

Very important issues

- Choice of forename and surname
- Residency regulations (moving home, residential school, institutional care)
- School education
- Choice of profession
- Invasive medical treatments (operations)
- Nationality

If both parents have joint parental custody and one parent dies, the other parent shall receive sole parental custody. No legal decision is required in such a case. If the parent with sole parental custody dies, the family court must make the decision on transferring parental custody.

Competent, expert and reliable help is available from:

Professional services financial aid for families
(Youth Welfare Office) of the District of Potsdam-Mittelmark.

Postal address:

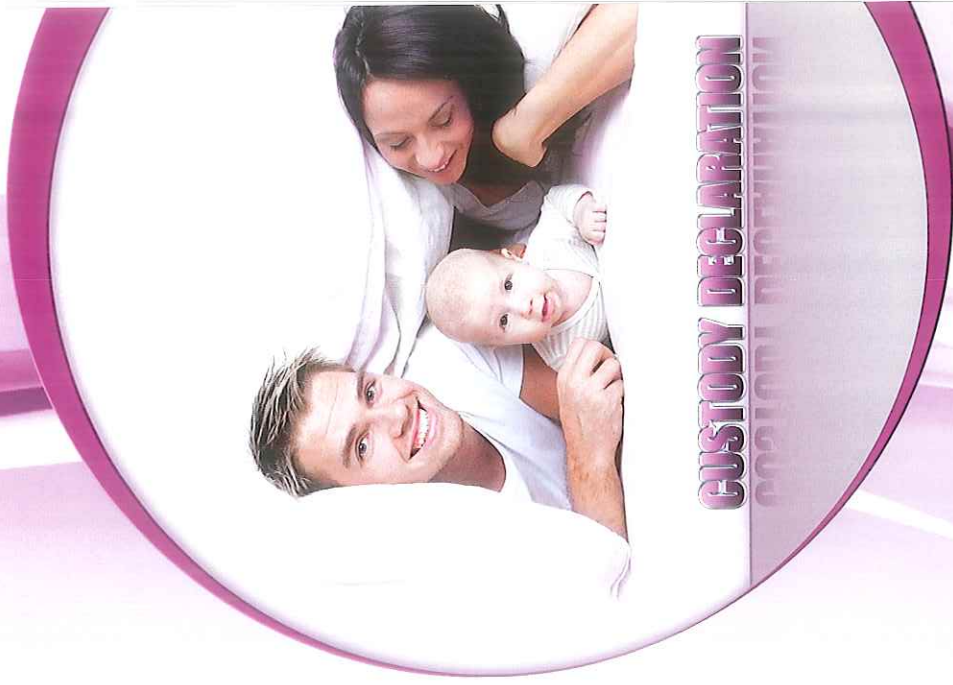
Landkreis Potsdam-Mittelmark
FD Finanzhilfen für Familien
Niemöllerstraße 1 • 14806 Bad Belzig

Opening hours

Tuesday 9 a.m. to 12 noon
1 p.m. to 6 p.m.

Monday, Thursday and Friday by appointment
Wednesday closed

More information is available from the website of the District of
www.potsdam-mittelmark.de



Leaflet on custody declaration

Under § 1592 BGB, only the mother is given parental custody initially, if she is not married to the father of the child.

However, a new Filiation Law exists since 01.07.1998. Accordingly, even parents who are not married may exercise joint custody for their child/children.

For both parents to exercise joint custody, a so-called custody declaration is necessary. This must be submitted by both parents in person in certified form. Certification of joint parental custody can also be submitted prior to the birth of the child. The prerequisite for this is a legally valid paternity acknowledgement.

The certification of the custody declaration may be received by an authenticator at the Youth Welfare Office or by a notary. The Youth Welfare Office of the District of Potsdam-Mittelmark does not charge any fees for this certification.

If the custody declaration is submitted by only one parent, it shall take effect only if and when the other parent has also submitted a custody declaration.

Prerequisite for certifying a custody declaration

- The parents are not married to each other
- The mother has sole parental custody
- Paternity has been legally acknowledged

The nationality of the parents is irrelevant for the exercise of joint parental custody.

If both parents marry each other after the birth of the child, the submission of a custody declaration is no longer necessary, as custody is derived directly from the marriage.

Changes to a submitted custody declaration are possible only in the case of an application to transfer sole parental custody at a competent family court.

Exercising parental custody

- The parents must exercise parental custody at their own responsibility and mutually for the benefit of the child.
- In the event of differences in opinion, the parents must try to agree.

If the parents cannot agree on an individual matter of parental custody, whose regulation is of considerable importance for the child, the family court may transfer the decision to one parent, upon application by one parent.

Right of decision in the case of parents living apart with joint parental custody

- If parents with joint parental custody live in separation from each other, their mutual agreement is required for decisions on matters whose regulation is of considerable importance to the child.
- The parent with whom the child usually lives, with the consent of the other parent or due to a legal decision, has the authority to make sole decisions on everyday matters.

