

Declare joint custody of a child

You have had a child, you are not married to the father of the child and you would like to share custody? To do so, you need to make a declaration that you want to jointly take over parental care of the child. You can find out more about this here.

Competent Department

- [Bremen-Nord: Sozialzentrum 1 – Beistandschaft/Unterhalt für Minderjährige – Blumenthal, Vegesack, Burglesum](#)
- [Bremen-Stadt: Sozialzentrum 2 – Beistandschaft/Unterhalt für Minderjährige](#)

Basic information

If you are not married to each other as parents of a common child, only the mother is entitled to custody.

If you wish to have joint custody, both parents must declare this to the Youth Welfare Office or a notary and have it notarized.

You can submit the declaration of custody even if your child has not yet been born but has already been conceived. It is also possible and sensible to submit a joint declaration of custody after the birth if you do not want to marry each other and do not want to seek a court ruling on custody.

After submitting joint custody declarations, parental custody can only be changed by a decision of the family court.

Requirements

- They are not married to each other.
- Paternity is effectively acknowledged.
- The child does not need to be born yet, but it must be conceived.
- A court decision on parental care has not yet been made.
- Expected date of delivery or date of birth and name of the child.
- You must appear in person.
- In principle, the parents must be legally capable. The declaration of custody of a parent with limited legal capacity must be approved by the legal representative.
- The declaration of custody only becomes effective when both parents have submitted an identical declaration of custody.
- Both parents speak sufficient German. If this is not the case and you need an interpreter, please indicate this when making the appointment.

What documents do I need?

- Proof of identification

Parents' identity card or passport

- Birth certificate of the child in which the father is registered or court order establishing paternity

Only necessary in case of declaration after birth.

- Maternity log

Only necessary in case of declaration before birth.

- Certificate of acknowledgement of paternity with the consent of the child's mother

Only necessary in case of declaration before birth.

Procedure

- For a declaration of custody, you must make a personal appointment with the Office of Social Services at the Specialist Service for Guardianship/Maintenance for Minors.
- You can use the online service under "Further information" - "Online service" - "Recognition of fatherhood, maternity, declaration of custody" to make an appointment.
- If you need an interpreter, please indicate the language you require when making the appointment.
- Both parents must appear in person. Preferably together.
- If not already done, the father must first effectively acknowledge paternity.
- You will be informed about the legal consequences of the custody declarations.
- The certificate of custody will then be read to you.
- Both parents must sign the document.
- Both parents will be given certified copies of the document.

Legal bases

- [§ 1626a Bürgerliches Gesetzbuch](#)
- [§ 1626d Absatz 1 Bürgerliches Gesetzbuch \(BGB\)](#)
- [§ 59 Sozialgesetzbuch \(SGB\) - Achtes Buch \(VIII\) - Kinder- und Jugendhilfe](#)

More information

The declaration of custody can also be submitted to a notary. There, the notarization is subject to a fee.

If no declaration of custody is submitted, the mother generally has sole custody. The father can apply to the family court for the transfer of (joint) custody.

What deadlines must be paid attention to?

The child must be a minor at the time of surrender.

How long does it take to process

The certification takes place in the appointment
An appointment is usually assigned at short notice.

What are the costs?

No fees are incurred.

In the case of notaries, fees are charged in accordance with the Court and Notary Costs Act.