Checklist: Custody and child support

Tips for unmarried and / or separated parents

TIP

For rainbow families:

The Schwulen- und Lesbenverband in Deutschland (Lesbian and Gay Federation in Germany) (LSVD) and the Regenbogenportal (Rainbow Portal) provide information on legal issues related to starting a family.

Who and when?	What?	Where? Who to contact?	Further information
○ **Unmarried parents** During pregnancy or after the birth	**Acknowledgement of paternity** **NOTE** According to the law, the father in the case of unmarried parents is the person who acknowledges the paternity, provided that the mother agrees with this.	• Jugendamt (Youth Welfare Office) or Standesamt (Registry Office) (free of charge in most federal states) • District court • Notary • Consular office in some circumstances	To download: Brochure entitled "The law concerning the rights of children and their parents"
○ **Unmarried parents** who agree on joint custody During pregnancy or after the birth	**Agreement on joint custody** by making identical custody declarations **NOTE** The declaration may be made within the scope of the acknowledgement of paternity or at any later date.	• Jugendamt or Standesamt (free of charge in most federal states) • District court • Notary • Consular office in some circumstances	The brochure entitled "Single parents – tips and information" is also very informative for cohabitating couples and registered civil partnerships. Further information on "Custody" can be found at familienportal.de

Who and when?	What?	Where? Who to contact?	Further information
○ **Partner / new partner of the natural mother** if they want to become a legal parent of the child Towards the end of the pregnancy or after the birth	Apply to **adopt a stepchild** **NOTE** To adopt a stepchild, you require notarised consent from • the natural mother • the legal father or private sperm donor (not applicable in the case of a donation from the sperm bank)	notary (subject to a charge) The notary will submit the application to the family court.	The consent of the natural mother can only be given 8 weeks after the birth. In many (not all) family courts, the application can be submitted before the birth (consent will be given subsequently). The Schwulen- und Lesbenverband in Deutschland (LSVD) and the Regenbogenportal provide information on legal issues relating to starting a family.
○ **Separated parents** After the birth	**Child support** **NOTE** Cash support for the child is usually to be provided by the parent who is not the child's primary carer (provided that this parent can afford to do this).	• Lawyer • Jugendamt or district court (voluntary written commitment) • Family court (application for a simplified child support assessment procedure) ServicePortal Berlin (Berlin Service Portal)	The Düsseldorf Table is regarded as the guideline for the amount of child support The Jugendamt as well as church or non-profit organisations offer advice on child support issues and help to find an amicable solution.
○ **Single parents** who do not receive regular child support or if the paternity has not been determined After the birth	**Application for a child support advance payment**	Jugendamt	To order or download: Brochure entitled "Child support advance payment – assistance for single parents" Further information on the "child support advance payment" can be found at familienportal.de

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○ **Unmarried and separated parents** After the birth	**Childcare support** Unmarried fathers and mothers who care for the child are entitled to childcare support from the other parent for at least three years after the birth.	• Jugendamt for advice and authentication in the case of a voluntary commitment • District court in the case of a lawsuit	Information on "childcare support" can be found at familienportal.de A lawyer will provide advice on childcare support.
○ **Single custodial parent** or parent with joint custody who is the primary carer if questions regarding paternity and / or child support still need to be clarified After the birth	**Application for legal adviserships** for the child The legal adviser is a person who represents the child alongside the parent and advises the parents on issues related to determining the paternity and arranging support.	Jugendamt	To download: Brochure entitled "Legal adviserships"
○ **Father** if he wants to have joint custody even without the mother's consent	**Application for custody** **NOTE** The family court will jointly transfer parental responsibility to the parents if this does not conflict with the best interests of the child. If the mother does not present any reasons that may hinder the transfer, and if such reasons are not otherwise transparent, it will be assumed that the joint parental care will not conflict with the best interests of the child.	Family court	The Jugendamt as well as church or non-profit organisations offer advice on finding amicable solutions in the event of a conflict.