

99133001026000, 99133002026000

Heruntergeladen am 10.06.2025

<https://fimportal.de/xzufi-services/202/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99133001026000, 99133002026000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Recognition of paternity; notarization
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	05.03.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	http://www.gesetze-im-internet.de/bgb/_1594.html http://www.gesetze-im-internet.de/bgb/_1594.html http://www.gesetze-im-internet.de/sgb_8/_59.html http://www.gesetze-im-internet.de/sgb_8/_59.html http://bundesrecht.juris.de/famfg/ http://bundesrecht.juris.de/famfg/
Teaser	The father of a child is the man who is married to the child's mother at the time of birth. If the parents are not married, paternity must always be acknowledged or established by a court.
Volltext	<p>The legal effects of paternity to an "illegitimate" child can only be asserted once paternity has been effectively recognized or legally established by a court.</p> <p>The vast majority of paternity determinations are based on voluntary recognition. This must be declared and publicly notarized before the youth welfare office, the local court, the registrar, the court of the paternity establishment proceedings or before a notary. Abroad, the competent consular official takes the place of the notary. Recognition may not be subject to any conditions or time limits. It is permissible even before the child is born.</p> <p>The child's mother must give her consent for the recognition to take effect. In exceptional cases, recognition also requires the child's consent if the mother is not entitled to parental custody. The most important case is when the mother is a minor and her custody rights are therefore suspended. In this case, the child is represented by the youth welfare office as the official guardian (of course, the underage mother requires the consent of her legal representatives, i.e. usually the parents, for her consent). The consent to recognition must also be publicly notarized.</p> <p>If the man is not prepared to voluntarily acknowledge paternity, the child or the mother can apply for paternity to be established (however, an application for</p>

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establishment by the man is also permissible, for example if he believes that the mother wrongly refuses to consent to his declaration of acknowledgement).

The family court decides on the application for establishment in parentage proceedings. As a rule, a genetic parentage report is obtained. If the expert opinion concludes that paternity is sufficiently probable, the court establishes that the man in question is the father of the child.

In addition to the application to establish paternity, the child can also file an application for maintenance payments if he or she is a minor. The local family court can order the man to pay maintenance in the amount of the minimum maintenance retroactively from birth; this claim becomes effective when the man's paternity has been legally established or he has effectively acknowledged paternity. This is intended to ensure that the child receives a maintenance order as quickly as possible. On application, the court can, under certain circumstances, order the man to pay maintenance even before paternity has been legally established. If it is disputed whether the father can pay less or more than the minimum maintenance, this must be decided in subsequent proceedings.

The child can be legally represented by the youth welfare office as an adviser both in the preparation of voluntary recognition and in paternity proceedings.

****Responsibility for certification:****

Youth welfare office, local court, court for paternity establishment proceedings, registry office, notary, the responsible German consular official abroad.

****Responsibility for proceedings in parentage matters:****

Local court - family court.

Erforderliche Unterlagen

Voraussetzungen

Modul	Sachverhalt
Kosten	Court costs are incurred for the court proceedings, including expert witness costs. The expert costs can amount to several thousand euros. As a rule, the child and, if needy, the husband and mother will also be able to obtain legal aid.
Verfahrensablauf	
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal