

99072001077000

# Apply for paternity establishment

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/6000414-99072001077000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99072001077000
Leistungsbezeichnung I	Apply for paternity establishment
Leistungsbezeichnung II	Apply for paternity establishment
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

## Modul

## Sachverhalt

### Fachlich freigegeben durch

#### Handlungsgrundlage

- §§ 169 ff. Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) – Verfahren in Abstammungssachen
- § 372a Zivilprozessordnung (ZPO) – Untersuchungen zur Feststellung der Abstammung
- §§ 1591 bis 1600d Bürgerliches Gesetzbuch (BGB), Viertes Buch – Abstammung
- Gesetz über Gerichtskosten in Familiensachen (FamGKG), Nr. 1320 Kostenverzeichnis zu § 3 Abs. 2 FamGKG

#### Teaser

If the parents are married at the time of the child's birth, the child is clearly attributed to the spouse. Paternity of the spouse is also to be considered in the legal sense if the widow gave birth to a child within 300 days of the death of her husband.

#### Volltext

Application to establish paternity

If the parents are married at the time of the child's birth, the child is clearly attributed to the spouse. Paternity of the spouse is also to be considered in the legal sense if the widow gave birth to a child within 300 days of the death of her husband.

If the parents are not married at the time of the child's birth, the father can recognise paternity. If there is any doubt as to whether the man deemed by law to be the father of the child by virtue of marriage or acknowledgement of paternity is also the natural father, paternity can be contested under certain conditions and within certain time limits.

If there is no paternity by marriage or acknowledgement or if paternity has been successfully contested, paternity must be established by a court decision. In the case of minors, the Youth Welfare Office often files the application as the child's guardian.

Proof of paternity is established by means of a parentage report. A blood sample is taken from the presumed father and the child and the genetic

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make-up (DNA) of the two is then compared. The man is legally obliged to co-operate in the evidence procedure.

If paternity has been established, a family relationship arises from the moment the decision becomes legally binding. Among other things, this results in maintenance obligations of the father towards the child and mother, inheritance claims of the child and possibly also consequences for the citizenship of the child (example: mother is a foreigner and the father is German).

## Erforderliche Unterlagen

- written application
- Description of the dispute with details of the evidence

## Voraussetzungen

The following are entitled to apply

- the child
- the mother
- the man who claims to be the child's father

There must be actual uncertainty about paternity (interest in establishing paternity). There must be no paternity by marriage or acknowledgement or it must have been successfully contested.

Furthermore, a person who recognises paternity is the father in the legal sense.

Contesting an existing paternity

If the paternity of another man is to be established in court, the existing paternity in the legal sense (by marriage or acknowledgement of paternity) must first be contested. In order to initiate contestation proceedings, there must be a well-founded initial suspicion and certain requirements must be met.

The following are entitled to contest

- the child
- the mother
- the father in the legal sense (through marriage or recognition of paternity)

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	<ul style="list-style-type: none"> <li>• the man who declares on oath that he had sexual intercourse with the child's mother during the time of conception.</li> </ul>
Kosten	EUR 178,00
Verfahrensablauf	<p>The application for contestation or, after the conclusion of the contestation proceedings, for the establishment of paternity must be submitted in writing to the competent family court (local court). The court will inform you which documents are required in addition to the application.</p> <p>Parentage report</p> <ul style="list-style-type: none"> <li>• The family court judge will arrange for a parentage report to be drawn up.</li> <li>• The child and the potential father receive a summons for a blood test.</li> <li>• Medical experts compare the genetic make-up of the probands.</li> </ul> <p>Decision</p> <ul style="list-style-type: none"> <li>• On the basis of the expert opinion, the court determines whether paternity exists and issues a ruling.</li> <li>• If paternity is established, a family relationship is created when the decision becomes legally binding.</li> <li>• The decision is served on the parties involved in writing.</li> </ul> <p>Coercive measures in the event of refusal</p> <p>If the presumed father refuses to allow a blood sample to be taken, the examination will be carried out by means of a compulsory presentation.</p>
Bearbeitungsdauer	
Frist	<ul style="list-style-type: none"> <li>• Establishment of paternity: generally none</li> <li>• Contestation of paternity: within two years of becoming aware of the circumstances that speak against paternity</li> <li>• Contestation by the child: within two years of reaching the age of majority if the legal representative of the minor child has not contested</li> </ul>

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	paternity in good time
weiterführende Informationen	
Hinweise	If it is first necessary to contest the paternity in the legal sense in order to file an application for a declaratory judgement, the application for a declaratory judgement will also remain inadmissible if the deadline for contesting the paternity is missed.
Rechtsbehelf	Application for establishment of paternity and, if applicable, prior application for contestation of paternity
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	