father, mother, and child each are entitled to receive from the other two family members clarification of descent. This means that the aforementioned persons must agree to genetic testing of parentage and must tolerate the retrieval of the necessary samples. If necessary, this entitlement can be enforced by the court.

### **What needs to be taken into consideration if one of the parties involved is not a German citizen?**

The acknowledgement of paternity can also have legal consequences in accordance with the right of domicile, e.g. with respect to the last name or the citizenship of the child. When in doubt, information can be obtained from the diplomatic mission of the respective country.

The registry offices provide information about this within the confines of their abilities. As long as the child has its habitual domicile in Germany, the legal relationship in all parent/child issues is subject to German law (Artikel 21 Introductory Law to the German Civil Code - Einführungsgesetz zum Bürgerlichen Gesetzbuch).

## **Advice and Information**

Please use the qr-code for personal advice.



Amt für Soziales und Jugend  
Fachdienst Beistandschaft  
phone 0211 89-98969  
beistandschaft@duesseldorf.de